

COASTAL CONSERVANCY

Staff Recommendation
December 6, 2012

HUNT PROPERTY ACQUISITION

Project No. 12-035-01
Project Manager: Lisa Ames

RECOMMENDED ACTION: Authorization to disburse up to \$65,500 to the California Department of Parks and Recreation to complete the acquisition of approximately 64.5 acres of property known as the “Hunt Property” to add to the Inglenook Fen-Ten Mile Dunes Natural Preserve in MacKerricher State Park managed by the California Department of Parks and Recreation, Mendocino County.

LOCATION: Oceanfront property west of Highway 1, one mile south of Ten Mile River estuary near Fort Bragg, Mendocino County (see Exhibit 1)

PROGRAM CATEGORY: Reservation of Significant Coastal Resource Areas

EXHIBITS

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Project Photos](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31350-31356) of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty-five thousand five hundred dollars (\$65,500) to the California Department of Parks and Recreation (DPR) to acquire real property commonly known as the “Hunt Property”, Mendocino County Assessor Parcel Number 069-010-36 (the “Property”) for open space and wildlife and habitat preservation purposes to add to the Inglenook Fen-Ten Mile Dunes Natural Preserve in MacKerricher State Park.

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds, DPR shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy (“Executive Officer”) all relevant acquisition documents, including but not limited to the appraisal, escrow instructions and documents of title.

- b. Obtain all other funds necessary to complete the acquisition.
2. DPR shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.
3. DPR shall permanently dedicate the property in a manner acceptable to the Executive Officer for the purpose of protecting and restoring habitat and open space.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the Property that 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 last updated by the Conservancy on November 10, 2011.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 8 of Division 21 of the Public Resources Code, regarding reservation of significant coastal resource areas.”

PROJECT SUMMARY:

This project will enable the California Department of Parks and Recreation (DPR) to acquire and protect in perpetuity the Hunt Property, a private in-holding located adjacent to the Inglenook Fen-Ten Mile Dunes Natural Preserve within MacKerricher State Park in coastal Mendocino County. The Inglenook Fen-Ten Mile Dunes Natural Preserve ecosystem, which includes the Hunt Property, represents a natural heritage treasure of statewide significance. The property is comprised of relatively pristine coastal dune, coastal prairie and riparian wetland habitats located next to the remote northern end of the park, and it contains the largest block of coastal dunes under private ownership in the Ten Mile Dunes. Acquisition of the Hunt Property will enhance recovery of three federally and state listed species: Western snowy plover, Howell’s spineflower, and Menzie’s wallflower, and protect several other special status plants. This project will also create an important buffer to maintain the integrity of the existing Preserve by preventing development-related impacts and managing recreational uses and access on the Hunt Property.

By acquiring and incorporating the Hunt Property into the Inglenook Fen-Ten Mile Dunes Natural Preserve, DPR will be able to protect, maintain and restore as needed the sensitive species habitats through resource management, interpretation, law enforcement and park operations. DPR resource management actions may include control of invasive species, monitoring, use of exclosures to protect sensitive species, symbolic fences, signage and prohibitions on inappropriate recreational uses such as off road vehicles, equestrian traffic and hikers with pets.

DPR has successfully managed the public access and protected the sensitive natural resource areas of MacKerricher State Park since 1952 and is thus the most qualified land steward for the

project. In addition to protecting the sensitive species on the Hunt Property, this project will also result in lessening DPR's long-term costs of managing the Preserve by removing the potential for conflicting uses and impacts.

Site Description: The Hunt Property and the Preserve are situated approximately eight miles north of Fort Bragg and a half mile south of the Ten Mile River estuary at the north end of MacKerricher State Park. It is in an area designated by the Coastal Commission as highly scenic and as an Environmentally Sensitive Habitat Area. The 64.5-acre property is bounded on three sides by the Preserve and on its eastern side by Highway 1. East of the highway lies the 468-acre Ten Mile Ranch-Smith tract property, acquired by The Conservation Fund with Conservancy assistance in 2011. The western arm of the inverted L-shaped parcel is approximately a half mile from the coastal strand over coastal dune habitat. (See Exhibit 1). The property is comprised of relatively pristine coastal dune, coastal prairie and riparian wetland habitats that most likely support populations of three federally and State-listed species: Western snowy plover, Howell's spineflower, and Menzie's wallflower. Howell's spineflower occurs nowhere else in the world except in the coastal dunes and prairies in and around MacKerricher State Park. There are several other special status plants in the area adapted to the harsh soil and hydrologic conditions of this unique location.

The Inglenook Fen-Ten Mile Dunes Natural Preserve is one of six designated preserves located in California's North Coast Region. Natural Preserves consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other State Park System units. Their purpose is to preserve such features as rare or endangered plant and animal species and their supporting ecosystems. Natural preserves are identified by the California State Park and Recreation Commission (Public Resources Code, Division 5 Chapter 1, Article 1).

The Hunt Property is currently undeveloped and on the market for sale. Given that the majority of the property supports coastal dunes and the parcel borders on Highway 1 only eight miles north of Fort Bragg, the occurrences of listed and sensitive species associated with this habitat are under threat from unauthorized off-road vehicle traffic. Development of the property could lead to a variety of impacts to the parcel and the adjacent Preserve. Permitted water diversions, development of ground water through wells, and inappropriate grazing could result in damage to wetland values and facilitate introduction of invasive plants in the Preserve. Domestic animals and pets could present a threat to native invertebrates and plants in the dune complex, including nesting snowy plovers.

Project History: What is today called MacKerricher State Park was once a Mendocino Indian Reservation, Rancho de la Laguna. In 1868, a Scottish immigrant (MacKerricher) purchased the land and along with his heirs, worked it until 1949 when it was gift-deeded to the state. The park opened to the public in 1952, and the state continued to add land to the park unit along the nine mile beach until 1977 when the park totaled more than 1300 acres. In 2002, the Conservancy helped DPR acquire the 38-acre Glass Beach property in Fort Bragg to be managed as part of MacKerricher State Park to the north.

The Hunt Property was formerly owned by the Smiths, although most of their holdings were on the east side of Hwy 1. In the early 1990's, the Smiths proposed to build a motel complex on the east side above the Ten Mile River; plans were at first denied through the CEQA and permitting processes. In 1999, the Smiths received a permit for the revised plans for their inn, but did not go forward with the development. The Smiths then sold the west parcel (the Property) to Bob Hunt,

a developer and owner of the Beach Comber Motel, which is at the southern end of MacKerricher. Mr. Hunt proposed a large single-family home development on the property. That development proposal was fought by local environmentalists and appealed to the Coastal Commission. Mr. Hunt's coastal development permit was denied in 2004 as proposed, but the Coastal Commission indicated that the plan could be revised and resubmitted for another development. Since that time, due to the threat of potential development on the property, DPR has worked with USFWS and DFG to justify and secure funding for the property.

The State Park General Plan (on page 144) discusses acquisition of a nearby property by the Ten Mile Bridge and of acquisition of property west of Hwy 1 in general as appropriate additions to the MacKerricher State Park unit. The Hunt Property is identified as a high priority acquisition on DPR Mendocino District's acquisition list. Federal Recovery Plans for Howell's spineflower and Menzie's wallflower and the Draft Federal Recovery Plan for Western snowy plover identify acquisition and conservation management of high quality habitat value parcels such as the Hunt Property as a priority.

PROJECT FINANCING

Coastal Conservancy	65,500
California Parks and Recreation	65,500
Landowner (Bargain Sale)	100,000
Wildlife Conservation Board	
(US Fish & Wildlife Section 6 funds)	<u>394,000</u>
Total Project Costs	\$625,000

Conservancy funding for acquisition and transaction costs is expected to come from Proposition 40, the "California Clean Water, Air, Safe Neighborhood Parks and Coastal Protection Act of 2002." The project is consistent with this funding source in that it would be carried out in accordance with the Conservancy's enabling legislation, specifically with regard to the acquisition and protection of land and water resources along the coast.

An additional expected source of Conservancy funds for the proposed project is a FY 2006/2007 appropriation to the Conservancy of funds appropriated in accordance with the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12) for acquisition and protection of real property benefitting fish and wildlife resources located in coastal areas north of the Gualala River.

In collaboration with the Wildlife Conservation Board, DPR is receiving US Fish and Wildlife Service Section 6 non-traditional Recovery Land Acquisition funding (\$394,000) for the fee acquisition. The landowner has agreed to a bargain sale- \$100,000 below the appraised value of \$625,000 for the property. DPR will assume all management costs in perpetuity for this newly acquired portion of the Preserve.

Funding the proposed project is consistent with the Conservancy's enabling legislation, as discussed below.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 8 (Sections 31350-31356) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code.

Due to the development potential of the Property, the proposed acquisition is consistent with Section 31350 because the project will help to acquire and protect key coastal resource land that would otherwise be lost to public use. Consistent with Section 31351, the Conservancy is authorized to cooperate with other public agencies to ensure the reservation of interest in real property for the purposes of this division, as well as for park, fish and wildlife habitat, and scientific study required to meet the policies and objectives of the Coastal Act or a certified local coastal plan or program. DPR is a public agency whose mission includes providing for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity and protecting its most valued natural and cultural resources.

Additionally, consistent with Section 31351, the proposed project helps meet the objectives of the Mendocino County Local Coastal Program. (See Consistency with Local Coastal Program Policies below).

Consistent with Section 31352, the Conservancy may assist DPR in providing a grant to acquire the Property as DPR's limited financial resources prohibit it from acquiring the Property without further financial assistance.

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

Consistent with **Goal 4, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will result in the acquisition and protection of a significant coastal resource property connecting existing public lands and containing sensitive dune habitat.

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 November 10, 2011, 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:** The project is supported by the public as evidenced by the letters of support in Exhibit 3.
4. **Location:** The proposed project is located within the coastal zone of Mendocino County.

5. **Need:** Without Conservancy participation, DPR will be unable to meet the match required by the USFWS grant and the project will not be able to go forward. Adding the Hunt Property to the Preserve is needed to aid the recovery of three State and federally-listed species by protecting high quality habitats and eliminating local threats to species recovery from development on the Property.
6. **Greater-than-local interest:** MacKerricher State Park is a state-wide and national scenic destination. The Inglenook Fen-Ten Mile Dunes ecosystem, which includes the Hunt property, represents a natural heritage treasure of statewide significance. By purchasing this private in-holding and preventing development, DPR will be able to maintain the open space character and habitat values for visitors to the park.
7. **Sea level rise vulnerability:** The project involves the acquisition for preservation of dune and meadow habitat that is approximately 87 feet above sea level. The Property will remain undeveloped and allow for natural adaptation to sea level rise as the dunes shift over time.

Additional Criteria

8. **Urgency:** Without Conservancy funding, DPR will lose the expiring USFWS grant and miss the opportunity to purchase the Property at a bargain price.
9. **Leverage:** See the “Project Financing” section above.
10. **Readiness:** DPR has secured a USFWS grant and is ready to complete the acquisition upon approval of Conservancy funding.
11. **Cooperation:** DPR will match Conservancy funding and manage the Property in perpetuity as part of the MacKerricher State Park.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Mendocino County Local Coastal Program (certified November 20, 1985) Policy 3.1-15 states that “Dunes shall be preserved and protected as environmentally sensitive habitats for scientific, educational and passive recreation uses”. Consistent with this policy, the project will preserve and protect an additional 47 acres of dune habitat by acquiring and adding the parcel to the MacKerricher State Park managed by DPR.

COMPLIANCE WITH CEQA:

The acquisition of the Hunt property is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) because it consists of the acquisition of interest in land to preserve existing natural conditions (14 Cal. Code of Regulations Section 15325). Staff will file a notice of exemption upon Conservancy approval.