

COASTAL CONSERVANCY

Staff Recommendation

June 29, 2006

**HUNTINGTON BEACH
WETLANDS & WILDLIFE CARE CENTER**

File No. 06-038

Project Manager: Greg Gauthier

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed \$240,000 to the Huntington Beach Wetlands Conservancy to assist in the construction of a new Wildlife Care and Education Building at the Wetlands and Wildlife Care Center in Orange County.

LOCATION: City of Huntington Beach on Pacific Coast Highway at Magnolia Marsh (Exhibits 1 & 2).

PROGRAM CATEGORY: Education and Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Huntington Beach Wetlands Site Map

Exhibit 3: Wildlife Care & Education Building Images

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31409 and 31119 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred forty thousand dollars (\$240,000) to the Huntington Beach Wetlands Conservancy (HBWC) to complete construction of the Wildlife Care and Education Building, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for construction, HBWC shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. Evidence that HBWC has obtained all necessary permits and approvals and adequate funding to complete the project.
 - b. A detailed, final work plan, a project schedule and budget.
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- c. The names and qualifications of any contractors to be used in the completion of the project.
2. HBWC shall enter into an agreement consistent with Section 31116(c) of the Public Resources Code, to protect the public's interest in the constructed improvements at the project site.
3. HBWC shall install and maintain sign(s) on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapters 3 and 9 of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The proposed project will serve greater than local needs.
4. The Huntington Beach Wetlands Conservancy is a nonprofit organization existing under Section 501(c)(3) of the United States Internal Revenue Code, whose purposes are consistent with Division 21 of the California Public Resources Code.”

PROJECT SUMMARY:

Staff recommends authorization to disburse up to \$240,000 to the Huntington Beach Wetlands Conservancy (HBWC) to assist in the construction of the new Wildlife Care and Education Building at the Wetlands and Wildlife Care Center in Orange County.

The Wildlife Care and Education Building will serve as the public access gateway to the Huntington Beach Wetlands (Exhibit 3). This project will expand an existing facility with a 4,200 square foot building that will contain a 2,100 square foot, fully-equipped veterinary hospital and a 1,500 square foot area for educational exhibits, training classes and meetings. The building also will have offices and ADA- compliant restrooms.

The hospital is being constructed to allow visitors an opportunity to observe on-going veterinary care of coastal wildlife. Displays in the exhibit area will depict the human impact to our native wildlife and habitats and the efforts to mitigate them. Students from schools throughout the region will be able to visit the Care Center followed by tours of the Magnolia Marsh immediately south of the facility. The new Wildlife Care and Education Building will increase and improve the capacity of wildlife care and emergency response and will greatly enhance the public access and educational components of the visitor experience.

The HBWC began construction of the Wildlife Care and Education Building in May 2005 with funds from the Wildlife Conservation Board (WCB), local agencies and private donations.

However, the cost of building materials, fuel and labor has increased significantly since this project began in 2000. For example, in 2000 the cost of concrete was about \$32.00 per cubic yard; currently it costs about \$89.50 per yard. To compensate for some of the cost increases, HBWC eliminated all equipment costs and absorbed half the administration costs. Even with these adjustments, an additional \$240,000.00 is needed to complete construction of the Center.

The Wildlife Care and Education Building will be owned and operated by HBWC. HBWC is a California non-profit, tax-exempt public benefit corporation, organized in 1985, whose Board of Directors and membership represent many different occupations and backgrounds. HBWC works with local, state and federal agencies and property owners to acquire, restore and manage coastal wetlands in the Orange County coastal zone. Funding for past projects has come from conservation bonds, state and federal grant funds, private donations and individual memberships.

HBWC owns and manages 93 acres of the Huntington Beach Wetlands, including the 25 acre Talbert Marsh, located between Brookhurst Street and the Santa Ana River along the Pacific Coast Highway. In 1989, the degraded wetlands that are now Talbert Marsh were restored by HBWC with direct tidal access. HBWC also has taken on a regional role, assisting in the restoration of 46 acres at the San Joaquin Marsh in Irvine.

Site Description: The Wildlife Care and Education Building is located at 21900 Pacific Coast Highway at Newland Street adjacent to the Huntington Beach Wetlands near the mouth of the Santa Ana River.

The Huntington Beach Wetlands is a sensitive habitat area that has degraded over time due to isolation from tides, neglect, encroachment, unauthorized access and historic oil exploration and filling. The Huntington Beach Wetlands, once fully restored, will comprise 191 acres of tidal salt marsh consisting of four main wetland areas: Talbert Marsh, Brookhurst Marsh, Magnolia Marsh and Newland Marsh.

Talbert Marsh was successfully restored in 1990 providing habitat for fish, birds and invertebrates. The remaining wetlands are yet to be restored and comprise large parcels of undeveloped relic marshland well-suited for restoration. The wetlands currently function as home to state-endangered Belding's Savannah Sparrow. The federal and state-endangered California Least Tern nests at the mouth of the Santa Ana River channel and makes use of the portions of wetlands that are presently tidal for purposes of foraging. The Huntington Beach Wetlands are part of the Orange Coast River Park, a 1000 plus acres of open space wildlife habitat at the mouth of the Santa Ana River.

Project History: In February, 1990, an oil spill off the coast of Huntington Beach set into motion events that would lead to the creation of the Wetlands & Wildlife Care Center. Following this spill the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act was passed in 1990. This act required the administrator of the California Department of Fish and Game, Office of Spill Prevention and Response (OSPR) to establish rescue and rehabilitation stations for aquatic birds, sea otters, and other marine mammals. This legislative mandate was reaffirmed in 1993 when Senate Bill 775 (Watson) was passed, which established the Oiled Wildlife Care Network (OWCN).

In 1993, HBWC began construction of the Wetlands and Wildlife Care Center and in 1995 it became one of 12 primary care OWCN facilities. In 1995, HBWC received a two hundred thousand dollars (\$200,000) grant to establish an oiled wildlife response facility. The facility was established on property HBWC was leasing from Southern California Edison and the first phase of the facility was completed in January 1998. The Center was opened March 30, 1998 and began accepting sick, injured and orphaned indigenous wildlife. Since 1998, the Center has responded to 16 oil spills and has treated over 16,000 animals. HBWC now owns the project site.

The existing facility includes a 2,250 square foot rehabilitation building and 4,500 square feet of outdoor animal enclosures. The only restroom on the property is inside a temporary office trailer. Training classes and meetings are conducted inside the rehabilitation building or in the office trailer. The need for more space and improved facilities soon became apparent. In 2000 Assemblyman Scott Baugh requested funding to construct the Wildlife Care & Education Building. In 2001 the legislature appropriated six hundred thousand dollars (\$600,000) for the construction of the building. The funds were disbursed by the Wildlife Conservation Board (WCB) and on March 1, 2002, WCB entered into an Agreement with HBWC to undertake the project. Planning, design and permitting of the project took three years and construction began in May 2005.

PROJECT FINANCING:

Coastal Conservancy	\$ 240,000
Wildlife Conservation Board	600,000
City of Huntington Beach	270,000
Private Contributions	545,000
Total Project Cost	\$1,655,000

The anticipated source of Conservancy funds is the fiscal year 2003-2004 appropriation from the Water Security, Clean Drinking Water, Coastal Beach Protection Fund of 2002 (Proposition 50). Proposition 50 requires that a portion of these funds be used for the development of facilities to promote public access and participation in the conservation of land, water and wildlife. Eligible projects under Proposition 50 include nature centers, like the proposed project, that are in or adjacent to watersheds and wetlands and provide wildlife viewing, outdoor experiences, and conservation education programs (California Water Code Section 79571).

Section 79571 gives priority to nature center projects operated by nonprofit organizations that provide educational opportunities to children from urban areas that lack access to such programs. Consistent with these requirements, the HBWC provides facilities for wildlife care, research and education focusing on wetland habitat and coastal resource conservation. The center also provides educational programs for 10 - 15,000 students in kindergarten to grade 12 each year from throughout the Orange County area including students from inland and/or low-income school districts who otherwise might not have access to coastal natural areas and the associated educational programs conducted at the Center.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This proposed project would be undertaken pursuant to Chapters 3 (regarding education projects) and 9 (regarding public access to the coast) of the Conservancy's enabling legislation.

Chapter 3 of Division 21 of the Public Resources Code enables the Conservancy to "undertake educational projects for pupils in kindergarten to grade 12, inclusive, relating to the preservation, protection, enhancement and maintenance of coastal resources," and to "award grants to nonprofit organizations, educational institutions, and public agencies for those purposes." Pub. Res. Code Section 31119(a)(1). The proposed project will house and improve space for the educational exhibits and programs offered at the Wildlife Care and Education Building.

Chapter 9 of Division 21 of the Public Resources Code authorizes the Conservancy' to implement a system of public accessways to and along the State's coastline (Section 31400). Through the proposed authorization, the Conservancy would provide an important public coastal access opportunity for the general public as well as grade school and high school students. Consistent with Section 31400.3, the Wildlife Care and Education Building will provide the public with an enhanced coastal accessway and related functions in order to appreciate the natural areas of the Huntington Beach Wetlands.

Consistent with Section 31400, the proposed project would provide funding to HBWC to complete a facility that provides coastal access and nature interpretation to school children and other visitors. Completion of the center will enhance the quality of public access at Huntington Beach Wetlands and will increase the public's knowledge of important resource protection needs for the ocean and shore.

Consistent with Section 31400.1, the proposed project would help HBWC develop, operate and manage the Wildlife Care and Education Building, a visitor serving facility which meets greater than local needs. As described in the "Project Summary" above, the center will serve school children from throughout Orange County and attract visitors from throughout the State.

Consistent with Section 31400.2, staff recommends approval of this project after evaluating the amount of funding provided by the Conservancy in light of the total amount of available funds for coastal educational/interpretive centers, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority (see "Consistency with Conservancy's Project Selection Criteria & Guidelines" discussion below). The proposed authorization would leverage \$1,415,000 in matching funds from public and private sources.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2 Objective D** of the Conservancy's Strategic Plan, the proposed project will increase coastal recreational opportunities for residents and visitors by enhancing the Wildlife Care and Education Building, a regional environmental education center.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is widespread public support for the Wildlife Care and Education Building from the local community as well as from throughout the region. In addition to financial support, the Wildlife Care and Education Building benefits from an active and large force of volunteers who contribute 15,000 to 20,000 hours of labor to the center each year. The proposed Conservancy grant for the Wildlife Care and Education Building has been specifically endorsed by State Assemblyman Tom Harman, the Orange Coast River Park partner agencies, the Newport Beach Chapter of the Surfrider Foundation, and the City of Huntington Beach. Letters received in support of project are attached as Exhibit 4.
4. **Location:** The proposed project would be located within the coastal zone of the City of Huntington Beach.
5. **Need:** HBWC has already raised \$1,415,000 towards the \$1,655,000 needed for the development of the new Wildlife Care and Education Building. Funding from the Conservancy will close the remaining funding gap and allow the Huntington Beach wetlands Conservancy to complete the construction of the Wildlife Care and Education Building in the summer of 2006. Without Conservancy participation, this project will not be completed.
6. **Greater-than-local interest:** As discussed in the "Project Financing" and "Consistency with Conservancy's Enabling Legislation" sections above, HBWC provides environmental educational programs for school children from throughout Orange County. The Wildlife Care and Education Center also will attract the general public as well. With the completion of the new building, the number of visitors throughout the county is expected to increase.

Additional Criteria

7. **Urgency:** Due to increasing construction materials costs it is urgent that construction proceed now to complete the Wildlife Care and Education Building.
8. **Leverage:** As described in the "Project Financing" section above, Conservancy funds are being matched by \$1,415,000 of other funds. HBWC has raised more that \$815,000 in funds and in-kind services from private individuals and businesses (\$545,000), and local agencies (\$270,000).
9. **Readiness:** The grantee has finalized plans, obtained all necessary permits, raised most of the funds necessary for the project, and completed the majority of construction. As soon as

the final necessary funding is in place, the HBWC will be able to complete construction of the Wildlife Care and Education Building.

10. **Realization of prior Conservancy goals:** The Coastal Conservancy has been actively engaged in funding restoration and public access planning for the Huntington Beach Wetlands and the larger Orange Coast River Park project. Working closely with the Wildlife Conservation Board staff, Conservancy staff have managed the completion of the concept plan for the region which includes the Center. Staff have completed plans for the Orange Coast River Park (April 2002) and the Restoration Plan for the Huntington Beach Wetlands (April 2006). Conservancy staff, through the Wetlands Recovery Project, has further been actively involved in helping to identify and move forward planning and restoration projects for the interconnected open space acres of the Orange Coast River Park of which the Huntington Beach Wetlands is an integral component.
11. **Cooperation:** As discussed under “Support from the Public” in the “Required Criteria” above, fundraising for the proposed project has involved the participation of dozens of individuals and organizations. In addition to financial contributions, HBWC also collaborates with a number of other organizations to develop and run its educational programs and exhibits, including the US Fish and Wildlife Service, and the California Department of Fish and Game.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The City of Huntington Beach Local Coastal Program (LCP) contains objectives and policies consistent with the Wildlife Care and Education Building project. These include: Objective C2.5 -- “Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.” Objective C2.6 “Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.” Policy C2.6.6 -- “Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.” Policy C2.6.7 “Pursue local, State and Federal funding to provide and maintain boardwalks, peripheral trails, interpretive exhibits and other educational facilities in coastal wetlands where compatible.” Objective C3.2 “Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.” Policy C3.2.1 “Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.” Policy C3.2.8 “Promote the implementation of and funding for the proposed Orange Coast River Park concept. The Orange Coast River Park is envisioned as a linkage of public parks (Talbert and Fairview Regional Parks) and private open space lands along and near the mouth of the Santa Ana River, including possible linkages with open space lands located on the inland side of Pacific Coast Highway, between the Santa Ana River and Beach Boulevard in Huntington Beach.” The proposed project will enhance access to coastal resources, increase handicap access to these resources, promote low intensity recreation, provide eventual programming for low income groups, enhance recreational opportunities in the coastal zone and further the concept of the Orange Coast River Park and is therefore consistent with all these listed objectives and policies.

COMPLIANCE WITH CEQA:

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA). On August 10, 2004 the Huntington Beach Planning Commission approved COASTAL DEVELOPMENT PERMIT NO. 03-17/ENTITLEMENT PLAN AMENDMENT NO. 03-02 (Amendment to Conditional Permit No. 92- 1(R)) for the Wildlife Care & Education Building. The Commission found and staff concur that the project is exempt from CEQA pursuant to 14 Cal. Code Regs. Section 15301 (minor alteration of existing public or private structures, facilities).