

## CALIFORNIA COASTAL COMMISSION

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Staff: Katie Morange - SC  
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COASTAL DEVELOPMENT PERMIT APPLICATION

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**Application number** .....3-06-069, Fort Ord Dunes State Park - Initial Public Use

**Applicant**.....California Department of Parks and Recreation (Ken Gray)

**Project location** .....Area of the former Fort Ord Military Reservation west of Highway 1, APNs 031-021-001, 031-021-003, 031-031-001, 031-031-004, 203-031-012, 031-041-006, 031-041-007, and 031-051-001, Monterey Peninsula (Monterey County).

**Project description**.....Opening of Fort Ord Dunes State Park for initial public use. Project includes pedestrian and vehicle access at the 8<sup>th</sup> Street overpass; re-paving and striping of an existing parking lot; use of an unsurfaced access service road as a pedestrian beach access trail; creation of a temporary observation area west of the parking area; installation of entrance and directional gates and interpretive, directional, and regulatory signage; and fencing of known snowy plover nesting sites.

**Approvals received** .....Monterey County Design Approval (1/10/07)

**File documents**.....Fort Ord Dunes State Park Initial Public Use Access Management Plan (1/07), Fort Ord Dunes State Park General Plan and EIR, Volumes I and II (9/16/04), Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California (4/97); Federal Consistency Determination No. CD-16-94 regarding the U.S. Army's Plan for Disposal and Reuse of Fort Ord (adopted 5/10/94)

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**Summary of Staff Recommendation:**

Staff recommends that the Commission **approve, with conditions**, the proposed initial public use project at Fort Ord Dunes State Park. Fort Ord Dunes State Park (FODSP) is a new 979-acre state park located on the seaward side of Highway 1 within the 28,000-acre former Fort Ord military installation on the Monterey Peninsula, adjacent to the cities of Seaside, Marina, and Sand City. The project represents State Parks' initial effort to implement its FODSP General Plan, which was prepared to guide the development and management of the park for public access and resource protection and

**California Coastal Commission****March 2007 Meeting in Monterey**

Staff: K. Morange Approved by:

enhancement.

The initial use project involves opening limited areas of the park to public pedestrian, bicycle, and vehicle access for the first time. The project proposes site improvement details to support public use such as re-paving and striping of an existing parking lot at the former Stilwell Hall; use of an unsurfaced service road as a pedestrian beach access trail; creation of a temporary observation area west of the parking area; installation of entrance and directional gates and interpretive, directional, and regulatory signage; and fencing of known snowy plover nesting sites. Pedestrians, bicyclists, and vehicles will access the park at the 8<sup>th</sup> Street overpass and the 1<sup>st</sup> Street underpass, and pedestrians will also have the ability to access the park along the beach, walking laterally along the shoreline from Marina State Beach to the north and the Sand City beaches to the south. Pedestrians and bicyclists will have access to all existing paved roadways and the four miles of beach within the park, and vehicles will be restricted to the existing roadway between the 8<sup>th</sup> Street overpass and the parking area at the former Stilwell Hall. During the initial use phase, the park will be open to public vehicle access at the 8<sup>th</sup> Street entrance from 8 a.m. until one half hour after sunset, and will be open to pedestrians 24 hours a day, 7 days a week.

The intent of the project is to provide the public with coastal access and outdoor recreational opportunities along a previously restricted stretch of the Monterey Bay coastline. It represents a first step in a multi-year process to maximize such opportunities consistent with the need to protect coastal resources. Recommended conditions of approval require monitoring and reporting of public use patterns, and associated environmental impacts, to ensure that the initial park opening protects sensitive habitats of the park, and to provide for the Commission's review and input on the adaptive management measures to be implemented. The required monitoring reports will also provide valuable information for the design and review of future park expansions. Recommended reporting conditions also require State Parks to provide regular updates on the status of, and timeline for, submittal of future park development permit applications, in order to facilitate coordination and timely implementation of maximum access and recreation opportunities. Other conditions of approval require construction management measures that ensure the protection of water quality and sensitive habitat during construction of the initial use project elements; evidence of review and concurrence from the U.S. Fish and Wildlife Service and California Department of Fish and Game; and the preparation of an archaeological resource mitigation plan in the event that archaeological resources are discovered during construction. As designed and conditioned, the project is consistent with Coastal Act provisions.



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## List of Exhibits

<b>Exhibit</b>	<b>Title</b>
A	Fort Ord Dunes State Park Initial Public Use Access Management Plan
A.1	Initial Use Plan
A.2	Parking Area Details
A.3	Snowy Plover 2005 and 2006 Nest Locations
A.4	Project Location
A.5	Project Site and Existing Facilities
A.6	Regional General Plan Land Use Designations
A.7	Fort Ord Dunes State Park Management Zones
A.8	Potential Circulation and Entrance Location Schematic
A.9	8 <sup>th</sup> Street Zone Land Use Matrix
B	Oblique Aerial Photo Showing Site and Initial Use Plan Details
C	Entrance Signage
D	Interpretive Signage
E	Directional and Regulatory Signage Examples
F	Signage Locations
G	Entrance Sign and Gate Locations
H	Applicant Photos of Beach Access Trail
I	Fort Ord Dunes Vegetation Zones



## 1. Staff Recommendation on Coastal Development Permit

**Motion:** *I move that the Commission approve Coastal Development Permit Number 3-06-069 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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.

## 2. Conditions of Approval

### 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 or 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.

## **B. Special Conditions**

1. **Project Plans.** The Permittee shall undertake development in accordance with project plans (attached as Exhibit A.1) and as described in the submitted Initial Public Use Access Management Plan dated January 2007. Any proposed changes to the project plans (including any changes in coverage or design) shall be reported to the Executive Director for review. No changes to the plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.
2. **Construction Management Measures.** All construction activities shall include the following measures. Minor adjustments to these measures may be allowed by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources.
  - All work shall take place during daylight hours. Lighting of the dune and beach areas is prohibited unless, due to extenuating circumstances, the Executive Director authorizes non-daylight work and/or beach area lighting.
  - Erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
  - All construction activities shall be contained within existing paved areas and approved development locations and shall use temporary construction fencing, erosion, and drainage controls to prevent impacts to adjacent areas.
  - Any construction activities that result in inadvertent disturbance of dune vegetation must be replanted with native vegetation appropriate to the site immediately following construction.
  - Equipment washing, refueling, and/or servicing shall not take place on the beach, or within 100 feet of the shoreline.
  - Petroleum products and other hazardous materials shall be stored offsite.
  - The construction site shall maintain good construction site housekeeping controls and procedures [e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris].



- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.
3. Public Use and Habitat Monitoring Reports. WITHIN ONE (1) YEAR OF THE INITIAL PUBLIC OPENING, AND THEN EVERY TWO (2) YEARS until State Parks receives a coastal development permit for the next phase of park development, the applicant shall submit, for Executive Director review and approval, a monitoring report that describes and evaluates public use patterns, the environmental impacts of such use patterns, and the ongoing and adaptive management measures employed by State Parks in response to such impacts. Adaptive management measures that change the location or intensity of public use or involve other development activities may necessitate an amendment to this permit and must be coordinated with the Commission's Executive Director prior to implementation.
  4. Long-Term Park Development Status Reports. WITHIN ONE (1) YEAR OF THE INITIAL PUBLIC OPENING, AND THEN EVERY TWO (2) YEARS until State Parks receives a subsequent coastal development permit for the next phase of park development, the applicant shall submit, for Executive Director review and approval, status reports that detail the status of, and expected timeline for submittal of, future park development permit applications. This shall include, but not be limited to the status of plans to install Highway 1 signage, expand trails, and construct other day use facilities.
  5. Other Agency Review and Approval. WITHIN SIX (6) MONTHS OF INITIAL PUBLIC OPENING, the Permittee shall submit to the Executive Director evidence that the United States Fish & Wildlife Service (USFWS) and California Department of Fish and Game (DFG) have reviewed the project for potential impacts to state- and federally-listed plants and animals in the area and provided approval, or a statement that no review or approval is required.
  6. Archaeological Resources. Should archaeological resources be discovered at the project site during any phase of construction, the Permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist and using accepted scientific techniques, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Coastal Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.
  7. Assumption of Risk, Waiver of Liability and Indemnity Agreement. The Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term bluff retreat and coastal erosion, tidal scour, wave and storm events, bluff and other geologic instability, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards



in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.

### 3. Recommended Findings and Declarations

#### A. Project Location

The 979-acre Fort Ord Dunes State Park (FODSP) is located within the 28,000-acre former Fort Ord military installation on the Monterey Peninsula, adjacent to the cities of Seaside, Marina, and Sand City (see Exhibit A.4). The Park is bordered on the west by the Monterey Bay, on the south by the City of Sand City, on the east by Highway 1, and on the north by the City of Marina. The Park includes four miles of beach along the Monterey Bay, and also includes 11 acres of land east of Highway 1, outside the coastal zone.

The FODSP property is dominated by a continuous coastal sand dune formation. The dune habitat has been largely degraded by iceplant that was introduced by the Army to stabilize the active dunes, but remains an important and productive component of the Monterey Bay dune system. This natural system is combined with vestiges of the former Fort Ord military reservation, including remnants of fifteen small arms firing ranges, the former Fort Ord Ammunition Supply Point (consisting of twelve bunkers), and other military era structures (see Exhibit A.5). FODSP also includes an internal road system and utility infrastructure. Highway 1 provides the primary road access from the north and south. The former Fort Ord military reservation to the east of FODSP includes a network of roads that are within the cities of Marina and Seaside.

#### B. Background

Fort Ord was established by the War Department in 1917 as a military post, and was utilized by the U.S. Army as such until it was designated for closure in 1991 pursuant to the Defense Base Closure and Realignment Act of 1990. In 1994, the State Legislature established the Fort Ord Reuse Authority (FORA) to oversee the civilian reuse and redevelopment of Fort Ord. FORA is charged with implementing the adopted 1997 Base Reuse Plan, and is comprised of members from neighboring cities, Monterey County, special districts, and the state and Federal legislatures. The Base Reuse Plan identified all areas of Fort Ord within the Coastal Zone for transfer to the California Department of Parks and Recreation (State Parks), and in July 1992, State Parks applied to the Department of the



Interior (National Park Service)<sup>1</sup> for the conveyance of coastal Fort Ord property for parks and recreation purposes. The application was approved in 1994, and in January 1995, Fort Ord Dunes State Park was named and classified by the State Park and Recreation Commission. At that time, FODSP was added to the Monterey Bay State Seashore, which was established in 1994 by the State Legislature, and is composed of 13 state park units between Natural Bridges and Point Joe, encompassing 23 miles of shoreline and over 2,500 acres. FODSP will be the largest component of this State Seashore.

In April 1997, the U.S. Army Corps of Engineers prepared an Installation-Wide Multispecies Habitat Management Plan (HMP) as a mitigation measure for the impacts on vegetation and wildlife resources resulting from pre-disposal, disposal, and reuse actions, such as hazardous materials remediation, at Fort Ord. The Army and U.S. Fish and Wildlife Service (Service) signed the HMP in April 1997, and in 2000, FORA prepared a supplement to the HMP to enable it to qualify as a Habitat Conservation Plan (HCP) in compliance with the federal Endangered Species Act. The Draft HCP supplement together with the HMP, once adopted, will serve as a programmatic HCP and a Natural Communities Conservation Plan (NCCP) to address a group of actions at the former Fort Ord military reservation as a whole, rather than require individual HCPs for each non-federal entity. The Draft HCP and NCCP will support the issuance of take authorizations from the California Department of Fish and Game (DFG) under Section 2835 of the California Fish and Game Code, allowing for incidental take of covered species and providing assurances to local jurisdictions that no further mitigation for impacts to those species or their habitats would be required except as provided in applicable federal and state laws and regulations. FODSP will be included in the basewide incidental take authorization under the HCP. It is expected that the Draft HCP will be completed in 2007 and all necessary take permits will be obtained at that time.

In 1996, State Parks began the process of preparing a general plan for the park, and in 2004, the FODSP General Plan and EIR were approved by the State Park and Recreation Commission. The General Plan is a program-level document that is intended to guide future development in a manner that conforms with all other applicable plans and regulations, including the HCP, Coastal Act, Monterey County General Plan, the National Marine Sanctuary Act. Specific development proposals contemplated by the plan will be subject to subsequent project-specific environmental analysis and permit reviews.

On September 29, 2006, the Department of the Army assigned the property to the Department of the Interior, and on December 11, 2006, the Department of the Interior requested that State Parks take constructive possession of the property. With this constructive possession, State Parks assumed all obligations and liabilities of ownership, as well as responsibility for the care and handling of, and all risks of loss or damage to, the property. State Parks does not intend to open FODSP to the public until the property is actually conveyed to the State, which is expected to occur in Spring 2007.

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<sup>1</sup> The National Park Service is the agency responsible for transfer of surplus Federal real property for public park and recreation use, or for use of historic real property, under the Authorization of the Federal Property and Administrative Services Act of 1949, Section 203(k), 63 Stat. 385 as amended, 40 U.S.C. 484, Public Law 91-485; Federal Lands for Parks and Recreation, 16 U.S.C. 4601-5.





### C. Project Description

The FODSP General Plan outlines the purpose and vision for the park unit, as well as the general park management goals and guidelines for: protection of the natural environment; resource restoration; and, guidance for future siting, design, and construction of area-specific projects to avoid potential adverse environmental effects. It includes the following Declaration of Purpose for the new park:

*The purpose of Fort Ord Dunes State Park is to preserve and make available for public use, inspiration, aesthetic enjoyment, and education, an area along the Monterey Bay shoreline of unique natural beauty and scientific significance including sandy beaches, coastal dunes, and remnants of the site's military history. All scenic, natural, cultural, and recreational resources shall be managed as a whole, preserving and restoring the natural and cultural character of the park.*

*The purpose will be accomplished through the management and restoration of park resources in order to ensure the perpetuation of its environmental complexes, scenic values, and history; to interpret them effectively; and to provide, consistent with resource protection, recreation facilities, educational programs, and support services as are necessary for the public's enjoyment of the unit.*

The General Plan identified five management zones within the park (see Exhibit A.7) to guide planning and resource management and to determine where future facilities and levels of resource protection should occur. These zones include: Natural Resource Zone (approximately 785 acres), 8th Street Zone (approximately 30 acres), 1st Street Zone (approximately 45 acres), Storage Bunker Zone (approximately 80 acres), and Administrative/Operations Zone (approximately 25 acres). The development of permanent public access facilities at FODSP is expected to occur incrementally over several years in these zones.

Development associated with the initial public use proposed by this application will occur in the 8<sup>th</sup> Street Zone, identified by the General Plan as a gateway to the park where previously developed features should be modified to accommodate parking, information and interpretive facilities, and access roads. According to the General Plan this zone is planned to provide an initial park experience where park facilities and information will orient visitors and provide a sense of arrival. State Parks' Initial Public Use Access Management Plan of January 2007 (Exhibit A) details the minor modifications and improvements that will be made to existing development in the 8<sup>th</sup> Street Zone in order to open the park to the public. In total, the initial use project consists of five main components: adaptation of an existing parking lot as a coastal-access parking area; creation of a temporary at-grade observation area adjacent to the parking lot; adaptation of an existing beach access service road as a pedestrian trail; installation of entrance and directional gates and interpretive, directional, and regulatory signage; and snowy plover management activities (see Exhibits A.1, A.2, and B).

The proposed parking facility involves repaving and re-striping of the existing parking lot at the former Stilwell Hall site to accommodate 55 vehicles (51 regular and 4 handicap accessible spaces). The parking lot will also include chemical toilets, fencing, signs, educational exhibits, and a bulletin board.



On the south side of the parking lot, a new set of stairs will extend to a new 10-foot wide decomposed granite walkway constructed at existing grade that will provide access to a new temporary public overlook area. The overlook area will consist of one main 450 square foot viewing area, and one 100 square foot viewing platform at a slightly higher elevation. Both viewing areas will be surrounded by railings, and the larger viewing area will include interpretive/educational display panels.

A new 1,200-foot (one quarter mile) long, four foot wide bare soil public access trail will be created from the parking lot to the beach. As shown in Exhibit A.1, the trail will extend the first 225 feet from the parking lot over an existing roadway. The next 300 feet of the trail will be established within an undeveloped area consisting primarily of iceplant, and the final 675 feet of trail will be located within an existing unsurfaced access road. The change in elevation from the parking lot to the beach is approximately 90 feet. Post and cable guide fencing will be installed along the trail to guide the public along the route, and a warning sign will be posted near the beginning of the trail to advise the public of hazardous surf conditions and unstable bluff conditions.

During the initial use phase, the park will be open to public vehicle access at the 8<sup>th</sup> Street entrance from 8 a.m. until one half hour after sunset, and will be open to pedestrians 24 hours a day, 7 days a week. The existing chain link fence gate on the east side of the 8<sup>th</sup> Street overpass will be replaced with a steel bar gate that will allow opening and closing of the park to public vehicle entry. Public vehicle travel will be limited to 8<sup>th</sup> Street between the overpass and the parking lot. At the intersection of Beach Range Road and 8<sup>th</sup> Street, gates will be installed on both sides of 8<sup>th</sup> Street to prevent vehicles from driving on Beach Range Road, and another gate will be installed at the west end of 8<sup>th</sup> Street to prevent vehicles from driving beyond the parking lot. All gates will be constructed with bicycle and pedestrian bypasses. Pedestrian access from the east will be available via the 8<sup>th</sup> Street overpass and the 1<sup>st</sup> Street underpass. Pedestrians will also be able to access the park along the beach, walking laterally along the shoreline from Marina State Beach to the north and the Sand City beaches to the south.

Bicycle use of the park will be permitted on existing asphalt surface roads. Beach Range Road, which runs nearly the entire four mile length of the park, will be the principal bicycle-accessible road in the park. Because no public vehicle use of this road will be permitted during the initial public use phase, it will function as a Class I bicycle route. Bicycle access to the park will be available via the 8<sup>th</sup> Street overpass or the 1<sup>st</sup> Street underpass.

The beach area within the park will be available for typical pedestrian uses including walking, sunbathing, picnicking, surfing and fishing. To minimize disturbance to birds and other wildlife, no campfires or dogs will be allowed on the beach. Other than the beach, pedestrian use of the park will be limited to existing roads and trails to provide protection to native dune habitat in the park and to protect visitors from natural physical hazards, such as unstable bluffs.

The initial public use project also involves implementation of multiple snowy plover management and protection measures consistent with the Fort Ord Habitat Management Plan. Western snowy plovers are a federally-listed threatened species, and FODSP contains approximately 150 acres of coastal strand habitat that provides nesting, roosting, and feeding habitat for this species. State Parks, in cooperation



with the U.S. Fish and Wildlife Service, has identified the following nine actions to be employed at FODSP during the initial use phase to minimize disturbance and avoid take of plovers (described in greater detail in Exhibit A):

1. Limit public beach access to one location (described above).
2. Prohibit dogs and fires on the beach to minimize disturbance of plover nests and populations.
3. State Parks environmental scientists and Point Reyes Bird Observatory biologists will inspect and monitor beaches a minimum of once a week during the nesting season (March through September) and once a month during the remainder of the year to identify presence/absence and locations of nests.
4. Prohibit public access to known nesting sites through installation of symbolic fencing and signs at sites shown on Exhibit A.3 where plover nests are most likely to occur. Additional areas may be fenced and closed as needed based on regular inspections and monitoring.
5. State Parks will contract with the U.S. Department of Agriculture (USDA) Wildlife Services to conduct a predator management program at FODSP. The program will be modeled on the predator management programs that State Parks and USDA Wildlife Services have undertaken for Salinas River State Beach and Zmudowski State Beach for the last 10 years.
6. Prohibit mechanical raking, and limit vehicle use on FODSP beaches to State Parks personnel who have specific beach driving training. Snowy plover monitoring data will be conveyed to State Parks personnel who may have occasion to drive on the beach so that potential for habitat disturbance will be minimized.
7. Install a snowy plover interpretive display at the beach trailhead that describes the life history and sensitivity of plovers to the public.
8. Close areas of the beach providing the most suitable nesting habitat during the nesting season using symbolic fencing and signs.
9. Prepare an annual implementation plan prior to the breeding and nesting season. [The Initial Public Use Access Management Plan constitutes the 2007 annual implementation plan.]

Detailed planning, design, and construction of permanent public access facilities at FODSP is expected to occur incrementally over several years. Small improvements will occur continuously utilizing local park staff and operational funds, and major improvements contemplated by the General Plan, such as permanent day-use facilities, a campground, Monterey Bay Sanctuary Scenic Trail component, and restoration efforts will occur in phases as projects are approved and funds become available through State Parks Multi-Year Capital Improvement Program. Each work phase will be evaluated for environmental review and Coastal Act permit requirements.



#### D. Prior Commission Actions

On November 17, 1993, the Commission conducted a public workshop on the disposal and reuse of Fort Ord. On February 23, 1994, the Executive Director concurred with a Negative Determination (ND-9-94) for the disposal of nine land areas at Fort Ord. These nine relatively small areas were chosen for this early/expedited review because they were to be transferred for uses that are similar to existing uses, and would involve reuses that would have no adverse effect on coastal zone resources. For the remainder of Fort Ord land, the Commission concurred with a Federal Consistency determination on disposal and reuse in 1994 (CD-16-94). The determination covered five activities: 1) pre-disposal/caretaker actions; 2) hazardous and toxic waste remediation; 3) continuing Army uses (i.e. establishment of the Presidio of Monterey annex and retention of the reserve center); 4) disposal of property; and 5) reuse activities. Pursuant to that determination, all land in the coastal zone (i.e., the land lying seaward of the inland extent of the Highway One right of way) is to be transferred to State Parks for public access, visitor-serving uses, and habitat preservation purposes.

Since 1994, the Commission conducted a Federal Consistency review regarding the Army's demolition of Stilwell Hall and removal of the adjacent rip rap revetment, and issued a waiver of permit requirements to the Fort Ord Reuse Authority for the removal of four failing storm drain outfall structures and the creation of temporary<sup>2</sup> stormwater detention basins within the coastal dunes adjacent to Stilwell Hall.

#### D. Standard of Review

Coastal development permit jurisdiction for lands above the ambulatory mean high tide line was granted to Monterey County in 1988 following certification of the Monterey County Local Coastal Program (LCP). The Commission, however, retains jurisdiction below the ambulatory mean high tide elevation, in public trust lands, and areas of deferred certification. The portion of the Fort Ord military installation within the Coastal Zone was not included in the Monterey County certified LCP because at the time of LCP certification, this area was under Federal ownership. Because the area of Fort Ord within the coastal zone has been transferred to the State and is no longer under Federal ownership, it is now subject to coastal development permit requirements of the Coastal Act. The Coastal Commission will retain permit jurisdiction over this area until such time that the Monterey County LCP is amended to include it. The standard of review for new development in the Commission's original jurisdiction area is the Coastal Act.

#### E. Coastal Development Permit Determination - Issues Analysis

##### 1. Public Access and Recreation

##### **a. Applicable Regulatory Policies**

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<sup>2</sup> Redevelopment of inland portions of the former Army base will be required to provide on-site stormwater percolation, and thereby allow use of the dunes for such purposes to be phased out.



Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act.

The following Coastal Act public access and recreation policies are applicable to the proposed project.

***Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

***Section 30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

***Section 30212.** (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

***Section 30212.5.** Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

***Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

***Section 30220.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

***Section 30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

#### **b. Analysis of Consistency with Applicable Policies**

The initial public use project involves opening the Park at one of the access points identified in the FODSP General Plan, in a manner consistent with that envisioned in the General Plan. The project provides publicly accessible parking, a temporary bluff top overlook, beach access trail, signage and



other mechanisms (e.g., fencing) to guide and direct the public within the new park. The expected location of signage is shown in Exhibit F, and entrance and interpretive signage and examples of the various interpretive and regulatory signage are provided in Exhibits C, D, and E. Both the bluff top overlook and beach access trail will be clearly identified and designed to provide public access to the beach from the parking area. As shown in Exhibits A.1 and H, the beach trail will extend from the parking area and existing roadway over an area of degraded dune habitat, and down an existing unsurfaced access route to the beach, providing previously unavailable public beach access.

During the initial use phase, vehicle access to the park will be permitted from sunrise to one half hour after sunset, and pedestrian and bicycle access will be permitted 24 hours per day. Signage to indicate hours of use will be located at the main entrance at the 8<sup>th</sup> Street overpass and at the parking area. Hours of use may be modified at a later stage, pursuant to a permit amendment or subsequent permit, after State Parks has the opportunity to monitor and review initial use patterns. State Parks does not intend to locate a FODSP sign on Highway 1 during the initial use phase because of concerns with overcrowding at the park prior to the establishment of full infrastructure and resource protection measures. In lieu of a sign on Highway 1 during the initial use phase, State Parks intends to advertise the park opening on their website and with press releases and press coverage. The park will be opened in gradual phases as the various components of the General Plan are realized, and permanent FODSP signs will be erected on Highway 1 during a later phase once the appropriate facilities, infrastructure, and personnel are in place to accommodate a greater number of visitors and ensure resource protection as identified in the General Plan and Habitat Management Plan.

The initial public use project sets State Parks on the path to full consistency with the recreation and access goals of the FODSP General Plan. These goals include: providing a variety of recreational opportunities that will allow the public to visit, enjoy, and better understand the significance of the dunes, while maintaining the highest level of resource management and protection; providing interpretive and educational opportunities that will increase the visitor's knowledge and appreciation of the significant resources at the park; and providing handicap access to park facilities.

Section 30210 of the Coastal Act calls for maximum access and recreational opportunities, conspicuously posted, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The proposed project is the first step in the opening of public land to public use and enjoyment, and will provide access to four miles of beach that was previously restricted. During the initial use phase, the Park entrance, new parking area, blufftop overlook, and beach access trail will be clearly marked and signed, and the entire beach area within the Park will be open to the public. In addition, all existing roads within the park will be open to pedestrian and bicycle use. Notwithstanding these significant new coastal access and recreation opportunities, maximum access will be dependent on subsequent phases of park development. For example, the General Plan contemplates a trail system and additional day use facilities; however, implementation of these access amenities is contingent upon future permitting, funding, and other State Park resources. Thus, Special Condition 3 requires State Parks to prepare and submit monitoring reports that describe public use patterns, the environmental impacts of such use patterns, and ongoing and adaptive management measures employed by State Parks in response to such impacts. This condition



will aide future efforts to design and implement additional access and recreation opportunities consistent with the need to protect natural resources, and provide for the necessary dialogue between State Parks and the Coastal Commission regarding adaptive management strategies implemented during the initial phase of public use. Furthermore, Special Condition 4 requires State Parks to prepare and submit status reports that detail the expected timeline for the submittal of future park development permit applications, including the status of plans to install Highway 1 signage, expand trails, and construct other day use facilities. As designed and conditioned, the project can be found consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

The project can also be found consistent with Sections 30213, 30220, and 30221 of the Coastal Act which call for the protection and encouragement of low-cost visitor and recreational facilities, in particular those that provide water-oriented activities. The project represents a new low-cost visitor and recreational use, and provides access to the Monterey Bay for various beach and water-related activities, such as sunbathing, swimming, picnicking, surfing, birdwatching, and fishing, among other things. At this time, State Parks is not proposing an entrance or use fee for the park as part of this project.

### **c. Conclusion**

The FODSP initial public use project, as proposed, is a significant milestone towards implementing the access and recreation goals and policies of both the FODSP General Plan and the Coastal Act. The project will expand public access and outdoor recreational opportunities at a previously inaccessible piece of the Monterey Bay coastline. The initial opening is a first step in a multi-year process to maximize such opportunities. The conditions of this permit will help ensure that this process will occur in a timely fashion and be implemented consistent with Coastal Act requirements. As designed and conditioned, the project is consistent with Coastal Act access and recreation provisions.

## **2. Environmentally Sensitive Habitat Areas**

### **a. Relevant Regulatory Policies**

*Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*Section 30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*



***Section 30230.** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***Section 30240(a).** Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

***Section 30240(b).** Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

#### **b. Analysis of Consistency with Applicable Policies**

The FODSP General Plan describes three vegetation zones/habitat types within the park: 1) beaches, bluffs, and blowout zones; 2) coastal dune zone (including northern foredune, central dune scrub, northern coastal scrub, and maritime chaparral communities); and 3) invasive species dominant zone. As shown in Exhibit I, the invasive species dominant zone is the prevailing vegetation zone within the Park. This zone is comprised of areas that have been graded to construct firing ranges or other developed sites, and is dominated by plant types that were introduced for soil stabilization, such as iceplant.

Between 1998 and 2003, as required by conditions of the HMP and Draft HCP, State Parks implemented a large-scale native dune restoration project and non-native plant control project at lead remediation and recontoured sites in which an estimated 15,000 to 20,000 native plants (primarily Monterey spineflower, sand gilia, coast wallflower, seacliff buckwheat, and coast buckwheat) were planted. The ultimate goal is at least 700 acres of restored coastal dune habitat, as set forth in the HMP and Draft HCP. As indicated in the General Plan, restoration on State Parks' lands is designed to partially mitigate for impacts to some species (e.g., Monterey gilia) that will occur due to development elsewhere on the former Fort Ord military reservation. A monitoring program was implemented following the first year of restoration, and annual monitoring continues to document the results of the restoration efforts.





Despite the degradation of natural habitat values that has occurred as a result of military uses over the years at Fort Ord, the park contains significant habitat area for sensitive plant and animal species. The FODSP General Plan indicates that at least six special-status plant species and four special-status animal species are known to exist or have historically existed within the Park boundaries. Special-status plant species known to exist within FODSP include three federal or state listed species: Monterey spineflower, Yaden's wallflower, and sand gilia; two federal species of concern: coast wallflower and Monterey ceanothus; and one CNPS List 1B species, sandmat manzanita. [The U.S. Fish and Wildlife Service designated the coastal area from just south of the mouth of the Salinas River to the city of Monterey as Critical Habitat for Monterey spineflower; however, the presence of robust spineflower is unconfirmed within FODSP.] Four listed animal species are known to occur, or have historically occurred, within the boundaries of the Park. These include two federal or state listed species, Smith's blue butterfly and Western snowy plover; and two federal species of concern, globose dune beetle and black legless lizard.

Development proposed under the initial use project involves re-use of previously disturbed areas of the 8<sup>th</sup> Street management zone, such as the existing paved Stilwell Hall parking area, existing paved roads, and an existing unpaved beach accessway and an undeveloped dune area that are categorized by the General Plan as being within the invasive species dominant zone (see Exhibit I). These project components represent a minimal amount of disturbance, primarily within the footprints of existing paved areas, while allowing for initial public access within the Park. However, the 3,900 square foot (300 + 675 feet long by 4 feet wide) segment of the new beach access trail that is currently unpaved is still considered dune habitat, in which the possibility exists for the presence of sensitive plant and animal species. As noted by the FODSP General Plan, dune landforms represent one of California's most degraded communities with few naturally functioning systems left in the State. Although partly degraded, the dunes within FODSP are an important component of the Monterey Bay dune system and vital to the protection and recovery of native dune plants and animals. Because such dunes are an extremely limited environmental resource of statewide significance and provide unique, sensitive habitat values, they constitute environmentally sensitive habitats as defined by the Coastal Act.

Section 30240(a) of the Coastal Act allows for resource dependent uses in ESHA provided that they will not significantly disturb the habitat(s), and the Commission has considered uses such as low impact interpretive facilities, boardwalks, sand ladders, and trails in dunes to be resource dependent. The beach access trail will be a bare soil trail with interpretive signage and will not involve any permanent coverage that could preclude the perpetuation of dune habitat. In addition, the trail will be demarcated with symbolic fencing that will keep users out of surrounding dunes. As such, the trail will not result in any significant disruption of dune habitat values. Furthermore, consistent with Section 30240(b), all other development associated with the project has been sited within previously paved areas and clustered in such a way to prevent significant degradation to the dune habitat. Although not explicitly part of this project, ongoing dune restoration activities in FODSP as outlined in the HMP/HCP and General Plan will re-establish a natural dune system and provide for continuation of the habitat.

The project involves the introduction of humans into a natural environment (made up largely of dune ESHA) that has been mostly devoid of regular human activity since the closure of Fort Ord as a military



installation in 1991. Hazardous material cleanup activities, restoration work, and stormwater outfall removal activities, among other things, have occurred during this time period, but this 979-acre dune system has generally been closed to regular human use. The introduction of the public into this area has the potential to disturb and degrade dune habitat through trampling, overuse, and other means. To address this concern, signage, fencing, and regular patrols by State Parks personnel will restrict people to the beach, the designated trail, temporary blufftop overlook, and other previously developed areas, such as the parking area and existing roads. Furthermore, dogs, which can escape from their owners and trample plants, disturb animals, and otherwise disrupt the habitat, will be prohibited in the park.

With specific respect to snowy plovers, the project includes management and protection provisions (described above under Section 3c, Project Description) to ensure that no take of this species occurs as a result of opening the beaches to public use. Special Condition 5 requires a concurrence letter from the U.S. Fish and Wildlife Service that confirms State Parks' conclusion that the initial public use project will not result in take of the federally listed, threatened western snowy plover or any other species covered by the Endangered Species Act. Also, although the beach area will be open to increased human activity, the project does not include any physical elements that could adversely affect the marine environment or the sustainability of the biological productivity of coastal waters. Therefore, the introduction of regular public use into this area is not expected to be incompatible with the continuation of the habitat values that State Parks intends to restore and protect in the park, and the initial public use can be found consistent with the Coastal Act. Special Condition 3 requires State Parks to prepare monitoring reports that will report on public use patterns and the ongoing measures being employed to ensure protection of sensitive habitat areas from public use.

### **c. ESHA Conclusion**

The initial use project has been designed to balance public access with habitat protection in a manner consistent with the Coastal Act. State Parks will rely primarily on existing paved and disturbed areas of the site to develop public access features, and will not introduce any new dune coverage. The project also includes ESHA protection provisions, such as fencing to keep the public in designated areas and out of snowy plover nesting sites, beach closures (if necessary) to protect snowy plover nesting sites, interpretive and regulatory signage to educate the public about the sensitive nature of the dunes, and a prohibition against dogs and campfires on the beach that will ensure that the habitat values of the site are maintained and protected from disruption and degradation. Special Condition 3 requires regular reports that update the Executive Director on ongoing habitat protection and management measures, and Special Condition 5 requires evidence of USFWS and DFG concurrence that the initial public use project will not result in take of endangered species. As designed and conditioned, the project is consistent with Sections 30210, 30212, 30230, 30231, and 30240 of the Coastal Act.

## **3. Visual Resources**

### **a. Relevant Regulatory Policy**

*Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed*



*to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

## **b. Consistency Analysis**

The initial use project involves minor development in the former Stilwell Hall area such as the re-paving of an existing parking lot and the installation of portable toilets at the parking lot, new gates, signage, fencing, and two small temporary overlook platforms (see Exhibits A.1 and A.2). Examples of new park signage are shown in Exhibits C, D, and E, and Exhibit G shows the location and type of entrance gate that will be installed. The fencing that will be utilized along the new beach access trail will be single strand cable and post type, and a short wooden rail fence will be installed around the parking area to encourage the public to keep out of the dunes.

Fort Ord Dunes State Park is a highly scenic area of the Monterey Peninsula that is prominent in the viewshed of Highway 1. Section 30251 of the Coastal Act calls for the protection of the scenic qualities of coastal areas, and requires new development to be sited and designed to protect views to and along the coast. Some of the development associated with the initial use project will be within the Highway 1 viewshed. However, the minimal structural development associated with the project (i.e., the installation of gates, signs, stairs, fencing, and an overlook) will not block or degrade coastal views. The materials that will be used for fencing and the overlook will be primarily of natural colors and materials and have been designed to blend with the surrounding environment, and signage will be minimal and unobtrusive. The beach access trail utilizes an existing roadway for the portion of the route that is most visible from Highway 1, and the remainder will be a bare soil trail through the dunes down to the beach. None of the project elements will block views of the ocean, dunes, or Monterey Peninsula from Highway 1. The project also does not involve any lighting that could obstruct nighttime views across the dunes. Furthermore, the project does not involve any alteration of the natural dune environment that could degrade the scenic quality of the area. The opening of the park will allow for the public to experience the highly scenic nature of the area, which includes an expansive seascape and undeveloped seashore, from a vantage point other than traveling past on Highway 1 in their vehicles.

## **c. Conclusion**

The initial use project is consistent with Section 30251 of the Coastal Act because it involves minimal development that has been sited and designed to preserve the scenic quality of the area and is compatible with the isolated landscape that dominates the park. As a result of the project, the public will be able to experience a previously inaccessible piece of the Monterey Bay coastline that affords dramatic views of undeveloped dunes, the Monterey Peninsula, and the Monterey Bay.

## 4. Water Quality



**a. Relevant Water Quality Policy**

*Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

**b. Consistency Analysis and Conclusion**

In general, the project involves minimal development that will not require heavy machinery for construction; however, the asphalt re-paving of the existing parking lot at the former Stilwell Hall and the potential use of machinery to clear and develop the coastal access trail and overlook area has the potential to degrade coastal water quality. These activities have the potential to generate non-point source pollution in the form of oil, heavy metals, and sediment that could inadvertently enter coastal waters. As such, to prevent construction-related runoff and debris from entering and degrading the Monterey Bay, the project has been conditioned to require best management practices (BMPs), such as the use of silt fences or other equivalent apparatus, during these activities. As conditioned, construction of the project is consistent with Section 30231 of the Coastal Act.

The introduction of regular vehicle use in the project area, particularly at the paved parking lot, will generate typical urban runoff elements such as oil and other vehicle fluids. Runoff will not be collected at any specific point(s) at the parking lot; instead, it will flow off the parking lot and percolate into the surrounding dune sand. The parking lot will not include any peripheral curbs or gutters which could collect and funnel runoff to the dunes and create the potential for concentrated pollutant runoff or erosion. The parking lot will also not include any sort of manmade treatment or filtration mechanism. Coastal Commission water quality staff finds that the dune sand will provide effective treatment for runoff from the low to moderate level of use expected at the site, and will protect coastal water from degradation by runoff pollutants. Therefore, post-construction activities associated with the initial use project will not adversely impact the quality of coastal waters and are consistent with Section 30231 of the Coastal Act.

## 5. Geology and Hazards

**a. Relevant Policy**

*Section 30253. New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*



## **b. Consistency Analysis and Conclusion**

Fort Ord Dunes State Park is comprised primarily of highly erosive dune soils and sand that is highly susceptible to both wave- and wind-induced erosion. The initial use project involves development of park amenities, including the beach access trail and temporary blufftop overlook, in areas subject to coastal erosion. State Parks policies encourage unimpeded natural coastal processes and discourage siting of permanent park facilities in danger of coastal hazards. Specifically, Policy 0307.3.2 of the State Parks Operation Manual states that coastal State Parks properties are subject to dynamic forces such as waves, storms, seasonal beach changes, bluff erosion, and seacliff retreat, and these processes are problems only when facilities are in jeopardy, or when public safety are threatened. Furthermore, Policy 0307.3.2.1 states that it is the policy of the Department that natural coastal processes should be allowed to continue without interference, and that permanent new structures and coastal facilities should not be constructed in areas subject to ocean wave erosion, seacliff retreat, and unstable cliffs. The policy maintains that new structures or facilities in these areas shall be expendable or movable.

The project elements in danger of immediate coastal erosion are the blufftop overlook located west of the parking area and the beach access trail. Consistent with the above-described policies, State Parks intends the overlook to be a temporary development during the initial use phase, and permanent structure(s) to provide viewing opportunities will be established during future phases of park development. In addition, the beach access trail is a bare soil trail that can be relocated and/or redesigned at a future date if necessary. As such, consistent with Section 30253 of the Coastal Act, the project minimizes risks to life and property because it does not place any permanent structures in danger of erosion, and because of the temporary and movable nature of proposed development, it will not require future protective devices that could alter the natural bluff landform.

Previous Army activities within the park boundaries involved infantry training and the use of ammunition. According to the FODSP General Plan, decades of use as a firing range resulted in spent ammunition and elevated levels of heavy metals in soil throughout the park. Remediation activities began in 1997, and lead contamination and spent ammunition cleanup work has been completed. Although there remains some chance of discovery of materials associated with the former firing range activities, the Army Corps of Engineers has determined that the risk is low enough to allow public use, and the Environmental Protection Agency, Department of Toxic Substances Control, and the Regional Water Quality Control Board concur with this determination. Furthermore, public use during the initial use phase will be restricted to existing roads, the beach area, and the new beach access trail, blufftop overlook, and parking area where the risk of encountering possible ammunition or contaminated soil is unlikely. In addition, the park contains a variety of other manmade and natural physical hazards which are not unlike hazards found in other parks. Fencing and warning signs will be utilized to minimize the risk of these hazards causing injury to the public. As such, the project is consistent with Section 30253 of the Coastal Act.

Consistent with State Parks' own policies, and consistent with Section 30253 of the Coastal Act, the project will not involve the need for current or future shoreline armoring, and minimizes erosion and other hazard risks to the public.



## 6. Archaeological Resources

### **a. Relevant Policy**

*Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

### **b. Archaeological Resources Analysis**

The FODSP General Plan indicates that the beach strand and active dunes that comprise the park would have a very low probability of archaeological sites. During preparation of the FODSP General Plan, a records search of all pertinent archaeological survey and site data was conducted at the Northwest Information Center at Sonoma State University. In addition, the Native American Heritage Commission was contacted and consulted for a database search for sacred lands or other cultural properties of significance. Both the records search at the Northwest Information Center and the database search with the Native American Heritage Commission indicated that no sites have been recorded within FODSP boundaries; however, one historic site was identified just to the north of the park, on the southeast corner of Marina State Beach.

The proposed project includes only minor development; however, since a likelihood still exists that construction activities may unearth previously undisturbed materials, Special Condition 6 requires State Parks to halt work and prepare and implement an archaeological mitigation plan if archaeological resources are encountered. Therefore, as conditioned, the proposed development is consistent with Section 30244 of the Coastal Act.

## 7. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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 effects which the activity may have on the environment. Beyond this, the Secretary of Resources has certified the Coastal Commission's review and analysis of land use proposals as being the functional equivalent of environmental review under CEQA.

Because of the limited scope of work proposed in this project, the local State Parks staff has determined that it is Categorically Exempt from CEQA, and pursuant to State Parks protocol, they have completed a Project Evaluation Form (PEF). The PEF, prepared for potentially exempt projects, is in the process of being reviewed by State Parks headquarters, and it is anticipated that a Notice of Exemption will be prepared and filed with the State Clearinghouse.

In the course of application review, several potential environmental impacts were identified and are discussed in the findings of this staff report, which are incorporated herein as set forth in full. These



include potential water quality degradation and sedimentation of waters of the Monterey Bay National Marine Sanctuary, disruption of ESHA, and archaeological resource impacts. Conditions of this permit reduce the potential for such impacts to an insignificant level. Alternatives, such as the no project alternative and alternatives that entail greater restrictions on public access would not effectively carry out Coastal Act access and recreation policies, while more intensive public use alternatives pose adverse impacts to ESHA, visual resources, water quality, and archaeological resources, because, at this time, State Parks does not have the ability to ensure adequate protection of these resources. Accordingly, the Commission finds that, as conditioned by this permit, the proposed project is the most feasible alternative and will not have any significant adverse effects on the environment within the meaning of CEQA. The Commission also finds that the project will not result in cumulative impacts to the resources described above because, as designed and conditioned, the project's incremental effect is not considered to be cumulatively considerable as defined by CEQA.



# ***Fort Ord Dunes State Park***

## ***Initial Public Use Access Management Plan***



California Department of Parks and Recreation



January 2007

**CCC Exhibit A**  
**(page 1 of 18 pages)**



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## Purpose

The purpose of this report is to describe California State Park's plans for managing initial public use of Fort Ord Dunes State Park (FODSP). It is expected that the coastal area of Fort Ord will be transferred to the State of California and open to the public in the spring of 2007.

Public Resources Code section 5002 addresses the requirements for general plans prior to development of facilities within units of the California State Park System. Subsection 5002.2(e) states that: "Consistent with good planning and sound resource management, the department shall, in discharging its responsibilities under this section, attempt to make units of the state park system accessible and usable by the general public at the earliest opportunity."

Consistent with the Code section above, California State Parks intends to open the new park for public use as soon as feasible following obtaining ownership of the property. This Initial Public Use Access Management Plan describes how, with minor modifications, existing facilities which remain from the former use of the property as an Army base will be used to accommodate early public use of the park until more permanent facilities can be installed.

## Background

California State Parks has been working with local, state and federal agencies since 1991 to establish Fort Ord Dunes State Park. The proposed park consists of a 979 acre portion of the 28,000 acre former Fort Ord military base. The park includes the portion of the former Fort Ord west of State Highway 1 which includes coastal dunes and four miles of ocean beach on Monterey Bay.

A State Park General Plan has been prepared for Fort Ord Dunes State Park. Approved in 2004 by the State Park and Recreation Commission, the plan calls for development of public access facilities to provide day use access to the beach, development of a campground, accommodate a component of the Monterey Bay Sanctuary Trail within the park and provide for protection and restoration of native habitat throughout the park. The State Park General Plan is consistent with the Fort Ord Habitat Management Plan and the Fort Ord Reuse Authority Land Use Plan. This Immediate Public Use Access Management Plan is consistent with the planning documents described above.

Detailed planning, design and construction of permanent public access facilities at Fort Ord Dunes State Park are expected to occur incrementally over several years. Small improvements will be occurring continuously utilizing local park staff and operational funds. Major improvements will occur in phases as projects are approved and funds become available through State Parks Multi-Year Capital Improvement Program. All work, major and minor, will be consistent with the Fort Ord Dunes State Park General Plan and Environmental Impact Report approved in September 2004. Each work phase will be evaluated for Environmental Review and Coastal Act Permit requirements and appropriate documents prepared.

## Public Access Routes, Opportunities & Limitations

The park will be open to public vehicle access during daylight hours via Eighth Street during daylight hours, 8 a.m. to ½ hour after sunset. Public vehicle use will be restricted to this one entrance. Public vehicle travel will be limited to Eighth Street between the overpass and the parking lot near the site of the former Stilwell Hall.

It is anticipated that the park will be open to pedestrian use 24 hours a day, 7 days a week. Pedestrian access to the park from the east will be available via the Eighth Street overpass and the First Street underpass. Pedestrians will also be able to access the park along the beach, walking laterally along the shoreline from Marina State Beach to the north and the Sand City beaches to the south.

Public pedestrian access to the beach from the upland portion of the park will be restricted to one location. South of the former Stilwell Hall parking lot, an existing unsurfaced road extends from the lot to the beach. This road will be available for pedestrian beach access.

The beach area will be available for typical pedestrian uses including walking, picnicking, surfing and fishing. To minimize disturbance to birds and other wildlife, no campfires or dogs will be allowed on the beach.

Other than the beach, pedestrian use of the park will be restricted to existing roads and trails to provide protection to native dune habitat in the park and to protect visitors from physical hazards.

Bicycle use of the park will be permitted on existing asphalt surfaced roads. Beach Range Road runs nearly the entire four mile length of the park and will be the principal bicycle-accessible road in the park. During the Initial Public Use period no public vehicle use of the road will be permitted so it will function as a Class I bicycle route. Access to the park via bicycle will be available via the Eighth Street overpass or the First Street underpass.

#### Project Concept – Site Improvement Summary

The Immediate Public Use Project consists of four major components:

- 1) Adaptation of an existing asphalt parking lot as a coastal-access parking area,
- 2) Use of an existing unsurfaced beach access service road as a pedestrian trail to provide the public the opportunity to walk from the parking lot to the beach,
- 3) Creation of a temporary at-grade observation area west of the parking area to give the public the opportunity to enjoy bluff-top views of Monterey Bay, and
- 4) Install interpretive, directional and regulatory signs, gates and other minor improvements to create a safe and convenient site for public use of the property.

#### Project Description – Site Improvement Details

**Entrance Gate** – The existing chain-link, fence-type gate on the east side of the Eighth Street Highway 1 Overpass will be replaced by a steel bar gate that will allow opening and closing of the park to public vehicle entry. The park will generally be open to public vehicle access during daylight hours. The new gate will be designed to allow pedestrian access when the gate is closed. It is anticipated that the park will be open to pedestrian use 24 hours a day, 7 days a week.

**Additional Gates** – To limit public vehicle use to Eighth Street between the overpass and the parking lot, three gates will be installed. At the intersection of Beach Range Road and Eighth Street, gates will be installed on both sides of Eighth to prevent vehicles from driving on Beach Range Road. At the west end of Eighth Street, a gate will be installed to prevent vehicles from

driving beyond the parking lot. All gates will be constructed with pedestrian and bicycle bypasses.

**Stilwell Parking Area** – The existing asphalt parking lot adjacent to the former Stilwell Hall site will be slurry sealed and stripped to serve as a public vehicle parking lot for the park. There will be 51 regular and 4 accessible parking spaces provided. Chemical toilets, fencing, signs, educational exhibits and a bulletin board will be added to the parking lot.

**Bluff Top Overlook** – a public-viewing overlook area will be established at the former site of Stilwell Hall to give the public the opportunity to view the dramatic panoramic vista of Monterey Bay from this site. Two viewing areas will be established, one 15 by 30 feet in size and another adjacent area, 10 by 10 feet, at a slightly higher elevation. The walking surfaces will be either decomposed granite or decking material constructed at the existing grade. A railing will be constructed around the perimeter of the viewing areas. Interpretive/educational display panels will be installed around the perimeter of the larger viewing area. A 10 foot wide decomposed granite walking path will provide access between the parking lot and the viewing area.

**Beach Access Trail** – An unsurfaced beach-access service road exists 300 feet south of the parking lot. This road will be designated as a pedestrian trail to provide the public the opportunity to walk from the parking lot to the beach. The walking distance from the lot to the beach is approximately 1,200 feet or ¼ mile. The change in elevation between the lot and the beach is approximately 90 feet. A post-and-cable guide railing will be installed along the trail edge to assist the public with identifying and following the route. A warning sign will be installed near the beginning of the trail to advise the public of hazardous surf conditions and unstable bluff conditions.

### **Snowy Plover Management**

The Fort Ord beaches consist of approximately 150 acres of coastal strand habitat that provides nesting, roosting and feeding habitat for the western snowy plover, a federally-listed, threatened species. It is the intent of California State Parks that the Fort Ord beaches will be managed during the Initial Public Use period so that no take of this species occurs as a result of opening the beaches to public use.

Snowy plovers are especially sensitive to human disturbance during the nesting season, March to September each year. Snowy Plover nesting has occurred during many years in the past. Data on snowy plover nesting history at Fort Ord provided by the Point Reyes Bird Observatory, is shown below:

<u>Year</u>	<u>Number of Nests</u>	<u>Fledges</u>
1988	10	8
1989	15	4
1990	16	0
1991	5	0
1992	1	0
1995	2	2
1996	1	0
1997	0	0
1998	0	0

1999	1	2
2000	0	0
2001	0	0
2002	0	0
2003	0	0
2004	0	0
2005	12	11
2006	21	29

The locations of nests in 2005 and 2006 are shown on Figure 3.

California State Parks has been working cooperatively with the US Fish and Wildlife Service (USFWS) and the Point Reyes Bird Observatory on snowy plover research and management in the Monterey Bay area for several years. Based on years of data and experience, State Parks has identified specific actions to be employed at Fort Ord to minimize disturbance and avoid take of snowy plovers. In the paragraphs below those specific actions are described. Following each description the implementation measures for 2007 are described.

- Specific Action 1 – Limit public beach access to no more than four access routes within the park. The access routes will be located, mapped and identified on the ground prior to any public use of FODSP. They will be selected primarily to avoid disturbance of snowy plover nests and populations; they may be closed, or relocated, during the breeding and nesting season, but not increased in number, in subsequent years, based on monitoring results.

*During 2007, public access to the beach from upland areas of the park will be limited to one location, as described in this plan.*

- Specific Action 2 – Prohibit dogs and campfires on beaches to minimize disturbance of snowy plover nests and populations. Fines and other penalties may be imposed on violators. This prohibition will remain in effect even if monitoring indicates that no plovers are using the coastal strand area.

*During 2007, dogs and fires will be prohibited from the beaches. The park will be regularly patrolled by State Park Peace Officers. The prohibitions will be enforced; appropriate action will be taken.*

- Specific Action 3 – Monitor beaches during the breeding season (March through September) to identify presence/absence and locations of snowy plover nests. Public access to beach areas will be regulated based on this monitoring.

*During 2007 State Parks Environmental Scientists and Point Reyes Bird Observatory biologists will inspect and monitor the beaches a minimum of once a week during the nesting season and once a month during the remainder of the year.*

- Specific Action 4 – Prohibit public access to known nesting sites through installation of fencing and signs and patrol by park staff and volunteers. Beach access routes may be temporarily closed to protect specific nests when necessary.

*During the 2007 nesting season, symbolic fencing and signs will be installed at beach locations shown on Figure 3 to prohibit public use on the portions of the beaches where nesting is most likely to occur. Additional areas may be fenced and closed as needed based on the regular inspections and monitoring that will be occurring.*

- Specific Action 5 – Monitor and control predators during the breeding season when necessary to protect snowy plover adults, eggs and chicks. Predator control could include impoundment (e.g. of dogs), trapping (e.g. of foxes) or other means to eliminate predators.

*During 2007 State Parks will contract with USDA Wildlife Services to conduct a predator management program at FODSP. The program will be modeled on the successful predator management program State Parks and Wildlife Services has undertaken for Salinas River and Zmudowski State Beaches for the last 10+ years.*

- Specific Action 6 – Motorized equipment will not be used to rake beaches or to remove trash or other debris from the beach. All maintenance activities in the coastal strand area will be completed by manual means.

*No mechanical raking will occur on the Fort Ord beaches. Vehicle use on the beaches will be limited to State Parks personnel who have specific beach driving training. Snowy plover monitoring data will be conveyed to personnel who may have occasion to drive on the beach so that potential for habitat disturbance can be minimized.*

- Specific Action 7 – Provide interpretive programs to describe the life history and sensitivity of snowy plovers to the public. Both passive (displays and exhibits) and active (ranger presentations/guided tours) will be used to inform the public about the sensitivities of plover behavior.

*During the 2007 nesting season, a snowy plover interpretive display will be in place near the trailhead to the beach access route.*

- Specific Action 8 – Close areas of the beach providing the most suitable nesting habitat to public use during nesting season. Symbolic fencing and signs shall be used to identify closed areas.

*During the 2007 nesting season, symbolic fencing and signs will be installed at beach locations shown on Figure 3 to prohibit public use on the portions of the beaches where nesting is most likely to occur. Additional areas may be fenced and closed as needed, based on the regular inspections and monitoring that will be occurring.*

- Specific Action 9 – Prepare an annual implementation plan prior to the breeding and nesting season. The plan will describe specific proposed snowy plover management actions for the approximate 150 acres of coastal strand habitat of FODSP. The plan will be based on the previous year's monitoring and will be submitted each year to the USFWS and CDFG through the Fort Ord CRMP for review and comments.

*This Initial Public Use Access Management Plan constitutes the 2007 annual implementation plan.*

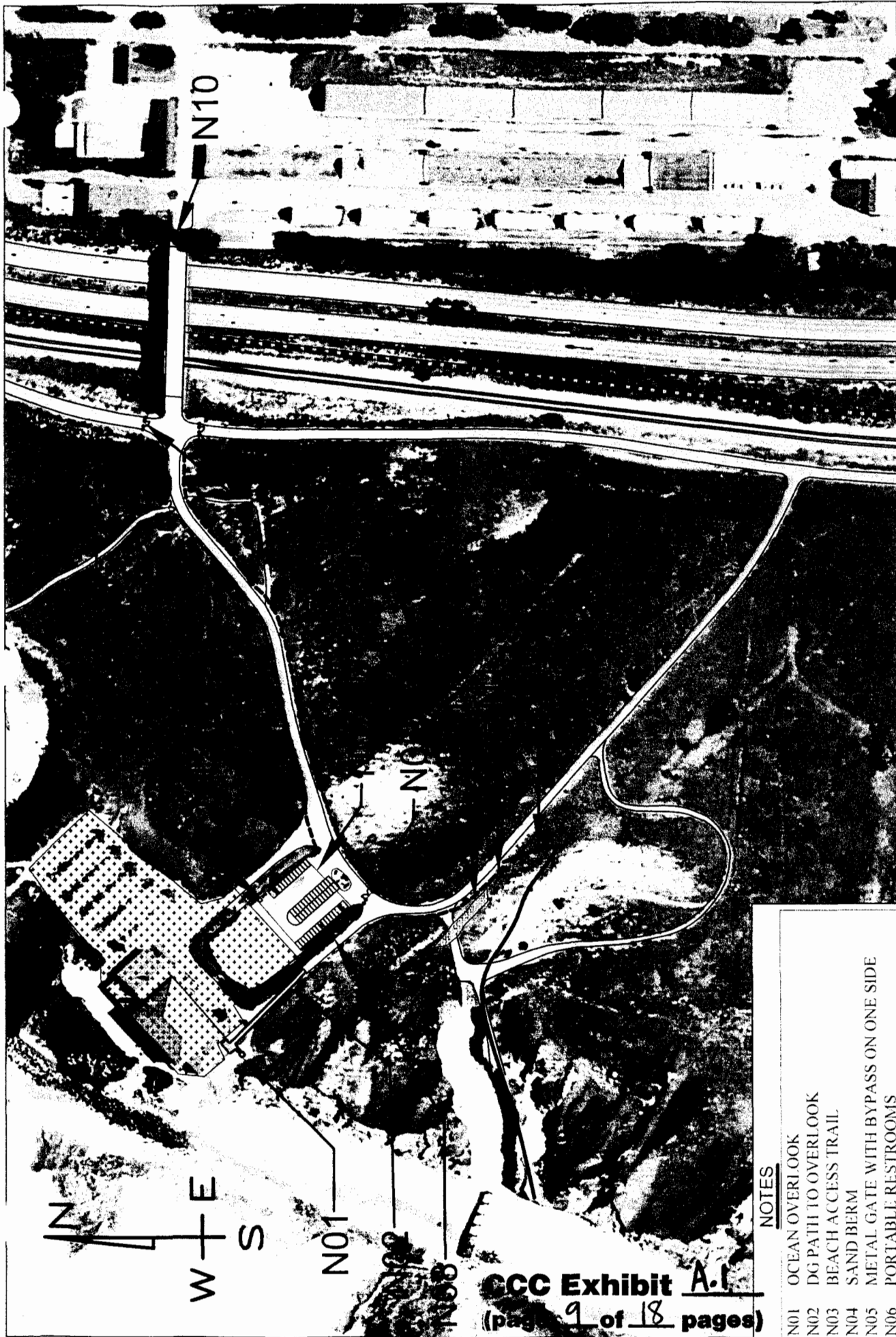
## Environmental and Regulatory Compliance

Due to the very limited scope of work proposed in this project, Environmental Compliance for this Initial Public Use Access Management Plan is expected to be accomplished by determining that the project is Categorically Exempt from CEQA. California State Parks has an administrative procedure for preparing a Project Evaluation Form (PEF) for potentially exempt projects. A PEF has been completed for this project. Following completion of Department review, it is anticipated that a Notice of Exemption will be prepared and filed with the State Clearinghouse.

Fort Ord Dunes State Park is within the California Coastal Zone and is therefore subject to Coastal Development Permit Requirements. Since Monterey County's Certified Local Coastal Program does not cover Fort Ord lands, coastal permit authority for this project rests with the Coastal Commission. A coastal permit application has been completed for the Fort Ord Initial Public Use Access Management Plan Project and submitted to the Santa Cruz office of the Coastal Commission. Due to the very limited scope of work proposed in this project, Coastal Commission staff is expected to identify this project as a de minimis project eligible for a Coastal Permit Waiver.

State Parks has written to the US Fish and Wildlife Service requesting a concurrence letter confirming our conclusion that implementation of the access management plan will not result in take of the federally-listed, threatened western snowy plover or other species covered by the Endangered Species Act.





SCALE: 1"=300'

# FIGURE 1 FORT ORD DUNES STATE PARK INITIAL USE PLAN

## NOTES

- |     |                                     |
|-----|-------------------------------------|
| N01 | OCEAN OVERLOOK                      |
| N02 | DG PATH TO OVERLOOK                 |
| N03 | BEACH ACCESS TRAIL                  |
| N04 | SAND BERM                           |
| N05 | METAL GATE WITH BYPASS ON ONE SIDE  |
| N06 | PORTABLE RESTROOMS                  |
| N07 | RESTRICTION (E) PAVED PARKING LOT   |
| N08 | TRAIL STAIRS                        |
| N09 | METAL GATE                          |
| N10 | METAL GATE WITH BYPASS ON TWO SIDES |
| N11 | PARK ENTRANCE SIGN                  |
| N12 | TIMBER LOG VEHICLE BARRIER          |





SCALE: 1"=100'

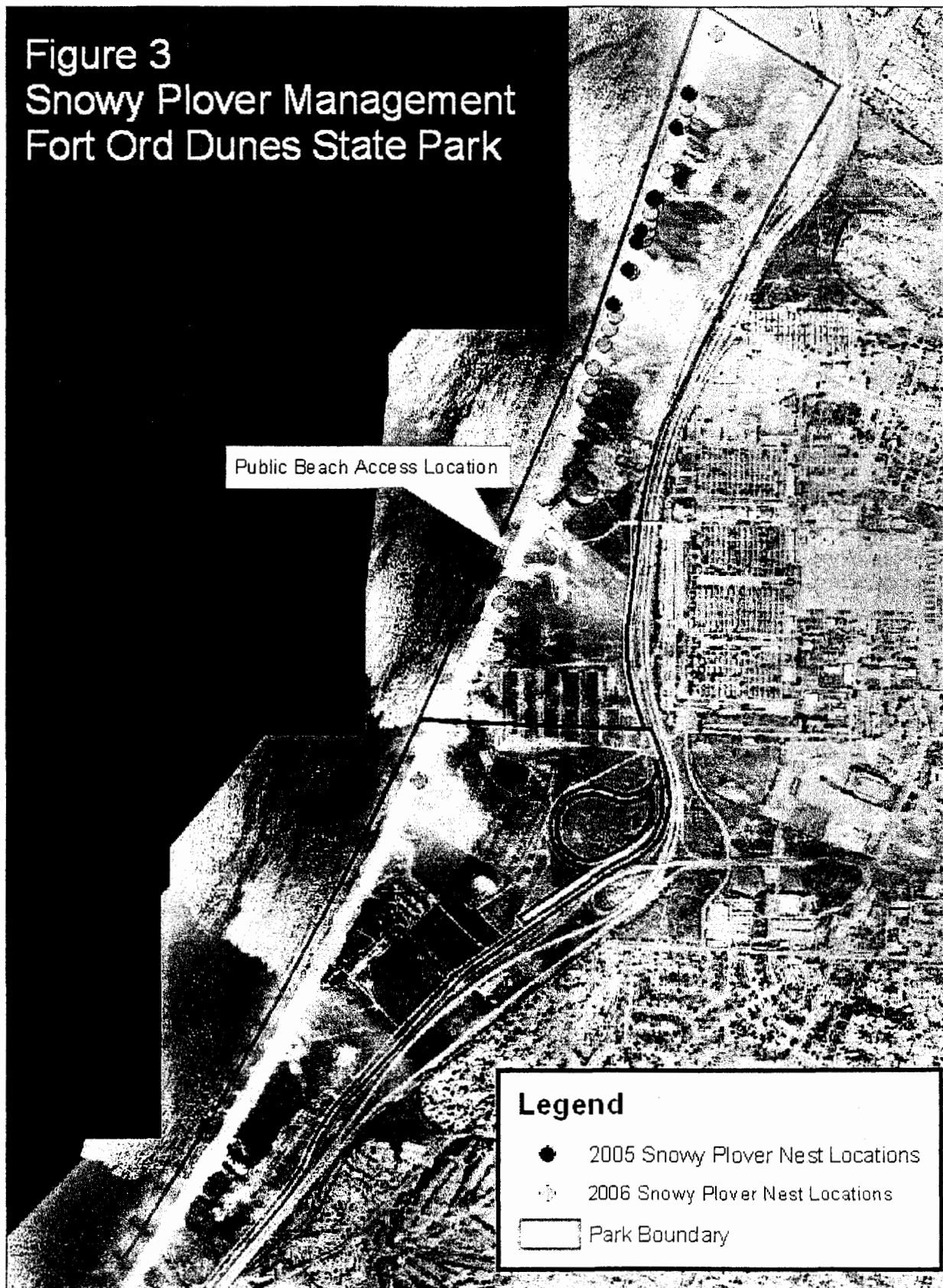
**FIGURE 2**  
**FORT ORD DUNES STATE PARK**  
**DETAIL PARKING LOT**

**CCC Exhibit A.2**  
 (page 10 of 18 pages)

**NOTES**

- N01 OCEAN OVERLOOK
- N02 DG PATH TO OVERLOOK
- N05 METAL GATE WITH BYPASS ON ONE SIDE
- N06 PORTABLE RESTROOMS
- N07 RESTRIPE (E) PAVED PARKING LOT
- N08 TRAIL STAIRS
- N12 TIMBER LOG VEHICLE BARRIER

Figure 3  
Snowy Plover Management  
Fort Ord Dunes State Park



3,000 1,500 0 3,000 Feet

## **APPENDIX**

### **Figures from Fort Ord Dunes State Park General Plan**

**Figure 1-1 - Project Location**

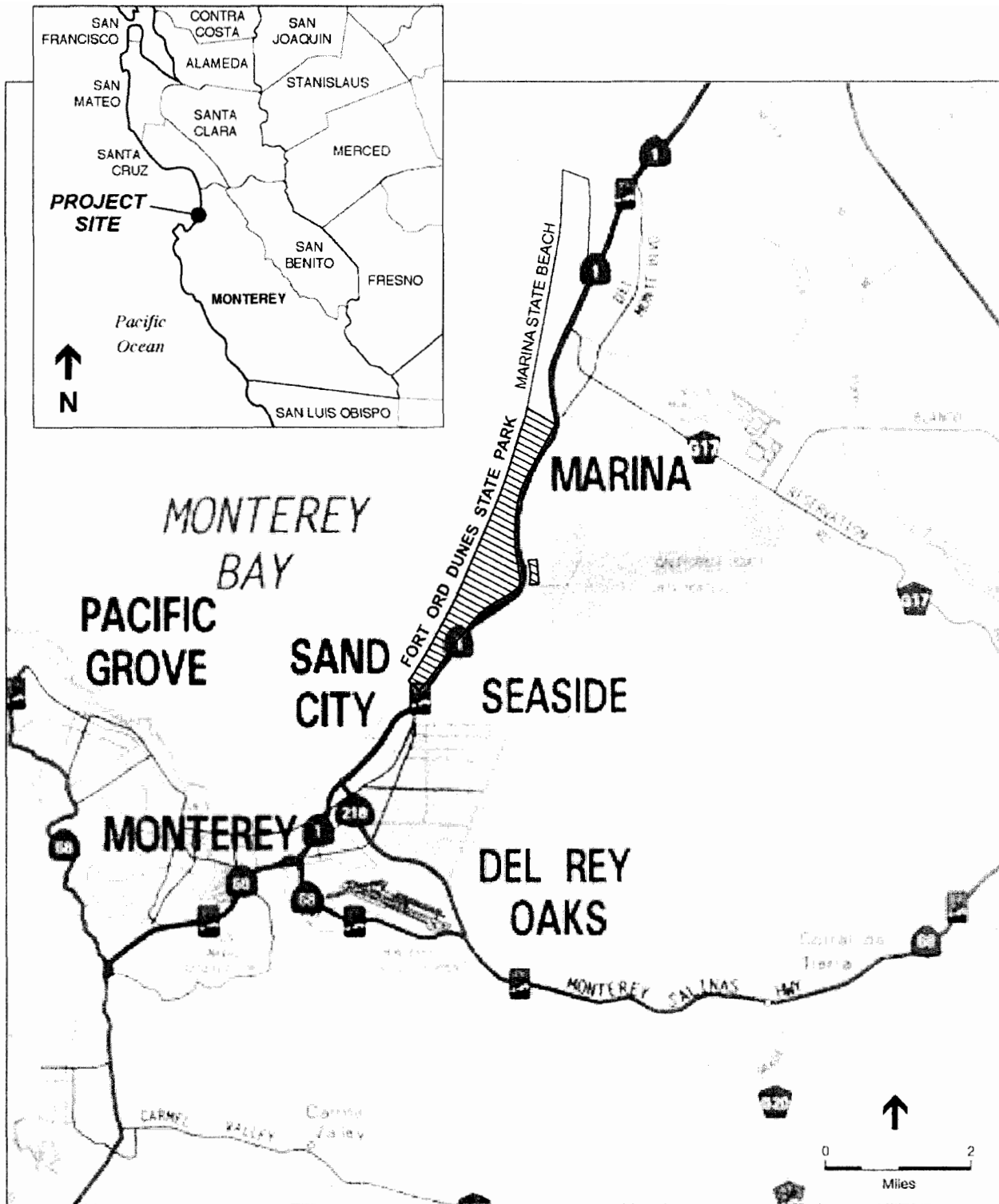
**Figure 1-2 - Project Site and Existing Facilities**

**Figure 2-1 - Regional Land Use Designations**

**Figure 3-1 – Park Management Zones**

**Figure ES-2 – Potential Circulation**

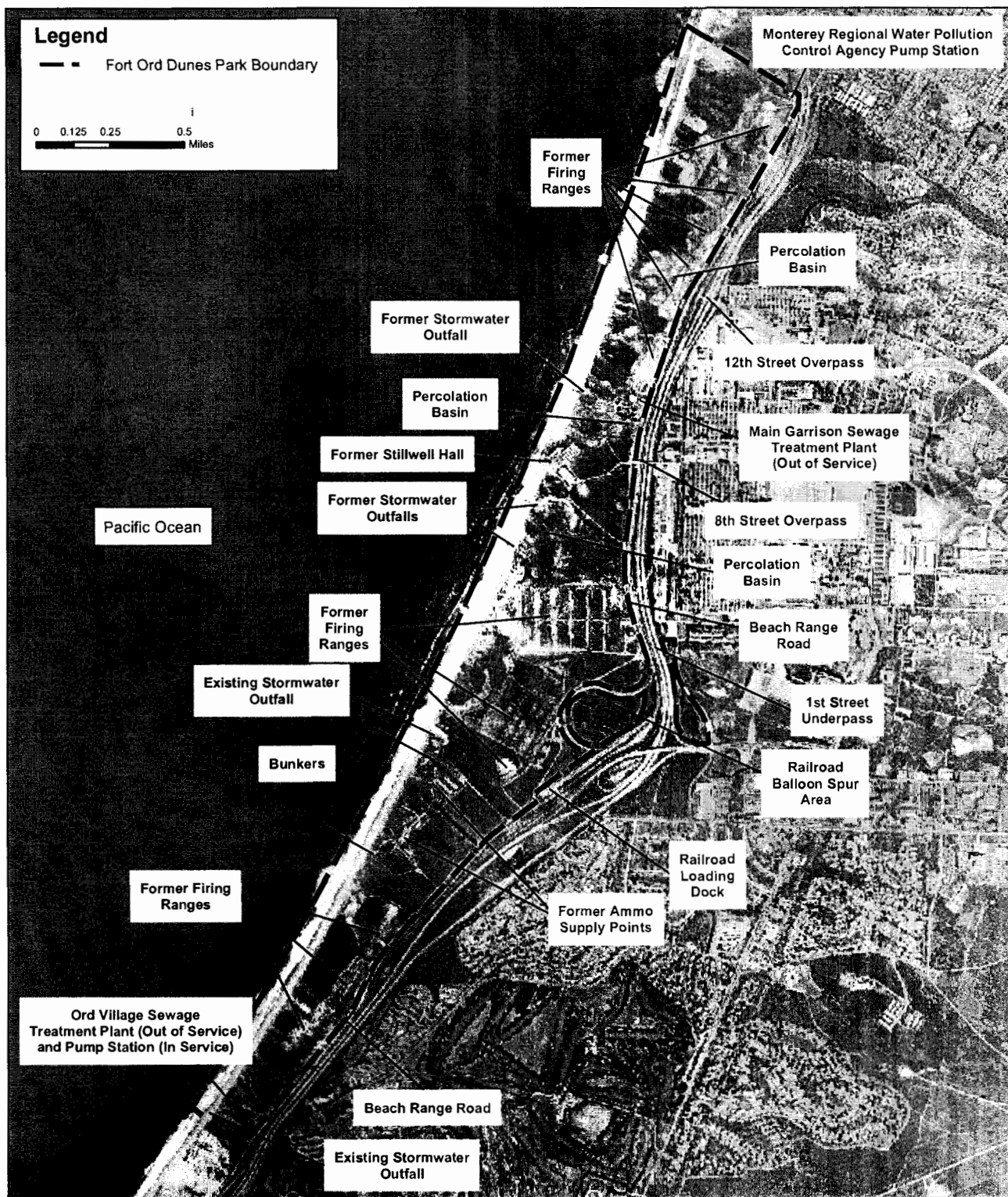
**Table 3-2 – 8<sup>th</sup> Street Zone Land Use Matrix**



SOURCE: Rand McNally, Environmental Science Associates

Fort Ord / 202318 ■

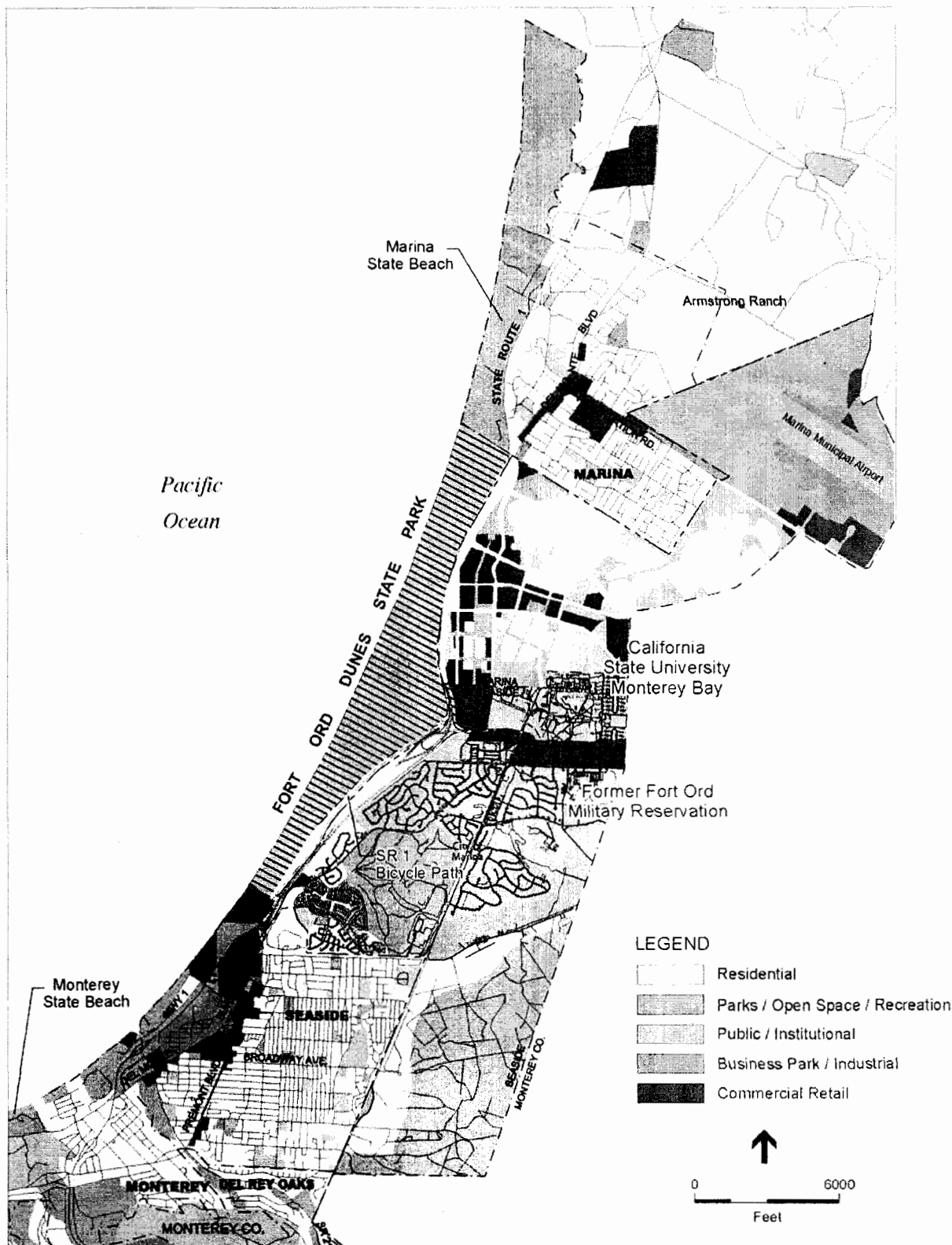
**Figure 1-1**  
Project Location



SOURCE: CDP, 2003a; ESA, 2003; USACE, 1993

Fort Ord Dunes State Park / 202318

**Figure 1-2**  
Project Site and Existing Facilities



SOURCE: FORA, 1997; City of Seaside, 2003; City of Marina, 2001

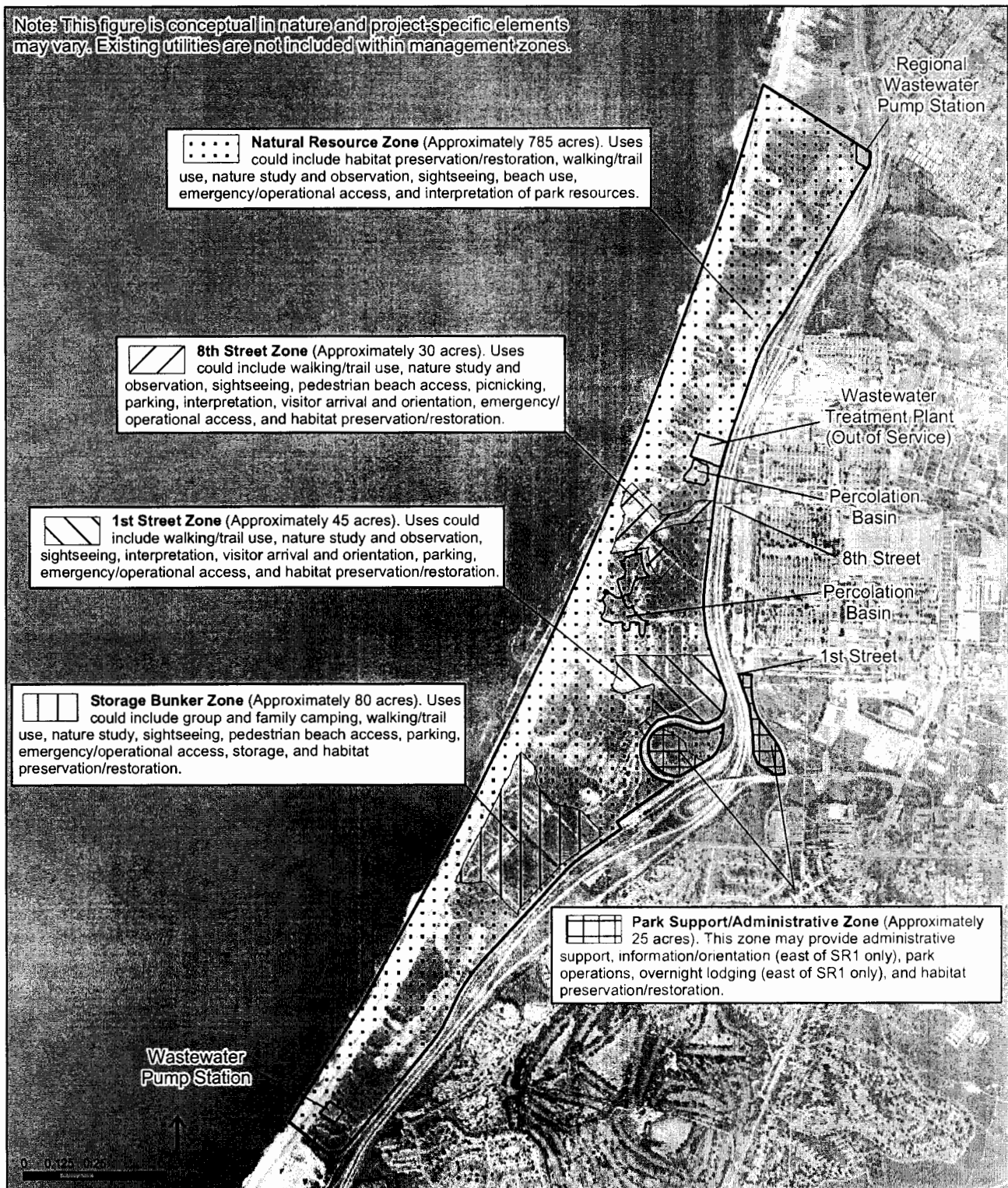
Fort Ord / 202318 ■

**Figure 2-1**

Regional General Plan  
Land Use Designations



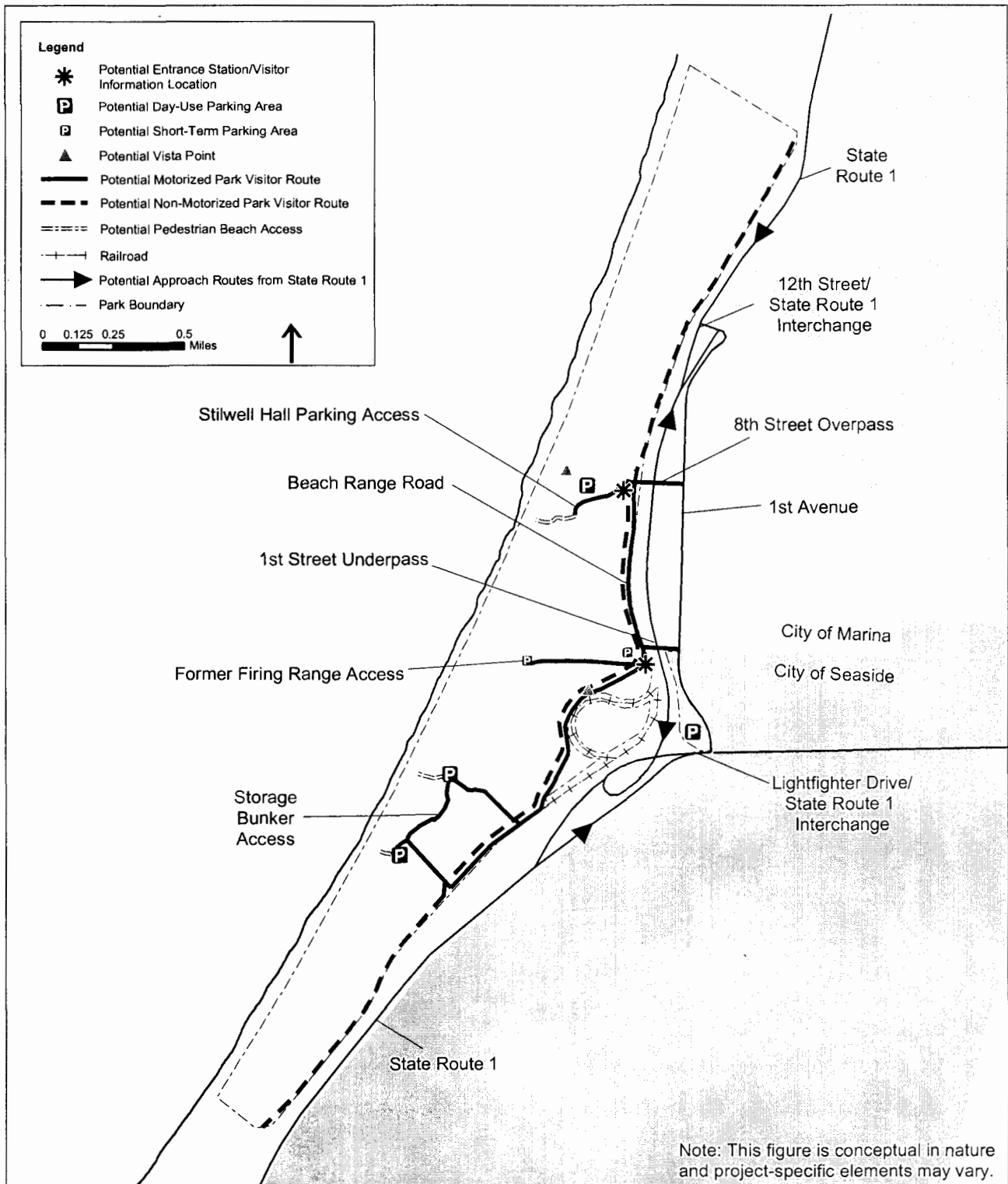
Note: This figure is conceptual in nature and project-specific elements may vary. Existing utilities are not included within management zones.



SOURCE: CDP, 2003a; ESA, 2003

Fort Ord Dunes State Park | 202318 ■

**Figure 3-1**  
Fort Ord Dunes State Park Management Zones



SOURCE: CDPR, 2003a; ESA, 2003

Fort Ord Dunes State Park / 202318 ■

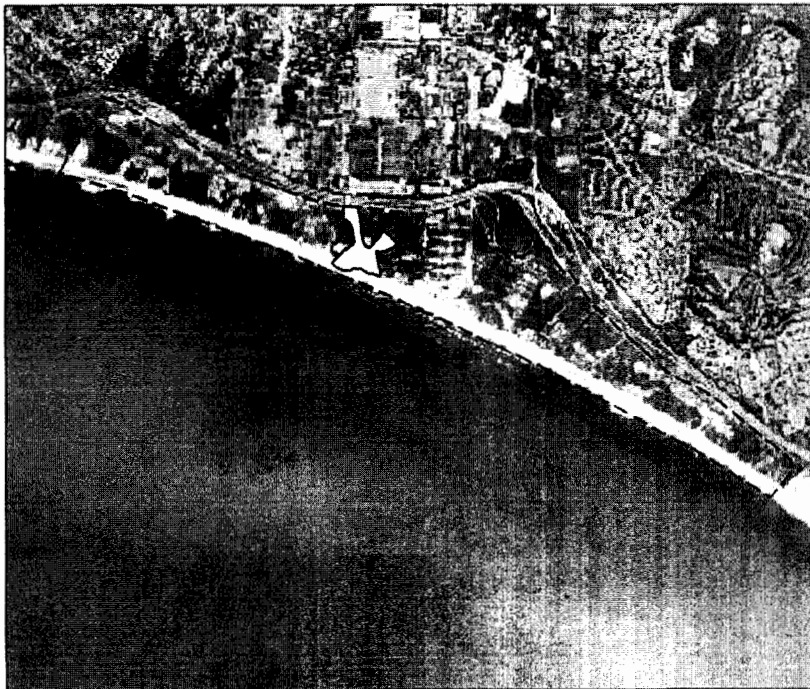
**Figure ES-2**

Potential Circulation and Entrance Location Schematic

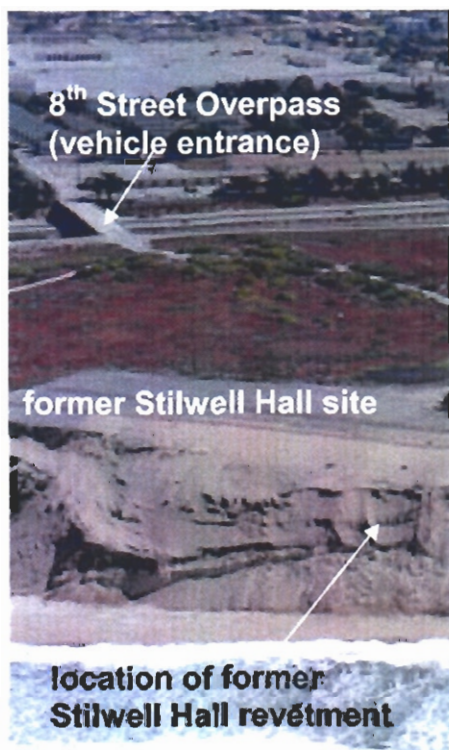


**TABLE 3-2  
8TH STREET ZONE LAND USE MATRIX**

Area Description	This zone includes approximately 30 acres, including the 8th Street overpass into the park, paved and developed areas associated with the former Stilwell Hall, and the gabion enforced stormwater headwall to the south.
Desired Resource Characteristics	<ul style="list-style-type: none"> <li>Previously developed features to be modified to accommodate parking, information and interpretive facilities, and access roads</li> <li>Locations not proposed for development to be restored to natural conditions</li> </ul>
Desired Visitor Experience	<ul style="list-style-type: none"> <li>Visitors will initially experience the panorama of the park and ocean views</li> <li>This area will provide a drivable initial park experience; park facilities and park information will orient visitors and provide a sense of arrival and gateway identity</li> <li>Parking area will allow visitors to stage vehicles in a centralized location and explore outlying park resources by non-motorized modes of transportation</li> </ul>
Possible Visitor and Administrative Uses	<ul style="list-style-type: none"> <li>Walking/trail use, nature study and observation, sightseeing, pedestrian beach access, picnicking, interpretation, visitor arrival and orientation</li> <li>Emergency/operational vehicle access</li> </ul>
Possible Facilities	<ul style="list-style-type: none"> <li>Entrance station, visitor center/kiosk</li> <li>Vista point, paved and unpaved trails, day use parking (up to approximately 90 to 100 day use parking spaces may be appropriate within this zone), outdoor exhibit stations, restroom/utilities infrastructure</li> <li>Emergency/operational vehicle routes</li> </ul>



### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits



Source: California Coastal Records Project (Photos 200402047 and 200402048)

**Exhibit B**  
Oblique Aerial Photo Showing Site and Initial Use  
Plan Details

### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits

### Entrance Sign Format



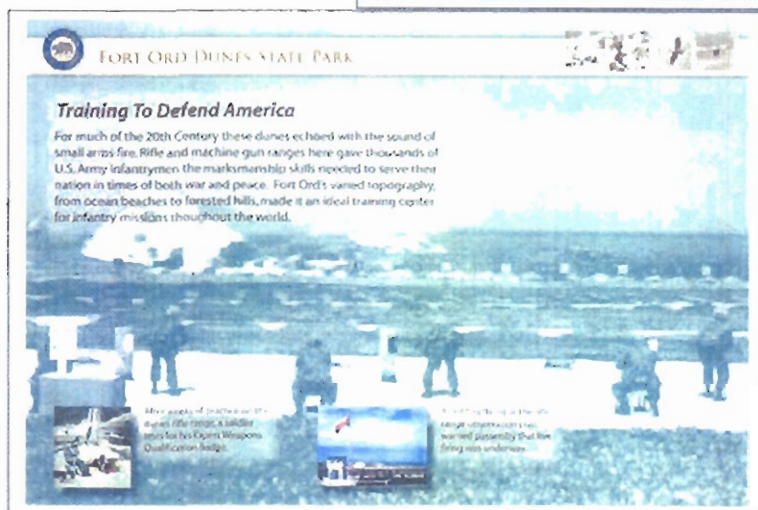
### Entrance Sign Layout

**Exhibit C**  
Entrance Signage



### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits

## Interpretive Signs



## Exhibit D

### Interpretive Signage

3-06-069

Fort Ord Dunes State Park Initial Use Project



California Coastal Commission

### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits



**Exhibit E**  
Directional and Regulatory Signage Examples

3-06-069  
Fort Ord Dunes State Park Initial Use Project

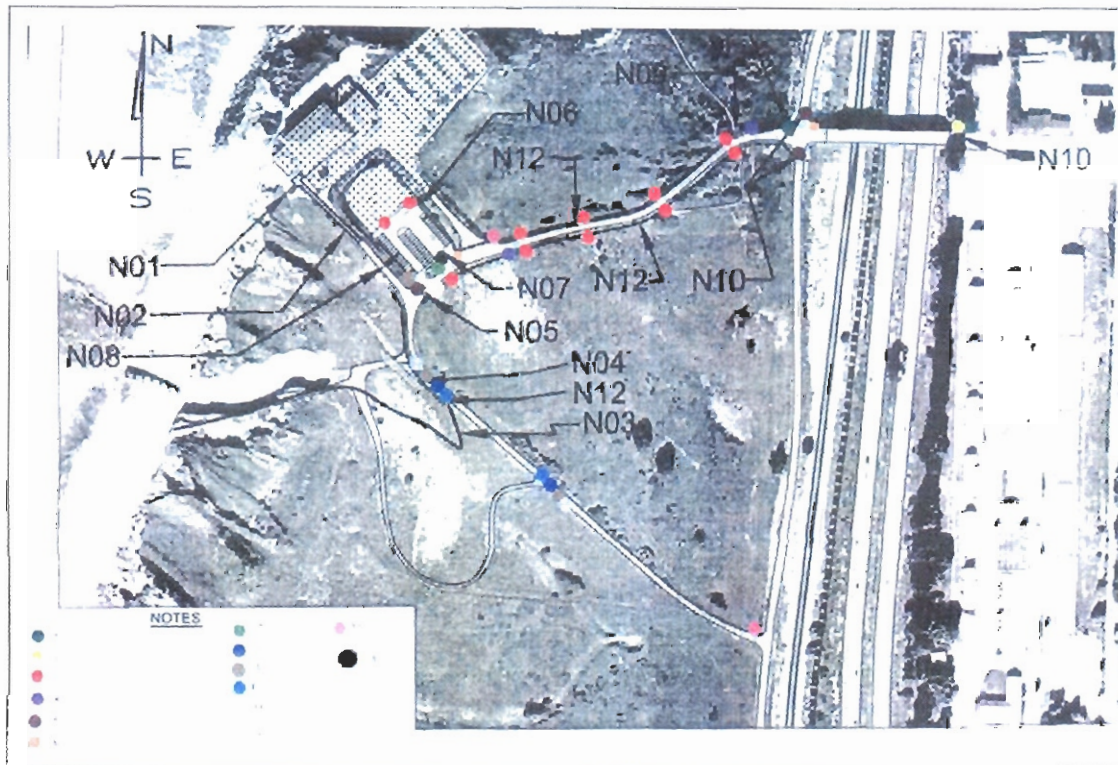


### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits

#### RECOMMENDED REGULATORY SIGNS:

(REFER TO MAP NOTES FOR RECOMMENDED PLACEMENT: *NUMBER COORDINATES WITH COLOR DOT ON MAP*)

1. FORT ORD ENTRANCE SIGN- 2
1. PARKING LOT CLOSES ½ HR. AFTER SUNSET- 1  
NO VEHICLES OVER 21 FEET -1
3. NO PARKING DOUBLE ARROW-10-15 (depending on distance needed in between signs)
4. SPEED LIMIT 15 MPH- 2
5. DON'T BLOCK GATE EMERGENCY ACCESS- 3
6. STOP SIGN- 2
7. LOCK CAR KEEP VALUABLES WITH YOU- 1
7. NO ALOCHOL CONSUMPTION WITHIN 25 FT. OF THE PARKING LOT- 1
7. NO DOGS, FIRES, CAMPING, MOTOR VEHICLES ON BEACH OR DUNES- 2
7. 911- 2
8. SURF SIGNS- 2
9. BEACH SIGN- 2
9. ARROW SIGN- 3
10. TSUNAMI SIGN-2
11. NO DOGS- 2  
EXIT SIGN WITH ARROW- 1
13. ENDANGERED SPECIES- 1
14. ONE WAY- 1



**Exhibit F**  
Signage Locations

3-06-069  
Fort Ord Dunes State Park Initial Use Project

### 3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits

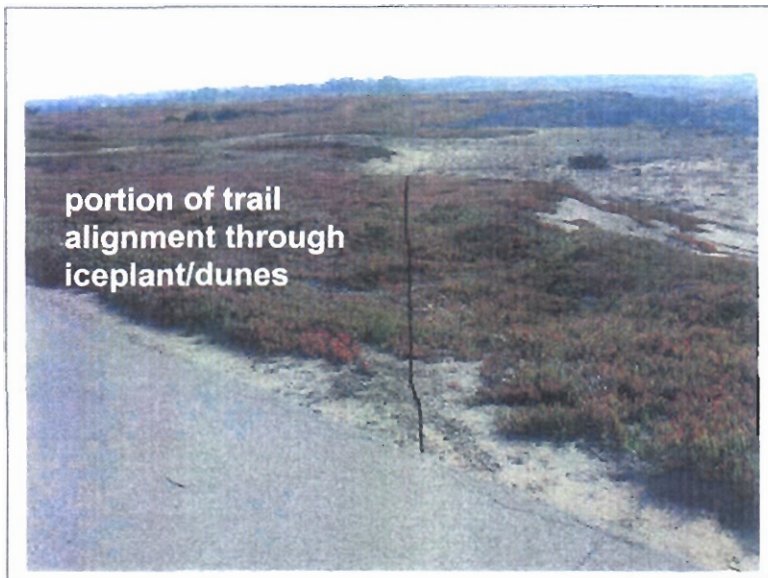


Existing gate on east side of  
overpass to be removed.

**Exhibit G**  
Entrance Sign and Gate Locations



**3-06-069 (Fort Ord Dunes State Park Initial Public Use) Exhibits**



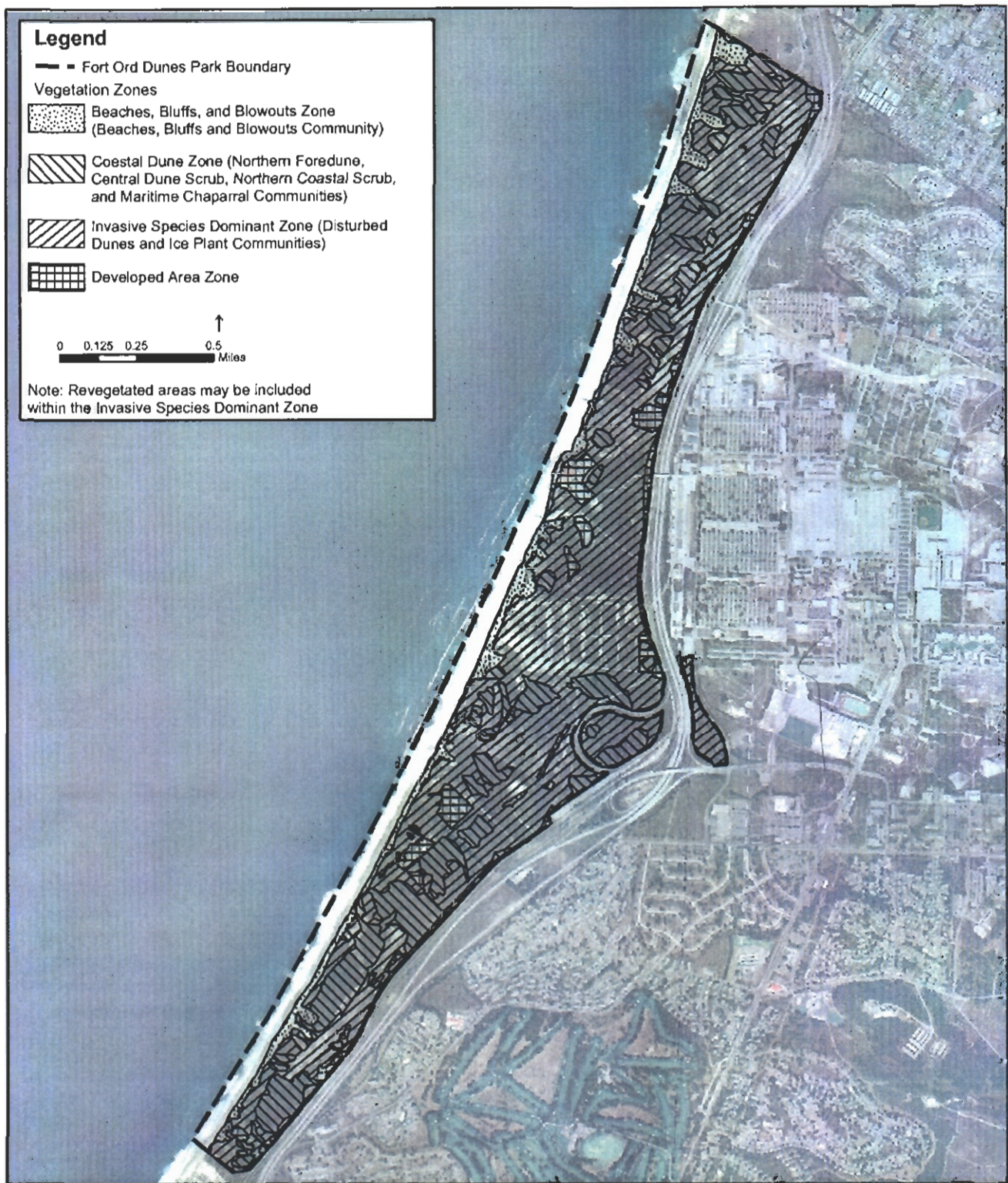
**portion of trail alignment  
over existing access route**



**Exhibit H**  
Applicant Photos of Beach Access Trail

3-06-069  
Fort Ord Dunes State Park Initial Use Project





SOURCE: CDPR, 1995; CDPR, 2003a; ESA, 2003

Fort Ord Dunes State Park | 202318 ■

**Figure 2-5**  
Fort Ord Dunes Vegetation Zones