

COASTAL CONSERVANCY

Staff Recommendation
November 10, 2011

BORDESSA RANCH CONSERVATION AND PUBLIC ACCESS EASEMENT ACQUISITION AND ACCESS PLAN

Project No. 11-026
Project Manager: Lisa Ames

RECOMMENDED ACTION: Authorization to disburse up to \$650,000 to the Sonoma County Agricultural Preservation and Open Space District to acquire conservation and public access easements over the 495-acre Bordessa Ranch property on the Estero Americano in western Sonoma County, and authorization to disburse up to \$50,000 to Sonoma County Regional Parks Department to develop a public access plan for the property.

LOCATION: Three miles northwest of the town of Valley Ford, Sonoma County (Exhibit 1)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Project Photos](#)
 - Exhibit 3: [Upland Habitat Goals Biodiversity Portfolio Report](#)
 - Exhibit 4: [Project Letters](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$650,000 (six hundred fifty thousand dollars) to Sonoma County Agricultural Preservation and Open Space District (“SCAPOS”) for the purpose of acquiring conservation and public access easements over the 495-acre Bordessa Ranch Property (Sonoma County Assessor’s Parcel No. 026-030-011). The State Coastal Conservancy further authorizes disbursement of an amount not to exceed \$50,000 (fifty thousand dollars) to Sonoma County Regional Parks Department (“SCRPD”) to conduct resource assessment studies and prepare a public access plan for the Bordessa Ranch Property. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition, SCAPOS shall submit

for review and approval of the Executive Officer of the Conservancy (the “Executive Officer”):

- a. All relevant acquisition documents, including, without limitation, appraisals, environmental assessments, title reports, purchase agreements, conservation easement, public access easement, escrow instructions and documents of title.
 - b. A Baseline Conditions Report and a Monitoring and Reporting Plan.
 - c. Documentation that all other funds necessary to the acquisition have been obtained.
2. The purchase price of the conservation and public access easements shall not exceed fair market value, as established in appraisals approved by the Executive Officer.
 3. The easement interests acquired under this authorization shall be managed and operated in a manner consistent with the purposes of natural resource protection, public access, open space preservation and limited agricultural use.
 4. SCRPD shall develop a public access plan within two years of SCAPOSD acquiring the conservation and access easements. Prior to the disbursement of funds to the SCRPD for planning and resource assessment, the Executive Officer shall approve in writing a work plan, including budget and schedule, and any contractors proposed to be used.
 5. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement of which has been reviewed and approved by the Executive Officer.”

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 project is consistent with the current Project Selection Criteria and Guidelines, updated by the Conservancy on June 4, 2009.
 2. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.”
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PROJECT SUMMARY:

Staff recommends the Conservancy authorize the disbursement of up to \$650,000 to the Sonoma County Agricultural Preservation and Open Space District (“SCAPOSD”) to acquire conservation and public access easements over the 495-acre Bordessa Ranch, located adjacent to the Estero Americano in southern Sonoma County. In addition, staff recommends the Conservancy authorize the disbursement of up to \$50,000 to the Sonoma County Regional Parks Department (“SCRPD”) to conduct resource assessment studies and develop a public access plan for the property. By acquiring easements and developing an access plan, this project will preserve and enhance habitats for sensitive and endangered species, allow controlled grazing,

and provide opportunities for appropriate public access and recreation. Bordessa Ranch borders the Estero Americano, a scenic and biologically diverse coastal estuary in Sonoma County. The Estero Americano is designated critical habitat for steelhead trout by NOAA Fisheries Service, is identified by the California Department of Fish and Game as containing some of the most significant habitat areas in the state, and is listed as an impaired water body by the State Water Resources Control Board due to historic land uses. While longstanding land use patterns of continuous agricultural operations in the watershed have preserved large tracts of open space and critical habitat for wildlife, erosion and agricultural runoff are impacting the natural resources values of the Estero and its tributaries. This historic land use pattern has also provided very limited public access and recreational opportunities to experience the estuary.

Current ownership of the Bordessa Ranch is divided between the Bordessa brothers and their cousins. The Bordessa brothers would like to preserve the open space, agricultural and natural resource values of the property and open up the area for public access consistent with protecting the sensitive resources on the site. The SCAPOSD's purchase of the conservation and access easements will enable the Bordessa brothers to buy out their cousins' interests in full and prevent the ranch from being developed into three private estates, the maximum density allowable by local zoning laws.

With the acquisition of conservation and public access easements over the 495-acre Bordessa property the SCAPOSD will immediately prevent inappropriate development of the parcel. The conservation easement will include provisions to permanently protect the conservation values of the property including the sensitive natural resources, habitat connectivity between the Estero and adjacent open grasslands, open space and scenic views, and agricultural resources. The conservation easement will designate as "Forever Wild" a 138-acre area that includes sensitive habitat for American badger and burrowing owls, to protect it in perpetuity from potential disturbances caused by grazing, recreation or allowable building on the property. The conservation easement will require the landowners to complete a rangeland management plan (RMP) that integrates natural resources protection goals with cattle grazing for the remainder of the property. The RMP will be prepared in consultation with a certified rangeland manager, the SCAPOSD and Conservancy staff and will govern the landowners' management of the property. The landowner will retain the right to repair the existing residence and the right to improve the agriculture-related outbuildings on the property in accordance with the conservation values defined in the conservation easement. The public access easement will include provisions to allow for recreation and education opportunities on the ranch while protecting the natural resource values of the property. While still in draft form, the proposed easements will comply with the easement standards adopted by the Conservancy on May 24, 2007 (the "easement standards"). In particular, the easements will require that a baseline report and monitoring plan that are consistent with the easement standards be prepared and approved by the Conservancy prior to close of escrow, and the easements will contain all essential provisions required by the easement standards. SCAPOSD will provide copies of all management and monitoring plans and monitoring reports to the Conservancy.

The SCRPD intends to develop a public access plan that will include revegetation of native shrubs and trees in the riparian zones and appropriate recreational and educational uses such as docent-led tours, hiking, nature study, bird watching, picnicking, outdoor education, scientific

research and observation. The plan will evaluate seasonal access based to the Estero Americano for kayaking and canoeing. SCRDP's planning effort will include resource assessment studies to determine trail alignment with the least impact on the site's sensitive resources.

SCAPOS has partnered with the Conservancy on a number of Sonoma County resource conservation and public access projects and is uniquely qualified to carry out this easement acquisition. SCAPOS has a respected working relationship with the farming and resource conservation communities in the Estero Americano watershed and maintains ongoing stewardship obligations for over 140 conservation and agricultural easements in Sonoma County. SCAPOS receives significant annual funds from a ¼ percent county sales tax to ensure it carries out these long-term stewardship obligations. Joint projects the SCAPOS has done with the Conservancy include: fee title acquisition of Sonoma Mountain, Poff (Wright Hill Ranch), Montini, Roche Ranch, Skiles, Willow Creek, Saddle Mountain, and Tolay Lake; the North Slope and the Laguna de Santa Rosa trail projects; and helping to fund the Sonoma Land Trust's acquisition of both the Estero Americano Preserve and the Jenner Headlands.

SCRDP operates a vast network of parks and public access trails throughout the county of Sonoma and hosts over 2 million visitors along its spectacular coast each year. SCRDP has worked on a number of coastal planning and implementation projects with Conservancy support, including the Bodega Bay Pedestrian and Bike Trail and the Timber Cove Coastal Trail Feasibility Study. SCRDP has collaborated with SCAPOS on several acquisition and trail projects including Tolay Lake.

Site Description:

Bordessa Ranch lies between a rural stretch of Scenic Highway 1 and the Estero Americano estuary (Exhibits 1 and 2). The Estero Americano is a coastal estuary at the base of Americano Creek; the watershed area is approximately 49 square miles. Land use within the watershed is primarily dairy operations, beef and sheep grazing, and rural residences. The estuary extends from approximately one mile east of the town of Valley Ford westward to the Pacific Ocean where it empties into Bodega Bay at the north end of the Gulf of the Farallones National Marine Sanctuary.

Estero Americano is also located in the heart of the Pacific Flyway. The mudflats, open water and extensive marsh area of the estuary provide seasonally important foraging habitat for migratory waterfowl and shorebirds, and resident long-legged wading birds. It provides potential rearing habitat for two federally-listed endangered fish species, the tidewater goby and winter-run steelhead trout. Other special-status species include the Northwestern pond turtle, Myrtle's silverspot butterfly, the California red-legged frog, and the tricolored blackbird. The California Department of Fish and Game has identified the Estero Americano as containing some of the most significant habitat areas in the State because of these special-status species inhabitants (CDFG 2005 California Natural Diversity Database). The estuary also received critical habitat designation for steelhead trout by NOAA Fisheries Service (NOAA, 2005 "Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California; Final Rule" (50 Code of Federal Regulations Part 226; Federal Register v. 70 no.170). The 2002 California Water Quality Assessment Report

published by the State Water Resources Control Board listed the estuary and its main tributary, Americano creek, as impaired water bodies due to nutrient pollution and sedimentation/siltation from agricultural uses.

Bordessa Ranch is located on the segment of the estuary extending from Valley Ford to the ocean that is virtually without public access or visibility from public roads. The property affords spectacular views of the unique, fjord-like Estero Americano (Exhibit 2). It is currently used for occasional, uncontrolled cattle grazing. Habitats on Bordessa Ranch comprise coastal prairie, coastal scrub and riparian, including habitat for the threatened California red-legged frog. Two creeks with sensitive riparian habitat and no fencing flow south through the property to the estuary. There are numerous active American badger burrows, which provide habitat for burrowing owls; both are species of special concern. The owls occupy the burrows from early fall through the end of January. The property provides foraging resources for other species of birds, including raptors and sea birds.

The Bay Area Upland Habitat Goals project rates the property as highly suitable for conservation in the coastal grassland region and designates Estero Americano as a priority stream conservation target (Exhibit 3).

Project History:

The Bordessa brothers contacted SCAPOSD in the fall of 2010 seeking assistance to resolve a long-standing dispute over the future use of the family ranch. Ownership of the ranch is divided between the Bordessa brothers who would like to keep the ranch in open space and agricultural use and their cousins who would like to sell the property for development into three private estates, the maximum density allowed under current zoning for the site. With the proceeds from the sale of the conservation and public access easements, the Bordessa brothers will be able to buy the 495-acre ranch in its entirety and realize their conservation goals. The SCAPOSD accepted the project into its acquisition program in October 2010 and has since conducted a site assessment and has also funded an on-going, detailed bird survey of the property. Based on the site assessment and preliminary surveys, the SCAPOSD recommended uses for the property that have been incorporated into the proposed conservation and public access easements. The easements will prevent inappropriate development, allow the landowners to conduct controlled cattle grazing, and open the land for public access use appropriate to the sensitive resources on the site. For financial reasons, both the Bordessa brothers and their cousins require that the easement sale be completed by the end of 2011, or they will pursue marketing the property as three private estate parcels.

The SCAPOSD and Conservancy staff approached the SCRPD in September 2011 to gauge their interest in developing the public access component of the project. The SCRPD agreed to participate immediately. SCAPOSD's experience with acquisition and property management combined with SCRPD's experience with developing and managing trail systems throughout Sonoma County promises to result in a successful collaboration.

The Coastal Conservancy has been involved in planning and restoration efforts in the Estero Americano estuary and watershed since 1987. The Conservancy's involvement has included funding the Sonoma County Coastal Wetland Enhancement Plan in 1987, the Estero Americano

Ranch Implementation Projects, Phases I & II in 2004-2006, the Estero Americano Preserve Enhancement Project in 2005, the Estero Americano Watershed Management Plan in 2007, and the Estero Americano Dairy Enhancement Project in 2008. Because historic land use activities throughout the watershed have contributed excessive amounts of sediment and pathogens to the Estero Americano thereby degrading its water quality and sensitive habitats, these projects have focused on identifying and treating the sources of these pollutants.

In addition to integrated management planning and implementation, the Conservancy has participated in land conservation efforts in the Estero Americano watershed. In 1997 and 2001, the Conservancy partnered with the SCAPOSD and the Sonoma Land Trust (SLT) to purchase the 127-acre Estero Americano Preserve, now owned and managed by the SLT. SLT conducts guided educational tours of the Preserve which is located west of the Bordessa property. Along with kayakers entering the estuary at Valley Ford during high tides, these educational tours are the only existing opportunities available to the public to experience the estuary.

PROJECT FINANCING

Coastal Conservancy	\$700,000
SCAPOSD	<u>\$700,000</u>

Total Project Costs	\$1,400,000
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In addition to the purchase price contribution from SCAPOSD, SCAPOSD has provided or will provide in-kind services that include: staff and attorney time; appraisal services by an independent state-certified appraiser; a comprehensive baseline document for the property completed by a qualified consultant; and a bird survey which will be completed during five site visits throughout the coming year by a qualified licensed biologist with extensive knowledge of avian species. These services are estimated to be a minimum of \$85,000. Additionally, SCAPOSD will pay all escrow closing costs, which run between \$5,000 to \$10,000. Finally, SCAPOSD will have an obligation to monitor the property annually and enforce the terms of the conservation easement.

Staff expects to use funds appropriated to the San Francisco Bay Conservancy Program in fiscal year 2009/10 from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). This funding source may be used to carry out projects, like this one, pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code section 75060(c).

Proposition 84 requires that for acquisition projects that protect natural resources, the Conservancy assess whether the project meets criteria specified in Section 75071. The proposed acquisition satisfies three of the specified criteria: the project will contribute to long-term protection of and improvement to the water and biological quality of a stream within a "priority watershed," the project supports a relatively large area of under-protected coastal prairie habitat; and the project is supported by matching funds. Finally, as required by Section 75071(f), Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy's website an explanation as to how the proposed acquisition meets the criteria of that section.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with the provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, which authorizes the Conservancy to award grants in the nine-county San Francisco Bay Area to help achieve stated goals. Specifically, the proposed project, located in coastal Sonoma County, supports the achievement of the goals as stated in more detail below.

Section 31162(a) authorizes the Conservancy to improve public access in a manner that is consistent with the rights of private property owners and will not have a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. The proposed project will improve public access, has a willing seller, and will be sited and designed to avoid adverse impacts to agricultural operations and environmentally sensitive areas and wildlife (see “Project Description” section for additional information).

Section 31162(b) authorizes the Conservancy to award grants to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas and other open space resources of regional importance. The proposed project will protect and restore the regionally important natural resources and habitat through the acquisition of an easement over the Bordessa Ranch for permanent conservation and the subsequent fencing of riparian areas and revegetation measures.

In addition, the project satisfies all of the five criteria for determining project priority under Section 31163(c), as follows: 1) the project is fully consistent with and supported by adopted local plans, including the *Sonoma County Local Coastal Plan and the 2020 Sonoma County General Plan* as described in the Consistency with Local Coastal Program Policies below; 2) the project serves a multi-jurisdictional constituency, since it will preserve open space and scenic areas for the enjoyment of both local residents and visitors who come from across the region and the nation to the project area; 3) the project can be implemented in a timely fashion: once funded, the easement acquisition is expected to occur within six months, and the access plan completed within two years; 4) in the event the project is not implemented promptly, the opportunity for completion of the purchase of the property and the associated grant of the easement may be lost and potential development could occur; and 5) the Conservancy funding for the easement acquisition is matched by SCAPOSD.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 4, Objective A**, the proposed project will protect up to 495 acres of a significant coastal and watershed resource area thereby contributing to landscape-level conservation of the sensitive species communities and the scenic and low impact recreational resources of the property.

Consistent with **Goal 10, Objective D**, the proposed project will protect uplands wildlife habitat, a connecting corridor, a scenic area, and other open-space resources of regional significance in western Sonoma County, one of the nine Bay area counties.

Consistent with **Goal 11, Objective C**, the proposed project will increase the amount of land accessible to the public by developing up to two trail corridors across 495 acres of privately

owned property adjacent to the Estero Americano.

Consistent with **Goal 12, Objective B**, the proposed project will increase by approximately 350 acres the acreage of rangeland protected in the nine Bay Area counties.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, 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:** This project is supported by organizations and elected officials as evidenced by the letters of support in Exhibit 4.
4. **Location:** The proposed project is located in Sonoma County, one of the nine Bay Area counties.
5. **Need:** If the SCAPOSD is not successful in protecting the Bordessa property, it could be developed into three estate lots and the opportunity to provide public access would be lost. Residences, guest houses, swimming pools, tennis courts and other residential improvements could detrimentally impact the sensitive natural resources of the property. The high grade salt marsh wetlands on the property could be degraded and the burrowing owl habitat could be destroyed by development. Private landowners could establish permanent docks on the Estero, which could adversely disrupt the mudflats and salt marsh wetlands on the property. Without Conservancy funds, SCAPOSD will not be able to complete the conservation easement acquisition for the Bordessa Ranch.
6. **Greater-than-local interest:** The Bordessa project is regionally significant because of its size, its natural resource values, and the public access potential it will provide for the greater community. The Bordessa Ranch contains 495 acres of coastal grasslands, coastal scrub and riparian habitats that host many sensitive and threatened species. The project will include appropriate recreational and educational uses such as docent-led tours, hiking, nature study, bird watching, picnicking, outdoor education, scientific research and observation. Seasonal access will be allowed to the Estero Americano for kayaking and canoeing. These recreational and educational activities will be enjoyed by local citizens as well as visitors to Sonoma County.
7. **Sea level rise vulnerability:** Sea level rise is expected to be 10 to 17 inches by 2050 and 31 to 69 inches by 2100 (Resolution of the Ocean Protection Council on Sea Level Rise, March 2011) although new models continue to refine these estimates. Potential impacts to the site due to sea level rise and storm surge include inundations of estuarine and tidal habitats – with a resultant change in the diversity and abundance of key species, loss of estuarine and tidal habitat and erosion. However, the proposed project will help to ameliorate these expected

impacts in a variety of ways. Expanding existing protected areas is one option outlined by the 2009 California Climate Adaptation Strategy (Strategy 1: Establish a System of Sustainable Habitat Reserves, page 57), allowing for the dispersal of plant and animal species in response to rising sea levels and along climate gradients. The Bordessa property is characterized by a great deal of topographic diversity, with changes in the topography near the estuary being very gradual. This topographic diversity ensures that the landscape can gradually adjust to climate change. The combination of protecting the landscape so that organisms can move (temporally and spatially), combined with the gradual change in coastal topography makes the Bordessa property ideally suited as a refuge landscape under various projected climate change conditions.

Additional Criteria

1. **Urgency:** As described in the “Need” and “Project History” sections above, this property will succumb to development pressures unless the SCAPOSD is able to acquire an easement over the property as soon as possible.
2. **Resolution of more than one issue:** The project will preserve and enhance natural habitats for sensitive and endangered species, allow continued appropriate agricultural use, and provide opportunities for public access and recreation.
8. **Leverage:** See the “Project Financing” section above.
9. **Readiness:** The SCAPOSD has completed the appraisals, drafted the easements with the landowners and received approval for funding from their Board of Directors in October 2011. The landowners are eager to sell conservation and access easements to the SCAPOSD.
10. **Cooperation:** The SCAPOSD will have ongoing stewardship obligations to manage and monitor the conservation easement in cooperation with the landowners. The landowners will develop a range management plan that includes fencing and riparian revegetation to enhance and protect the sensitive natural resources on the property.
11. **Vulnerability from climate change impacts other than sea level rise:** The predicted volatility of natural ecosystems associated with projected climate change suggests that increasing the resiliency of these systems is critical. Impacts to the Bordessa property not related to sea level rise, storm surge and coastal erosion include stream system volatility, habitat impacts due to temperature changes, and species shifts due to climate change. The proposed project will implement Coastal Conservancy strategies for adaptation, including protection of areas adjacent to shorelines, sediment management via protection of estuarine processes, planned retreat, conservation and habitat restoration, riparian corridor enhancement, living shoreline projects and the protection of land and open space. Additionally, the project structure will allow for ongoing research on the property related to climate change and habitat enhancement.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed authorization is consistent with the Sonoma County Local Coastal Program (LCP) certified in 1981 and revised on August 3, 2001 in the following respects: In Section III. Environmental Resources: Valley Ford area, the marsh, riparian, and upland areas of the Estero

Americano from the mouth to Valley Ford are defined as critical resource areas and are recommended for resource enhancement and protection. The conservation easement will include provisions to protect the wetland areas from inappropriate cattle grazing and from development of the grassland areas as recommended in this section of the LCP.

Protection of the Bordessa Ranch property is consistent with the *2020 Sonoma County General Plan*, adopted in 2008: it is located in a Scenic Landscape Unit for the Sonoma Coast and on the Highway 1 Scenic Corridor (Sections 2.2 and 2.3); and it is also located within a designated Critical Habitat Area of coastal brackish marsh that is designated as Special-Status Species Habitat (Section 3.1).

COMPLIANCE WITH CEQA:

Acquisition of a conservation easement and public access easement over the Bordessa Ranch is categorically exempt from the requirements of the California Environmental Quality Act under 14 Cal. Code of Regulations Section 15325 because it involves the transfer of ownership interests in land to preserve open space or enhance natural conditions, including plant or animal habitats, and allow for continued limited agricultural use of the property. The access planning is also categorically exempt under Section 15306, which exempts basic data collection and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Staff will file a Notice of Exemption upon approval of the project.