

**CONSENT ITEMS**

**Agenda Item 5.**

**August 8, 2002**

**Project Synopsis e.**

**HUMBOLDT BOTANICAL GARDENS PUBLIC ACCESS**

COASTAL CONSERVANCY

Project Synopsis e.  
August 8, 2002

**HUMBOLDT BOTANICAL GARDENS PUBLIC ACCESS**

File No. 02-007  
Project Manager: Susan Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$100,000 to the Humboldt Botanical Gardens Foundation to restore a degraded coastal riparian wetland and install public pathways and viewpoints at the Humboldt Botanical Gardens site.

LOCATION: The garden is located four miles south of Eureka on the east side of Highway 101 adjacent to the College of the Redwoods campus in Humboldt County (see Exhibit 1).

PROGRAM CATEGORY: Public Access

ESTIMATED COST:	Coastal Conservancy	\$100,000
	Humboldt Botanical Gardens Foundation:	<u>66,650</u>
	<b>Total Project Cost:</b>	<b>\$166,650</b>

Funding sources: It is expected that Conservancy funding will be derived from Proposition 12 funds specifically appropriated in FY 2000/01 for access projects north of the Gualala River.

The HBGF Board of Directors has resolved to cover any project costs not covered by a grant awarded by the Conservancy (see Exhibit 2).

PROJECT SUMMARY: This authorization would enable the Humboldt Botanical Gardens Foundation (HBGF), a 501(c)(3) nonprofit organization, to provide public access to the coastal resources in the Natural Riparian Area (NRA) at the Humboldt Botanical Gardens site, the restoration and construction of which should commence in late 2002. The NRA project at the gardens' site will be one of the first on the construction schedule and when completed, will provide the first ADA-accessible nature trail to a coastal riparian area in Humboldt County.

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The features that would be funded by a Conservancy grant include construction of an accessible bridge, accessible trails, installation of interpretive signage, fencing a site boundary, providing seating for viewing the panoramic view of south Humboldt Bay and the Elk River Slough, restoring the stream course, and installation of native plants. HBGF will fund site design, site grading and preparation, invasive plant removal and control, and cost sharing for interpretive signage, stream course restoration, and native plant planting.

Once restored, the NRA will be of significant value. It will provide access for the general public to coastal riparian wetlands that are so often located on private lands or on terrain that is not easily accessible to people of all levels of mobility. It will serve as a native wildlife habitat in the Humboldt Bay coastal zone, and it will provide the example and impetus for future additional trails that will expand the visitors' environmental connection from the uplands to the Humboldt Bay National Wildlife Refuge.

The one-acre wedge-shaped NRA project site is located at the northern edge of the garden property line and at the western edge of the garden design layout, within the 44.5-acre Humboldt Botanical Gardens (HBG) site (Exhibit 3). The NRA contains coastal riparian wetlands and uplands that drain to the Humboldt Bay Wildlife Refuge Area at the southern end of the Humboldt Bay. This area is comprised of a natural stream and native riparian plants including willows, flowering currant, and red alders, among others. The NRA has been seriously degraded from years of over-grazing by cattle, and invasion of non-native plant species that have been allowed to propagate by virtue of the degraded stream course (Exhibit 4). The HBGF will maintain and expand the natural collection of the native species and plant additional riparian plant species to increase the diversity. The accessible pathway traversing the NRA will provide additional access to upland views connecting the Gardens to the Bay and beyond (Exhibit 5).

The HBGF began as a small group of people joining together in 1991 with the goal to create several small educational botanical gardens in the region. From this small core group of fewer than 10 people, the HBGF has grown to a membership of approximately 1,000 individual, family, and business members representing over 1,500 people. From the original concept of several small botanical gardens in the Humboldt region, the group's purpose evolved to one of developing a world-class botanical garden. Several factors come together to make this dream a reality: a lovely site on which the gardens will be situ-

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ated; a climate bordering between Mediterranean and Pacific Maritime allowing a very diverse group of plants to thrive; vast local interest and enthusiasm; and successful fundraising efforts.

In 1995, the HBGF entered into a 67-year lease for the use of 44.5 acres on the College of the Redwoods property. The lease includes options for renewal that would perpetuate the gardens for generations to come. The HBGF has put foresight and commitment into its vision for this project. To date the HBGF has raised cash and/or in-kind services donations equaling more than half of the anticipated 4.6 million dollars needed to develop the entire HBG site. Realizing the rare opportunity to not only restore a coastal riparian wetland to its native state but to also provide for access to a natural coastal riparian wetland and its connection to the Humboldt Bay, HBGF approached the Conservancy to assist with the funding for this unique project. Conservancy staff met with HBGF in November 2001 and toured the site in December to observe the project site and its close tie-in to the Bay, and to evaluate the potential this project presents to include Bay resources in the mostly upland botanical gardens.

Botanical gardens have a lead role, nationally and internationally, in research and education about conservation of biological diversity. Visitors to the HBG will have the opportunity to learn more about coastal riparian wetlands systems and their value by interpretive educational materials to be installed in the NRA. Further, HBGF has developed initial education and museum partnerships with environmental government agencies, educational institutions, and regional museums for research and program development, and for delivery of public educational interpretive information, including: Redwood National and State Parks; Humboldt Bay National Wildlife Refuge Complex; University of California Cooperative Extension; College of the Redwoods; Humboldt State University, Department of Biological Sciences; Humboldt County Office of Education; Discovery Museum; Humboldt State University Natural History Museum; Humboldt Arts Council; and Humboldt State University Art Department.

The Humboldt Region is rich with plant life and is home to magnificent local, state, and federal parks that preserve the ecology of native species in their environment. But nowhere in the region is there a botanical garden and a NRA which provide opportunities for the public to observe and learn about coastal plant species and habitats in a scientifically structured setting that is beautiful as well as educational.

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Staff therefore recommends that the Conservancy authorize disbursement of funds to the Humboldt Botanical Gardens Foundation to develop the Natural Riparian Area within the Gardens' site to provide public access to this sensitive coastal resource area, thereby connecting the visitors' experience and enjoyment of the gardens with the bay environment.

**PROJECT SUPPORT:** More than 60 letters of support have been received for this project, which has the support of State Senator Wesley Chesbro, State Assemblywoman Virginia Strom-Martin, U.S. Congressman Mike Thompson, several local (county and city) agencies, local professional and volunteer organizations, and several private citizens. Letters of support are attached as Exhibit 6.

#### CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Sections 31400 *et seq* of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy funding would help restore a degraded coastal riparian wetland area to a thriving ecosystem with pathways and viewpoints that provide public access to this resource, and an interpretive link between the riparian and bay ecosystems. The NRA access system will also lay the framework for the development of future trail systems from the Gardens to the Bay, providing a further physical human link between the two interwoven systems. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Consistent with Section 31400.1, the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes if the subject accessway will serve greater than local needs. As with many of the other recreation areas in Humboldt County, and with other conservancy supported projects like the Mendocino Botanical Gardens, domestic and international visitors will be drawn to Humboldt County to see these gardens for personal enjoyment or educational purposes, as is evidenced by the strong support from the educational organizations.

The proposed funding authorization is also consistent with Public Resources Code Section 31400.2, which provides that the Conservancy may provide up to the total cost of the initial development of public accessways by any nonprofit organization, as provided in Section 31400.1. HBGF is providing 40 percent of the cost of this project and has resolved to provide any additional funds necessary to complete the project.

The public interest in this project will be protected through agreements with the nonprofit organization pursuant to Public Resources Code Section 31116.

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**

**Promotion of the Conservancy's statutory programs and purposes:** As indicated above, the project will help to establish a system of public access to and along the coast and to important coastal resources.

**Consistency with purposes of the funding source:** Funding for this project would come from Proposition 12 funds specifically appropriated in FY 00 for access projects north of the Gualala River. These funds may be used for parks and resource improvements pursuant to Division 21 of the Public Resources Code.

**Support from the public:** This project has extensive support from legislators, government agencies, and the local community, as noted in the "Project Support" section above. (Exhibit 6).

**Location:** The proposed project is located four miles south of Eureka on the campus at the College of the Redwoods. The site, located within the coastal zone, and having a stream course that drains to the Humboldt Bay National Wildlife Refuge, will provide access to coastal resources via a physical environmental connection to the stream course and its natural interaction with the wildlife refuge on the Bay, view connections to the bay from the Gardens (by way of the accessible pathway and benches in the NRA), and interpretive connection via informational signage in the NRA. Development of the project thus will directly benefit access to and along coastal resources.

**Need:** The HBGF has successfully raised, or has identified sources for, the development and construction of the botanical gardens. The potential for development of the NRA was identified late in the design stages when previous donations and future awards had already been earmarked for other specific areas of the gardens. HBGF does not have funding to cover the entire cost of developing and improving coastal access in the NRA. Conservancy funding will make this project a reality. HBGF has committed to cover any costs for the NRA beyond the grant money provided by the Conservancy.

**Greater-than-local interest:** The natural resources of Humboldt Bay, and the surrounding areas, attract local and distant domestic, as well as international, visitors. A botanical garden on the scale that is proposed for the HBG would be another attraction in the long list of resources in the Humboldt Region, and would certainly attract botanists from far and wide. The NRA and the access to coastal resources provided by the project would attract tourists and botanists alike to experience the resource, and to learn more about the sensitive ecosystem through interpretation provided by the Gardens.

#### **Additional Criteria**

**Resolution of more than one issue:** This project will have combined results of restoring a perennial stream course and coastal riparian environment and providing public access to this coastal resource. Additionally, the completion of the trail to and through the NRA will set the foundation for the development of future public access trail systems within and from the gardens to the Humboldt Bay National Wildlife Refuge, thus increasing public interaction and enjoyment of the coastal resources of the southern Humboldt Bay.

**Readiness:** The HBGF has been developing the vision for the Gardens for several years, and has coordinated significant fundraising and in-kind donations to coincide with the permitting and construction schedule for the gardens. Because the NRA will remain natural, it can be completed early in the schedule. As such, HBGF has identified people with the expert knowledge and skills necessary for its success. Volunteers and consultants stand ready to begin the work.

**Cooperation:** HBGF has had significant success in its fundraising efforts for the whole Gardens, and has received several generous offers of in-kind contributions. As a result of those efforts and cooperative planning, HBGF will contribute more than \$66,000 (or 40 percent) toward the total cost of the NRA

Exhibit 3: August 8, 2002 Staff Recommendation

project. Additionally, the Board of Directors of HBGF has resolved to cover any additional costs not covered by the grant provided by the Conservancy. (refer to Exhibit 2)

**Time to Completion:** Based on the anticipated permitting and construction schedule, HBGF anticipates that activities to begin restoring the NRA will commence this year; the project would be open to the public in 2003.

CONSISTENCY WITH  
THE COASTAL ACT:

The proposed project is consistent with and will facilitate the implementation of Coastal Act Sections 30210, 30213, 30223, and 30251, as follows:

Section 30210 states in relevant part: “. . . 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 over-use.”

Section 30213 states in relevant part: “Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.”

Section 30223 states: “Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.”

Section 30251 states in part: “The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.”

The Humboldt Botanical Gardens Foundation’s development of public access through the Natural Riparian Area will take the public through a sensitive coastal resource, provide interpretive information to connect their experience to the Humboldt Bay, and provide view access to the Bay and beyond. The Gardens will be available to public through low-cost entry fees and/or memberships. Seniors and children will pay reduced entry fees, school groups will pay a lower group rate, and at least one day per month the entrance fees will be waived. The NRA will be maintained on an ongoing basis for the life of the Gardens. HBGF has a 67-year lease with the College of the Redwoods; the lease has provisions for long-term renewal of the lease duration. Development of this project will secure public access, enable recreation, and protect coastal scenic and visual qualities. Public access to and along coastal resources will be

provided for, as will lower-cost recreation activities (such as walking and viewing native flora, birds, and other wildlife).

CONSISTENCY WITH  
LOCAL COASTAL  
PROGRAM POLICIES:

The Humboldt Bay Area Plan and its supporting zoning regulations form the Local Coastal Program (LCP) for the project area. Humboldt County's LCP consists of an integrated system of Land Use Plan (LUP) and Implementation Plan (IP) documents. The Humboldt County LCP policies, which address resource protection and public access issues, are extensive.

Section 3.30.B.8.g of the Humboldt Bay Plan is relevant regarding the LCP policies concerning protection of natural resources, including coastal streams, riparian vegetation, and Marine Resources (Section 3.30) and states, in part:

“Natural drainage courses, including ephemeral streams shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat. . . .”

Restoring the NRA site on the HBG from an over-grazed, highly degraded stream course to a rich healthy natural riparian state will provide protection and maintenance for this sensitive area for generations to come. It will provide important habitat for species that rely on riparian corridor for cover and food, and will ensure that water quality draining from this perennial stream to the Humboldt Bay National Wildlife Refuge will be high quality.

Section 3.50 of the LCP discusses Access and includes an inventory of access points around the Bay including the Hookton Slough Dike area, which is a part of the Humboldt Bay Wildlife Refuge. The following recommendation is made at 3.50.C.106:

“. . . preparation of a management plan for the refuge . . . should provide for public assess to the refuge for hiking, . . . and other passive recreational pursuits.”

The perennial stream that passes through the NRA is integrally tied to the Refuge, in that the stream is part of the drainage system feeding the Bay at the Refuge. Providing access to this stream area will set the foundation for future access to the Refuge through a system of trails that will lead to the Refuge. Additionally, the viewpoints within the NRA will provide expansive access to the Refuge and the Bay beyond.

COMPLIANCE

WITH CEQA: Humboldt County, as the lead agency for the HBGF project under the California Environmental Quality Act (CEQA), prepared a CEQA Initial Study and proposed Negative Declaration (Exhibit 7). The State Clearinghouse circulated the document for a 30-day public comment on May 1, 2002. The state received no comments during the comment period that ended on May 31, 2002. On July 18, 2002, the Humboldt County Planning Department adopted the negative declaration and the garden master plan (Exhibit 8).

The initial study identified some potential environmental impacts, all considered to be of less than significant impact, and consisting of dust and noise from the initial site grading, and potential sedimentation impact to surface drainage water bodies. Based on the short duration of the activities, and the ultimate re-vegetation of the property, the impacts are not expected to be cumulative nor significant. Mitigation measures that are consistent with generally acceptable construction practices are proposed to control the impacts of these activities. Conservancy staff has reviewed the Initial Study, Negative Declaration and recommends that the Conservancy, as a responsible agency under CEQA, concur that there is no substantial evidence that the project will have a significant effect on the environment. Staff will file a Notice of Determination upon approval of the project.

*NOTE: Exhibit 6, approximately 70 pages of support letters, and Exhibit 7, the Negative Declaration adopted by the County of Humboldt on July 18, 2002 not attached."*

Exhibit 3: August 8, 2002 Staff Recommendation

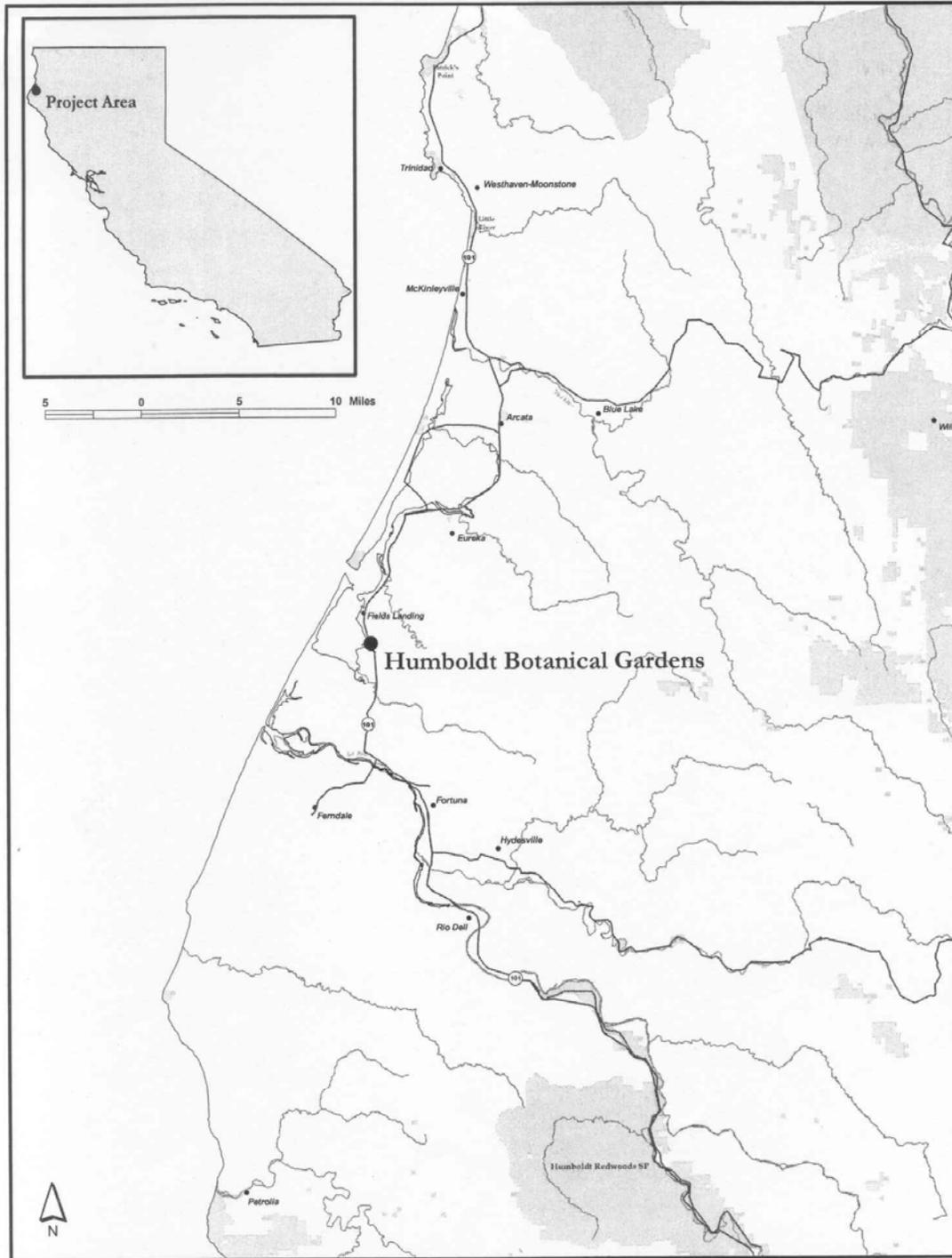


Exhibit 1

5E-10



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HUMBOLDT BOTANICAL GARDENS FOUNDATION

16 January 2002

Ms. Susan Corbaley, Project Manager.  
California Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Dear Ms. Corbaley:

The Board of Directors of the Humboldt Botanical Gardens Foundation unanimously adopted the following resolution on January 15, 2002:

*Resolved: The Humboldt Botanical Gardens Foundation will fund that portion of the cost of restoring the Natural Riparian Area that is not funded by the California Coastal Conservancy.*

We understand that further refinement of this resolution will occur if funding is awarded and such resolution would be part of the contractual agreement between the California Coastal Conservancy and the Humboldt Botanical Gardens Foundation.

Sincerely,

A handwritten signature in cursive script that reads "Larry E. Moss".

Larry E. Moss  
President  
Humboldt Botanical Gardens Foundation

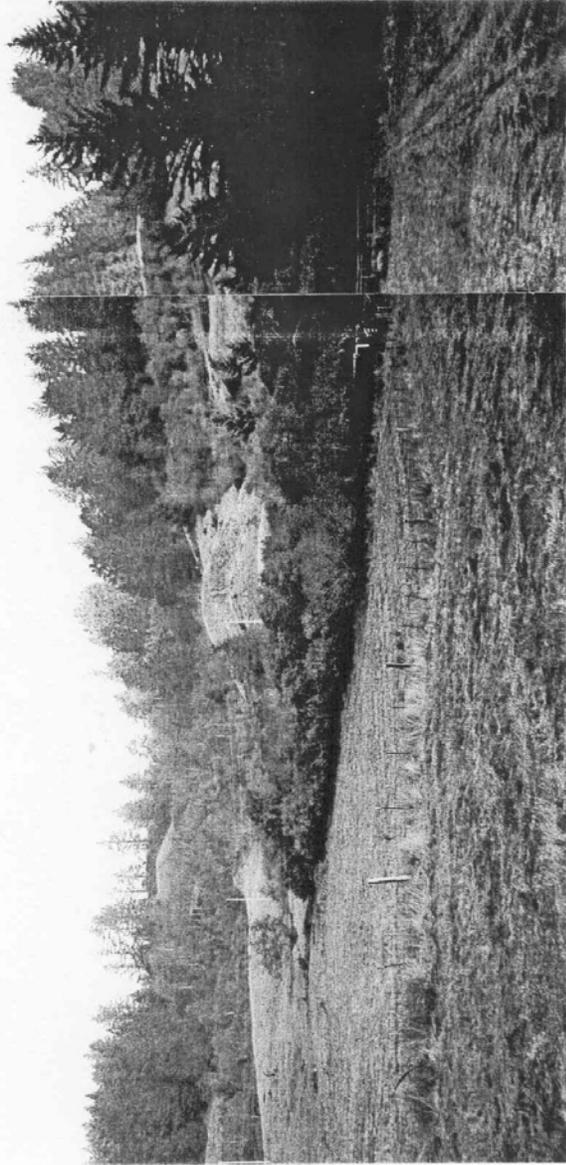
cc: Karen Angel, Executive Director for Garden Development, HBGF

Exhibit 2

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5E-11





Humboldt Botanical Gardens – Site for development of Natural Riparian Area (NRA)

Exhibit 4

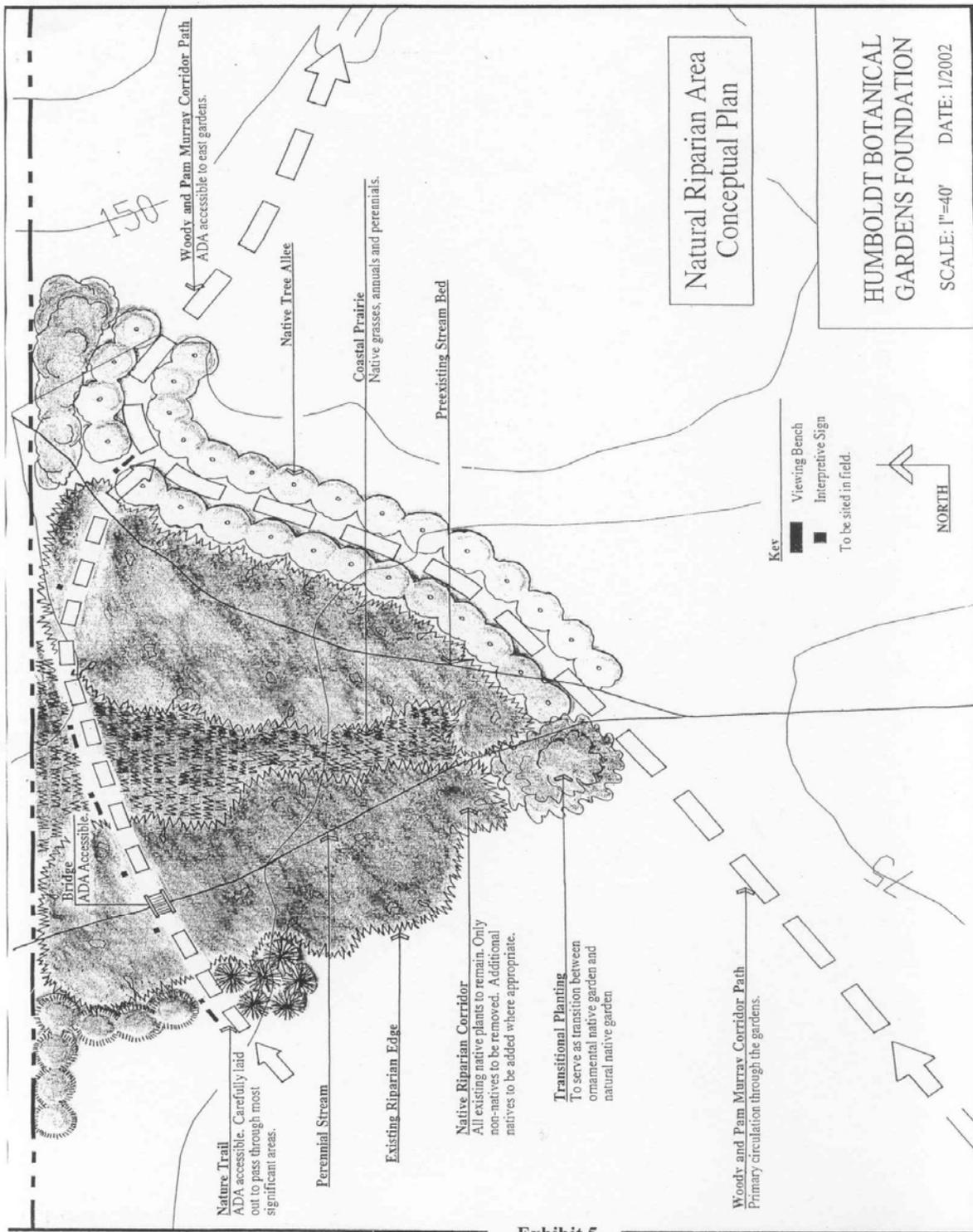


Exhibit 5  
5E-14

**EXHIBIT 6**

**Letters of Support**

*Not attached.*

**EXHIBIT 7**

**Humboldt Botanical Gardens  
CEQA Initial Study and Negative Declaration**

*Distributed to Board Members only*

*Not distributed or attached.*

**EXHIBIT 8**

**County Planning Commission Resolution  
Adopting CEQA Negative Declaration and Garden Master Plan**

Exhibit 3: August 8, 2002 Staff Recommendation

Humboldt Botanical Gardens

APN 307-051-13 (Eureka area)

Case No: CDP-01-66/SP-01-61

RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 02-53

**MAKING THE REQUIRED FINDINGS FOR AND CONDITIONALLY APPROVING THE HUMBOLDT BOTANICAL GARDENS FOUNDATION APPLICATION FOR A COASTAL DEVELOPMENT PERMIT AND SPECIAL PERMIT FOR A BOTANICAL GARDENS FACILITY: CASE NUMBERS CDP-01-66 / SP-01-61; FILE NO.: APN 307-051-13.**

**WHEREAS**, Humboldt Botanical Gardens Foundation submitted an application and evidence in support of approving a Coastal Development Permit and Special Permit for a botanical gardens; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Department has prepared a Mitigated Negative Declaration included in Attachment 3 of the Planning Division staff report; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the Coastal Development Permit and Special Permit for the proposed project (Case Number CDP-01-66/SP-01-61);

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the Planning Commission that:

1. The Planning Commission approves the Mitigated Negative Declaration included as Attachment 3 of the Planning Division staff report as required by Section 15096 of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment.
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number CDP-01-66/SP-01-61 based on the submitted evidence.
3. The Planning Commission approves the Coastal Development Permit applied for as recommended and conditioned in the Planning Division staff report for Case Number CDP-01-66/SP-01-61.

Adopted after review and consideration of all the evidence on July 18, 2002.

The motion was made by COMMISSIONER GEARHEART and seconded by COMMISSIONER HANSIS.

AYES: Commissioners: GEARHEART, HANGER, HANSIS, & HERMAN

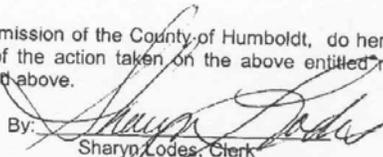
NOES: Commissioners: NONE

ABSTAIN: Commissioners: EMAD

ABSENT: Commissioners: MURGUIA & SMITH

I, Kirk Girard, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Kirk Girard, Director of Planning and Building

By: 

Sharyn Lodes, Clerk

Last Day to appeal to the Board of Supervisors: AUGUST 1, 2002 (with the Planning Division).

**THIS PROJECT IS NOT EFFECTIVE UNTIL ALL APPEAL PERIODS HAVE ENDED.**