

## **13.0 RECREATION AND COASTAL ACCESS**

### **13.1 BACKGROUND AND SETTING**

The Humboldt Bay Management Plan includes policies that may affect several related topics collectively considered under the heading of “recreation and coastal access” in the Draft Plan. The setting for these topics is identified in Chapter 3.0 of Section II (State of the Bay) of the Draft Management Plan. The Draft Plan is fully incorporated into this EIR by reference; relevant excerpts from the cited chapter are presented below as a focused presentation of relevant background information. Generally this EIR finds that the “Recreation Setting” presented in the Draft Humboldt Bay Management Plan is adequate to establish the affected environment for this EIR.

#### **13.1.1 Recreation Context for Humboldt Bay, and the District’s Role**

In the Humboldt Bay area, outdoor recreation activities occur on public lands and waters that are administered by agencies of the United States, State of California, County of Humboldt, City of Eureka, City of Arcata, or the District itself.<sup>1</sup> Outdoor recreation activities in the Humboldt Bay area also occur on privately owned lands; the private sector plays an important and substantial role in providing recreational opportunities and services through privately owned properties and facilities, including marinas; boating and equipment rentals; tours, promotion, and marketing; and various concessions, vendor activities, and other services.

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Acting on behalf of the public interest with respect to enhancing public outdoor recreational opportunities associated with Humboldt Bay is one of the three main functional areas for which the Humboldt Bay Harbor, Recreation and Conservation District was created and for which it remains responsible. This recreation management function is conducted by the District in the context of its other responsibilities to promote and manage the development of the Port of Humboldt Bay and other harbor functions, as well as to protect, conserve, and enhance the natural resources of the Bay.

The District conducts its own planning, funding applications, and development of improvements with respect to various types of recreational uses and improvements, including boating and other facilities, signage, and various services throughout the District's jurisdiction. In addition, the District also works in cooperation with a variety of agencies, organizations, and private individuals to enhance recreational opportunities in and around Humboldt Bay. Woodley Island Marina is a prime example of the District's commitment to cooperative recreational development, where a number of public and private entities share and contribute to the overall collection of facilities and services that benefit the public. The District also supports the efforts of other local agencies to develop water-oriented recreational facilities, such as the improvements to the Fields Landing Boat Ramp by Humboldt County and the improvement of facilities along Humboldt Bay's Eureka Channel as part of the City of Eureka's Waterfront Revitalization Plan. District support to other agencies

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<sup>1</sup> The roles and responsibilities of these agencies in a recreational context are described in the cited chapter of the Draft Plan.

may take a variety of forms, including participation in grant applications and funding, in-kind support, and procedural and technical assistance.

### **13.1.2 Major Recreational Activities in the Humboldt Bay Region**

Generally, recreation activities in the Humboldt Bay area include, but are not limited to: boating, kayak and canoe paddling, sailing, surfing and wind-surfing, waterfowl hunting, sport fishing, clamming, crabbing, walking, hiking, bicycling, camping, picnicking, sight-seeing, plant-viewing, birdwatching, photography, beachcombing, off-highway vehicle use, nature study and appreciation, and just being outdoors, on the Bay, and away from work.

#### 13.1.2.1 Water-Dependent Recreational Activities

Water-dependent recreational activities in and around Humboldt Bay include sport fishing, waterfowl hunting, clam digging, crabbing, sailing, small craft boating, surfing, wind-surfing, and skin diving. Sport fishing access to Humboldt Bay is typically by boat or skiff launched from any of a number of boat launch facilities on the Bay, as described further below. Sport fishing is also conducted from shore and dock areas, and by skin diving. The City of Eureka Del Norte Street Pier and the North Spit jetty are a couple of the popular fishing venues.

Hunting for waterfowl is conducted on the Bay, sloughs, marshes, and adjacent agricultural and other uplands. Designated waterfowl hunting areas include the Eel River Wildlife Area, the Humboldt Bay National Wildlife Refuge, Mad River Slough Wildlife Area, and the Fay Slough Wildlife Area. Waterfowl species hunted include the American widgeon, scaup, scoter, pintail, redhead, mallard, teal, bufflehead, and Pacific brant. The South Bay is among the most important brant-hunting areas in California. Hunting is generally conducted using boats, sculling in a low-profile skiff, walking along levees, and using temporary or permanent blinds along the shoreline.

Sport charter boats are available from Woodley Island, in the Eureka Boat Basin, and King Salmon areas; tour boats dock at the foot of C Street, Eureka. Sailboats and other small craft use the various boat ramps and launches available around the Bay (described further below). The waves directly west of the North Jetty and locations on the ocean-side beaches are used for surfing. Clam-digging access is generally by foot along the South Spit and in the South Bay, by boat launched from a ramp or shore, or by skiff. Sport crab pots and rings are used in the waters of the Bay, typically attached to docks and pilings. Skin-diving, primarily for sport fishing, occurs close to the rocks on the inside of the South Jetty and occasionally on the inside of the North Jetty, during calm weather and slack tide.

#### 13.1.2.2 Near-Shoreline Recreational Activities

In addition to water-dependent recreational activities, there are many other activities that occur in near-shoreline environments where the activities may benefit from, but are not necessarily dependent upon, direct association with water. These near-shoreline activities include walking and hiking, beachcombing, guided and unguided nature walks, picnicking and general day use, camping, sightseeing by car, birding, bicycling, jogging, off-highway vehicle (OHV) use, and horseback riding. OHV use is allowed within the BLM's Samoa Dunes Recreation Area on the North Spit and on the waveslope area in the South Spit Cooperative Management Area. Horseback riding occurs on the Mad River beach, North Spit, South Spit, and Elk River Spit.

### 13.1.3 Major Public Recreation Areas, Facilities, and Access

From a broad overview perspective of the Bay as a whole, certain areas stand out as among the highlights of recreational use areas on and around Humboldt Bay. Although up-to-date and comprehensive recreational visitor-use data are limited throughout the Humboldt Bay area, the following areas, shown on Figure 3-1 [Note: not included in EIR], are considered to be among the major recreation destinations in the Bay area in terms of overall size, range of visitor activities, and apparently higher levels of use:

- Woodley Island Marina and Wildlife Area
- City of Arcata Marsh and Wildlife Sanctuary
- Humboldt Bay National Wildlife Refuge
- Samoa Dunes Recreation Area on the North Spit
- South Spit Cooperative Management Area
- City of Eureka waterfront, including the boardwalk, marina, wharfs and piers
- the King Salmon area (beach, marinas, and fishing access)
- the Fields Landing area (boat launch, boat repair yard, and dock)

In addition to the facilities shown in Figure 3-1, numerous points of access to the coast have been developed or designated within the Humboldt Bay region Figure 3-2 [Note: not included in EIR]. The several properties owned and managed by the District are described in Section I of this plan. These properties and facilities are used for a variety of purposes, consistent with the District's multiple functions in managing Bay resources and activities; some uses or potential uses contribute to the recreational "inventory" in and around Humboldt Bay.

### 13.1.4 Recreation Resources and Opportunities by Sub-Areas

**North Bay.** Recreation activities in and around North Bay include boating, paddling (e.g., kayaks and canoes), fishing, clamming, birdwatching and nature enjoyment, walking and hiking, beach play (Manila), and enjoyment of scenic views. Hunting (regulated by the Department of Fish and Game) is allowed at several locations, including the State managed area at Fay Slough Wildlife Area. Portions of the USFWS Jacoby Creek and Eureka Slough units are open during the State waterfowl hunting season; these locations are designated for boat access only.<sup>2</sup> Boating in North Bay is somewhat limited because of the shallow water and tidal conditions; popular areas include the Mad River Slough area, with ("unofficial") access from the Highway 255 bridge and other locations. Mad River Slough, a tidal extension of North Bay west of Arcata, does not normally discharge fresh water into the Bay; during flood conditions on the Mad River, however, flood waters may overflow into the slough and thus into Humboldt Bay.

**Entrance Bay.** Centers of recreational activity in and around Entrance Bay include the Woodley Island Marina; the City of Eureka waterfront, the Eureka Public Marina, and fishing access points on the east side of the Bay; and the BLM Recreation Area and the County's Samoa Boat Launch on the North Spit. Recreational opportunities in and around Entrance Bay are relatively plentiful and include recreational boating, small craft

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<sup>2</sup> See 50 CFR Part 32, Subparts A and B (including Section 32.24 California).

paddling, fishing, clamming, sailing, off-road vehicle use (North Spit), walking and hiking on trails, and enjoyment of scenic views.

**South Bay.** Centers of activity in and around the South Bay include:

- o boating and marina activity in private marinas in the Fields Landing and King Salmon areas
- o the County's boat ramp at Fields Landing
- o the County's Table Bluff County Park
- o the visitors center at the USFWS Humboldt Bay National Wildlife Refuge
- o the USFWS small, non-motorized boat launch facility on Hookton Slough
- o the South Spit Cooperative Management Area

Recreational opportunities in and around the South Bay include recreational boating, waterfowl hunting, birdwatching, wildlife observation and photography, nature study, beachcombing, small craft paddling, fishing, clamming, sailing, limited off-highway vehicle use (primarily on the waveslope in the South Spit Cooperative Management Area), and enjoyment of scenic views.

**13.1.5 Public Access Points**

A broad policy goal of the California Coastal Act of 1976 is to maximize coastal access for all people while protecting public rights, private property, and sensitive coastal resources. The Coastal Act requires, among other things, that development not interfere with the public right of access to the sea (Section 30211). Coastal Act requirements are mirrored in the local coastal plans prepared by local agencies in the Humboldt Bay area. In addition, a number of coastal access inventories have been developed in the region over the years by State and local agencies and non-profit organizations. ... Representative access points are included in EIR Table 13-1.

**EIR Table 13-1. Representative Recreation Sites and Major Access Points on Humboldt Bay and Tributaries.**

Facility or Access Point	Responsible Entity	Type of Site or Facility
<b><i>North (Arcata) Bay</i></b>		
Lanphere Dunes Unit	USFWS	Natural area, public access *
Ma-le'l Dunes Cooperative Management Area	USFWS, BLM	Natural area, public access *
Arcata Marsh and Wildlife Sanctuary; Arcata Boat Ramp	City of Arcata	Natural area, public access, boat launch
Mad River Slough Wildlife Area	DFG	Natural area, public access, waterfowl hunting
Mad River Slough Bridge, Samoa Boulevard / State Rt. 255	State right-of-way; railroad	Public access **
Mouth of Jacoby Creek	USFWS	Natural area, public access *
Manila Community Park, Beach and Dunes	Manila CSD	Public access, beach
Bracut Wetland Restoration Site	State Coastal Conservancy	Natural area, public access *
Fay Slough Wildlife Area	DFG	Natural area, public access, waterfowl hunting

Facility or Access Point	Responsible Entity	Type of Site or Facility
Jacoby Creek, Gannon Slough	City of Arcata	Natural area, public access *
<b><i>Middle (Entrance) Bay</i></b>		
Woodley Island Marina	HBHRCD	Marina
End of Park Street, Fairhaven	County of Humboldt public road	Public access, unimproved boat launch
Samoa Boat Launch (North Spit)	County of Humboldt	Public access, Boat launch, camping
Samoa Dunes Recreation Area	BLM	Multi-purpose site, including OHV use, fishing, natural areas
Samoa Bridge Boat Launch		
Adorni Center	City of Eureka	Public center, dock, views
Eureka Public Marina	City of Eureka	Marina
Del Norte Street Pier	City of Eureka	Public access, fishing pier
PALCO Marsh	City of Eureka	Public access
Elk River City Wildlife Sanctuary	City of Eureka	Natural area, public access
<b><i>South Bay</i></b>		
King Salmon beach	HBHRCD, County of Humboldt, private	Beach, public access
Johnny's Marina	private	Marina
EZ Marina	private	Marina
South Bay marina	private	Marina
Fields Landing Boat Ramp	County of Humboldt	Boat launch
Humboldt Bay National Wildlife Refuge	USFWS	Natural area, waterfowl hunting, visitor center
Hookton Slough non-motorized boat launch facility	USFWS	Public access, boat launch, waterfowl hunting
Fields Landing Boat Yard, Kramer dock	HBRCDD	Boat repair
South Spit Cooperative Management Area	DFG, BLM	Public access, multi-purpose site

\* Public access is restricted.

\*\* Informal or “unofficial” public access site

### 13.1.6 Trails

**Land-Based Trails.** While some trails and potential trail locations do occur within the District’s area of primary jurisdiction, most trails, even those that follow the Bay shore, are most often located on lands where the District does not have direct authority. Designating, creating, and maintaining locations for non-motorized public use is the proper function of public agencies that administer land use on upland areas adjacent to the Bay. The City of Eureka’s ongoing efforts to create a Bay trail along the City’s entire waterfront is a good example of trail development and management by a local public agency. Another example is the City of Eureka’s recently established Elk River Wildlife Trail.

As appropriately characterized in an area-wide study of trails by a local non-profit organization,<sup>3</sup> the “backbone” of a future regional trail system through the Humboldt Bay area is the California Coastal Trail. While conceived several decades ago, the California Coastal Trail still remains to be completed in many areas, including around Humboldt Bay. Many local agencies and non-profit groups are working with the Coastal Conservancy toward the goal of eventually completing a continuous trail from Oregon to Mexico.

**Water Trails.** Water trails are routes for recreational watercraft, including canoes, kayaks, and similar non-motorized, small craft. For such recreational paddlers, Humboldt Bay presents both challenges and opportunities. A water trail program, with designated routes and associated water trail access points, would need to be a cooperative effort of a number of agencies; however, the District would have direct responsibility for participating in such a program and ensuring the compatibility of this use with other uses on the Bay.

## **13.2 ISSUES TO BE ADDRESSED AND THRESHOLDS OF SIGNIFICANCE**

The issues discussed in this chapter include those identified in the Initial Study, those received in public comments on the Notice of Preparation (NOP), and those received during scoping sessions. The preliminary evaluation of potential effects of the Draft Management Plan on recreation in the Initial Study (see Appendix A) indicated that these effects could be potentially significant. The items identified in the Environmental Checklist include a number of questions intended to guide the identification of potential recreation-related effects. These items provided a starting point for impact analysis. Based on the Initial Study, implementation of the Draft Plan would have an environmentally significant effect if it would:

- increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Item XIV.a);
- include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (Item XIV.b); or
- result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services [including parks] (Item XIII.a).

The Initial Study (Item XIV) indicated that recreational elements in the Draft Management Plan could increase the use of existing parks and recreational facilities; it also noted that the Plan’s implementation would be expected to result in the development of additional recreational opportunities. The Initial Study concluded that a number of policies in the Draft Plan were expected to increase the recreational opportunities associated with Humboldt Bay waters and tidelands, and that this could be associated with adverse effects on environmentally sensitive features in or near the bay. Another issue identified in the Initial Study was that the expanded opportunities resulting from the Plan’s implementation could be associated with changes in use

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<sup>3</sup> Redwood Community Action Agency (RCAA), 2001. Humboldt Bay Trails Feasibility Study. Report prepared for the California Coastal Conservancy.

patterns for existing facilities, with indirect effects on those facilities or on the programs of the recreation providers.

The Initial Study also found (Item XIII.a) that implementing of the Draft Plan would not directly affect the regional population and that the Plan would not decrease the ratio of parkland area available per person. The Draft Plan's implementation could, however, increase the need for public agency management at existing parks, or the Plan's implementation could result in the designation of additional parklands, which could increase the staffing needs of local governments. The Initial Study indicated that the significance of the increased staffing needs was not clearly foreseeable, and that identifying this effect as significant should be considered speculative.

In comments on the Draft Plan, and in response to the Notice of Preparation, a number of commenters generally expressed preferences for a Plan focus that emphasized recreation and conservation. Such comments, which will be considered by the District's decision-makers, cannot be meaningfully addressed in this EIR, because the comments merely express a preference for one policy focus over a different focus.

Comments were received during the EIR public scoping meetings pertaining to the potential effects on various resources and uses of a substantially "hardened" shoreline around much of the bay – i.e., where the bay's waters interface with the shore across barriers of rock slope protection, bulkheads, or other such physical structures, rather than across marshes or non-structural media. Comments suggested that the EIR consider the effects of such a hardened shoreline on various factors, specifically including access to the shoreline and recreational activities.

Another comment suggested that restoring rail transport in the Humboldt Bay area would adversely affect recreational access to the shoreline in areas such as Manila Park and the Arcata Marsh and Wildlife Sanctuary. The Plan does not, however, address the restoration of rail transport around the bay (see Chapter 12.0), and the issue is clearly too speculative to warrant major consideration in this EIR.

In comments regarding the NOP, the City of Eureka expressed a concern that activities authorized under the "Marine Recreation" combining use designation in the Plan might interfere with or be incompatible with activities that the City would like to authorize pursuant to principally permitted industrial uses allowed under the City's Coastal Dependent Industrial land use designation. That is, the City commented that it would be undesirable for the Plan's water use designations (specifically, a recreational preference for uses along the east-side shoreline near the location of the Bayshore Mall) to inhibit or prevent the implementation of the City's zoning and General Plan designations for that area (for coastal-dependent industrial uses).

To assess potential impacts, this assessment uses the threshold of significance convention described earlier in this document. A potential environmental effect is considered to be significant if the proposed policies in the Plan would increase the potential for its occurrence beyond the degree that would exist if the policies were not carried out. The assessment of the effect of the Plan for each particular issue requires a judgment regarding the likelihood that the Plan will lead to actions that will create or exacerbate adverse conditions that would not occur without the Plan. If a reasonable

argument is possible that the Plan's policies would exacerbate a possible adverse condition, or create a new adverse condition that does not occur at the present time, then the effect of the Management Plan is judged to be environmentally significant.

### **13.3 ENVIRONMENTAL EFFECTS OF PROPOSED PLAN AND ALTERNATIVES**

#### **13.3.1 "No Project" (Existing Master Plan)**

The 1975 Master Plan contains background information regarding recreational activities around Humboldt Bay, including discussions of consumptive, natural resource-based recreational activities, such as waterfowl hunting, fin-fishing and crabbing, and sport shellfishing. The Master Plan also contains evaluations of various parks and boat ramps and bay access. The Master Plan document is clearly dated; compared with the described conditions in the early 1970s, recreation areas and facilities around Humboldt Bay at the present time include considerably more public lands and offer more variety, more points of access, and more facilities (including, for example, the District's own operations at Woodley Island). Recreation activities were considered to some extent in the 1975 Master Plan's concept map, in relation to other uses and functions. Recreational uses were among the designated uses under the Master Plan's "Conservation – Water" and "Public Open Space – Land" designations.

The 1975 Master Plan generally promoted many development activities that could be associated with either beneficial or adverse effects on recreation and access, including the development of port-related or water-related industrial uses, service-commercial areas, and public recreation improvements. The plan recommended that public uses of the bay should be "controlled in areas hazardous to ship navigation." The plan recommended development of a number of visitor-serving facilities, including a high-rise hotel in King Salmon, recreational vehicle parks, campgrounds, and scenic vistas. It also promoted the application of public open space designations, increased public access to the bay, additional boat berthing and launching facilities, a public fishing pier, small craft facilities, and public access to the bay through port development.

Whether continued adherence to the existing Master Plan (and Ordinance No. 7) would lead to a higher or lower level of impact to recreation and coastal access than under the proposed Management Plan is difficult to predict and speculative. In a number of ways, many of the impacts would likely be similar. Both the 1975 Master Plan and the proposed Management Plan generally promote increases in recreational facilities and access; in that way, the effects on recreation would be equally beneficial. The proposed Management Plan does include more policies that are aimed at balancing the harbor, recreation, and conservation elements, suggesting perhaps a more balanced approach overall. The plans appear to be associated with a similar potential for associated effects on environmentally sensitive areas. Cumulatively, the recreation features of the 1975 Master Plan may be judged to have slightly higher levels of both beneficial and adverse effects compared with the proposed Management Plan.

In implementing the 1975 Master Plan, the District developed and adopted ordinance No. 7. In a policy sense regarding recreation and bay access, Ordinance No. 7 includes the following elements:

"SECTION 4. PUBLIC ACCESS

“(a) Public access to the bay including launching ramps, recreational sites, scenic vistas, and fishing piers shall be maintained, acquired, and encouraged.

“(b) Obstructions shall not be permitted to be placed bayward of public right-of-ways (sic) that extend to the shoreline.

“... ”

“SECTION 5. RECREATION AND TOURISM

“(a) Efforts to improve and expand facilities and services for tourists, recreationists including motels, hotels, restaurants, recreational vehicle parks, campgrounds, picnic sites, historical and archaeological sites, scenic vistas, fishing piers, launching ramps, and berthing for recreational boats shall be encouraged and supported.

“... ”

“(c) Development of the Humboldt Bay National Wildlife Refuge to include adequate and reasonable facilities and provisions for recreational use shall be encouraged.”

From a policy perspective the specific ordinance provisions regarding recreation are as comprehensive as are the policy elements included in the Draft Management Plan. Thus the EIR concludes that the “no project” plan’s policy focus is adequate to manage recreational activities. The EIR also concludes, however, that the implementation provisions included in Ordinance No. 7 are less beneficial for recreational uses and bayshore access than are the expected implementation efforts that will result from adopting the proposed Humboldt Bay Management Plan.

### **13.3.2 Proposed Management Plan**

As indicated by the goals and objectives in the Recreation section of the Plan (Chapter 4.0), the Draft Plan is expressly intended to have beneficial effects in terms of increased and diversified recreational activities, new and enhanced recreational facilities, improved public access, and long-term planning for recreational lands and opportunities. For the purposes of this assessment, beneficial effects of the proposed Management Plan that may be identified in concept are not discussed in detail, although the Draft Plan’s policies are expected to enhance recreational opportunities and opportunities for access to the shoreline. Instead, the assessment is focused on the potential for the Draft Plan’s policies to exacerbate a possible adverse effect, or to create a new adverse effect that does not occur at the present time, for recreation and access. Adverse effects associated with the implementation of recreation policies on other environmental resources, such as environmentally sensitive habitats, water quality, or cultural resources, are addressed in other chapters of this document as applicable.

The following policies in the Draft Management Plan appear to have some potential for producing adverse effects on the availability, quantity, or quality of recreation sites, opportunities, or public access.

#### Harbor Policies:

- HLU-1: Harbor-related uses shall have priority under this Plan within the portions of Humboldt Bay designated for port-related or harbor-related uses

- HLU-3: Assist in removing potential constraints for marine-dependent or coastal-dependent land uses along the Samoa Peninsula, Fields Landing Channel, Eureka shorelines, and other harbor-related areas
- HLU-4: Assist in removing potential constraints for marine-dependent or coastal-dependent land uses on harbor-related parcels in the South Bay
- HSM-2: Develop standards for new and existing Humboldt Bay shoreline protection
- HSM-5: Require evidence that shoreline protection proposals protect the environment and meet District requirements.
- HSM-6: Require the use of non-structural shoreline protection where feasible and appropriate
- HFA-2: Protect appropriately designated shoreside areas for the development, maintenance, or expansion of commercial fish processing and aquaculture facilities or activities
- HFA-4: Identify additional aquaculture opportunities in Humboldt Bay
- HFA-5: Designate a Preferred Aquaculture Use Area in Arcata Bay, and require Best Management Practices to meet environmental constraints

#### Recreation Policies

- RFA-4: Coastal-dependent industrial and commercial uses may take priority in designated Harbor areas
- RFA-5: Environmentally sensitive areas
- RSA-7: Prohibition of off-highway vehicles on District-controlled properties

#### Conservation Policies:

- CAE-2: Protect and maintain environmentally sensitive habitat areas
- CAS-3: Maintain and enhance habitat for sensitive species
- CEP-3: Revetments, breakwaters, and other shoreline structures may be approved under specified conditions
- CEP-10: Buffer requirements are defined for proposals affecting the Bay and other aquatic ecosystems

#### 13.3.2.1 Bay-Related Recreational Activities

The focus of the Draft Plan on a balancing of uses in the bay means that recreational opportunities are not always maximized by the Plan. Effects potentially associated with the Plan's policies primarily arise as a consequence of having a higher priority given to non-recreation uses in most of the bay. This is particularly true in the areas of the bay designated by the Management Plan for Harbor uses and/or designated by the County, the cities, or the Coastal Commission as reserved for coastal-dependent and/or port-related uses. In such areas, port-related and harbor-related uses would expressly be given priority over recreational uses; consequently, the Plan's management focus means that, should recreational uses not be compatible with industrial and commercial uses, then the recreational uses likely would be precluded.

In anticipating potential land or water use conflicts – situations, for example, where coastal industrial or commercial uses cannot safely co-exist with recreational uses –

the Draft Plan's policies provide guidance to resolve such conflicts, generally in favor of the coastal-dependent industrial or commercial uses. As discussed in the Draft Plan, this approach is generally consistent with the California Coastal Act, which supports a priority for coastal-dependent or coastal-related development over other development.<sup>4</sup> The Coastal Act, however, also supports public recreational opportunities within the Coastal Zone. Similarly, the Draft Plan's policies also promote recreational use of the bay, incorporating such uses into development projects where feasible, and the Plan increases water-oriented recreational opportunities. Therefore, this EIR concludes that the Management Plan does not inappropriately exclude the development of recreation, on balance, and the Draft Plan's policies would not necessarily lead to significant adverse effects on recreation resources. This EIR finds that impacts of the Draft Plan's policies on recreation are less than significant.

#### 13.3.2.2 Shoreline Access and Trails

The policy framework for public access to the shoreline in the Coastal Act is virtually the same as the context for water-based recreation; the Act strongly supports access to the coast (i.e., to the waterline in the bay). As in the preceding subsection, the Draft Plan balances the need for protecting coastal-dependent industrial use opportunities and coastal access. The Coastal Act also explicitly recognizes that too much access may despoil environmentally sensitive resources, and directs the Coastal Commission to carefully weigh potential resource "trade-offs" between access and biological impacts. In addition, the factor of public safety must be included in balancing these policies.

This EIR finds that there is a subtle difference between a policy framework that favors promoting "recreation" in potentially inappropriate areas and a policy focus that protects "access" to the shoreline when such access is a feasible element in a "balanced" use. Based on the comparable, publicly stated policy framework in the Coastal Act that access to the shoreline should be promoted whenever possible, this EIR identifies a potentially significant policy conflict in the Draft Plan, in which policies that protect coastal-dependent industrial uses and environmentally sensitive areas appear to be favored over policies that protect the public's right to reach the water. In order to resolve this conflict, some minor policy adjustments are identified in Section 13.4, which may be added to the Draft Plan to reduce the potential conflict to a less-than-significant level.

A part of the consideration of shoreline access in the Humboldt Bay context concerns the planning policies adopted by other parties. The County of Humboldt has developed a General Plan that identifies a number of access points, and the cities of Eureka and Arcata have done similarly. Other landowners (e.g., the U.S. Fish and Wildlife Service and the Bureau of Land Management) have also adopted planning approaches that include access to the bayshore and/or the water. As noted in the Draft Plan, trail and shoreline access proposals have also been prepared by non-governmental entities.

As is noted often in this EIR, the District lacks the jurisdictional authority to implement policies for any of the parties identified in the preceding paragraph. The

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<sup>4</sup> See, for example, Coastal Act Sections 30255 and 30001.5.

District must presume that the adopted land use plans of the County and the cities, or the plans of the federal and state agencies that own upland shore lands, authorize and provide a legal physical means for members of the public to reach the vicinity of the shoreline. If these upland opportunities exist, then the District, in implementing the Draft Plan, can evaluate the appropriateness of providing access to the water, balancing that goal against other, potentially competing goals. The District can consider ways to provide the water access safely.

This is the essential context of the potential “land use conflict” that was identified in the City of Eureka comment cited above. The District does not control or specify the “upland” land use in the City of Eureka. Should the City not make shoreline access (or recreational uses) feasible with appropriate land uses designations in the City’s adopted planning documents, then the District’s considerations of providing shoreline access along the bay’s shoreline or within the waters of the bay has no effective meaning. The provision of public access to the shore only occurs when the upland land use agency and the District essentially agree that access is appropriate. Therefore this EIR finds that the context identified in the City’s comment will not occur, and the District will not attempt to develop or permit shoreline access that is incompatible with the land use plans of the upland agencies (see additional discussion in Subsection 12.3.2 in Chapter 12.0).

A number of policies in the Management Plan pertaining to shoreline protection could affect public access, including:

- Draft Policy HSM-2, directing the District to develop consistent standards (a “Humboldt Bay Blue Book”) with respect to shoreline improvements;
- Draft Policy HSM-3, directing the District to work collaboratively with the cities, the County, and relevant state and federal agencies to develop shoreline protection guidelines for development;
- Draft Policy HSM-5, authorizing the District to require applicants to demonstrate that shoreline proposals meet the District’s standards and guidelines and protect the environment; and
- Draft Policy HSM-6, directing the use of “non-structural shoreline protection where feasible and appropriate.”

These policies, and others in the Draft Plan, should have minor effects on shoreline access, or none, depending on the specific circumstances of the shoreline being discussed, the adjacent upland conditions, and the reason or purpose for the proposed access. A “hardened” shoreline might be beneficial in terms of access to the shoreline in most of Arcata Bay and South Bay, particularly for activities such as launching kayaks or canoes. A “non-structural” shoreline could, however, be beneficial for waterfowl hunting, and thus might be preferred by hunters and birdwatchers. Such context-specific considerations are best left to future implementation discussions, rather than being speculatively advanced in this EIR.

## **13.4 POLICY CONSIDERATIONS FOR MITIGATING POTENTIALLY SIGNIFICANT EFFECTS**

This assessment finds that reasonably foreseeable implementation actions resulting from the proposed Draft Management Plan would primarily result in beneficial effects to the overall inventory of outdoor recreation sites, activities, and coastal access points. Potentially non-compatible uses – i.e., port-related commercial or industrial uses as well as enhanced recreation and access uses – are both promoted by the Plan; however, the Plan provides policy guidance to help resolve such inherent conflicts. The Draft Plan also contains other self-mitigating elements to help reduce the effects of recreation on other resources, as discussed in other sections of this document. In most subject areas the level of adverse effects for recreational concerns is judged to be less-than-significant and no modifications of proposed policies are identified.

### **13.4.1 Revisions to Shoreline Policies to Consider Shoreline Access**

With respect to the shoreline management policies discussed in section 13.3.2 above, this EIR recommends the following minor amendments (added text in underline):

#### **HSM-2: Develop standards for new and existing Humboldt Bay shoreline protection**

Policy: The District shall develop a consistent set of standards with respect to shoreline improvements (levee protection, levee maintenance programs, culvert replacement policies, etc.), which shall apply for all shorelines of Humboldt Bay. These standards shall include considerations for public access.

#### **HSM-5: Require evidence that shoreline protection proposals protect the environment and meet District requirements**

Policy: Shoreline erosion control projects and the maintenance or reconstruction of existing erosion control facilities shall only be approved where: (a) the project is necessary to protect the shoreline from erosion; (b) the type of the protective structure is appropriate for the project site and the erosion conditions at the site; and (c) the project is properly designed and constructed. The District shall require design documents as part of the application for shoreline erosion-control projects that demonstrate knowledge of the District's requirements and experience in coastal erosion processes. Designs shall demonstrate appropriate consideration for public access improvements.

#### **HSM-6: Require the use of non-structural shoreline protection where feasible and appropriate**

Policy: Shoreline protective projects shall include provisions for nonstructural methods (such as marsh vegetation) where feasible. Along shorelines that support marsh vegetation or where marsh establishment has a reasonable chance of success, the District may require that the design of authorized protective projects include provisions for establishing marsh and transitional upland vegetation as part of the protective structure. Designs shall consider elements to enhance public access, where feasible and appropriate.

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