



STAFF REPORT – CITY COUNCIL MEETING

January 04, 2023

TO: Honorable Mayor and City Council Members

FROM: Emily Sinkhorn, Director of Environmental Services

PREPARER: Emily Sinkhorn, Director of Environmental Services

DATE: December 22, 2022

TITLE: **Adopt Ordinance No. 1562, An Ordinance of the City Council of the City of Arcata Amending the Arcata Municipal Code Title X, Chapter 3, Regulations for Use of the Arcata Marsh and Wildlife Sanctuary, to Update Overnight Time Restrictions; Waive Reading of the Text and Consent to Read by Title Only.**

RECOMMENDATION:

It is recommended that the Council adopt Ordinance No. 1562, An Ordinance of the City Council of the City of Arcata Amending the Arcata Municipal Code Title X, Chapter 3, Regulations for Use of the Arcata Marsh and Wildlife Sanctuary, to Update Overnight Time Restrictions; waive reading of the text and consent to read by title only.

INTRODUCTION:

The Arcata Marsh and Wildlife Sanctuary (AMWS) provides exceptional coastal access and bird watching opportunities for residents and visitors of Arcata. City staff and community members have noted that incompatible overnight uses in the AMWS have increased over the past couple of years which can have detrimental effects on habitat and species in the Marsh. Over the last year City staff have connected with community members and groups such as Friends of the Arcata Marsh, Redwood Region Audubon and Cal Poly Humboldt to discuss effective ways to discourage these incompatible uses, particularly during evening times, and promote positive use of the AMWS. This suggested policy change is one of several actions to protect the City's natural resources at the Marsh while also ensuring positive use of and access to the coast.

The Council introduced Ordinance No. 1562 on December 21, 2022.

BACKGROUND:

The Arcata Marsh and Wildlife Sanctuary provides recreation and nature viewing, coastal and marsh habitat, and wastewater treatment through the Enhancement Marshes. There are numerous access points to the AMWS including for motor vehicles along South I Street and from the South G parking lot at the Arcata Marsh Interpretive Center, as well as via trail access from the Humboldt Bay Trail North, South G Street and South H Street. Currently, motorized vehicle parking and access to the AMWS is restricted from midnight to 4 a.m.

The City installed a gate on South I Street to enable enforcement of the overnight hour restrictions; however, the current closure hours of midnight to 4 a.m. are not consistent with that of the City's other parks and facilities with gates (Arcata Community Center, Arcata Skatepark and Redwood Park), creating a limited ability for APD staff to enforce the current Marsh gate closure hour and sweep through South I Street at midnight.

DISCUSSION:

Often, though not all, incompatible uses in the Marsh are associated with motor vehicles traveling along South I Street. South I Street is a focus for improvements as motor vehicles can traverse 0.75 miles through the AMWS crossing pedestrian trails and wildlife corridors, and there are several larger parking areas where people can gather. Over the past year there have been numerous incidents and reports of high-speed motorized vehicles along South I Street including collisions with wildlife, safety concerns from pedestrians, as well as a car that ran off the road and into McDaniel Slough during early morning hours.

This past year the City has implemented several improvements along South I Street through the Marsh with the intention of increasing both pedestrian and wildlife safety including a gravel walking shoulder on South I Street north of the first parking lot, striped fog lines, additional signage about wildlife crossings and advisory speed limit signage. City staff also propose to install additional speed humps on South I Street north of the first gravel parking lot.

In summer 2022 FOAM volunteers assisted the City in understanding patterns of parked vehicles at the Marsh during evening and early morning hours. Over a hundred observational surveys were conducted documenting the location and number of parked vehicles along South I Street during different hours of the evening and early morning.

The City has the opportunity to provide additional benefits to wildlife and marsh habitat by restricting motorized vehicles during the night time hours. The proposed overnight use time restrictions (one hour after sunset to sunrise) are consistent with other public coastal access areas in the Humboldt Bay region such as Mad River Beach County Park and the Ma-le'l Dunes Unit of Humboldt Bay Wildlife Refuge.

The proposed overnight use time restrictions would be more consistent with the operating hours of the City's other parks (excepting the Plaza in the downtown commercial core). Other City parks and facilities are closed sunset to sunrise. This consistency would better enable APD to patrol through the South I Street parking lots reminding Marsh visitors of the closing hour and close the existing gate to restrict overnight use.

Changing overnight use and motorized vehicle access restrictions would not hinder emergency access or research access. Emergency responders and City staff can open existing gates in an emergency, and pedestrian access for research would not be hindered. Additionally, the Humboldt Bay Trail North, which provides connectivity for non-motorized commuters between Arcata and Eureka, would still be able to be accessed for evening commutes. FOAM and Audubon volunteers voiced that restricting overnight use and opening the AMWS at sunrise should not hinder avid bird watching or wildlife viewing.

The ordinance includes an exception for entrance to the AMWS outside of the time restrictions for special events and special permits authorized by the City which could include events or uses such as the annual Arcata Floating Lantern Ceremony, lectures at the Interpretive Center, research activities or early morning boat launching.

POLICY IMPLICATIONS:

This ordinance to update overnight restrictions at the Arcata Marsh and Wildlife Sanctuary in the Arcata Municipal Code is consistent with City Council goals for Environmental Leadership to support open space and ecosystem function and Resident and Community Health to provide recreation opportunity for all residents

ENVIRONMENTAL REVIEW (CEQA):

Based on the statements and findings outlined in the ordinance and this staff report, City staff have determined this ordinance is exempt from CEQA pursuant to 14 Cal Code Regs. Section 15307 of the CEQA Guidelines, Actions Taken by Regulatory Agencies to Protect Natural Resources, and 14 Cal Code Regs. Section 15308, Actions Taken by Regulatory Agencies to Protect the Environment.

BUDGET/FISCAL IMPACT:

Costs for implementing this policy change are minor as the gate infrastructure on South I Street is already in place. This policy change to bring the overnight restrictions of the AMWS more in line with other City facilities will better enable APD to enforce the AMWS gate closure hour during regular patrols.

ATTACHMENTS:

Arcata Marsh Gate Closure Times Ordinance for 1_4_23 (PDF)