

COASTAL CONSERVANCY

Staff Recommendation

October 2, 2014

LITTLE RIVER TRAIL ACQUISITION

Project No. 12-042-02

Project Manager: Peter Jaraus

RECOMMENDED ACTION: Authorization to disburse \$40,000 in grant funds from the U.S. Fish and Wildlife Service and to disburse an additional \$45,000 of Coastal Conservancy funds, for a total authorization of up to \$85,000 to the Trinidad Coastal Land Trust for acquisition of the 14-acre Little River Property, located south of Trinidad, CA, for purposes of open space, habitat protection and public access.

LOCATION: Humboldt County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Willing Seller Letter](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 et seq. of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of forty thousand dollars (\$40,000) in grant funds from the U.S. Fish and Wildlife Service (“USFWS”) and forty-five thousand dollars (\$45,000) of Conservancy funds for a total disbursement of up to eighty five thousand dollars (\$85,000) to the Trinidad Coastal Land Trust (“TCLT”) to acquire the Little River property south of the City of Trinidad, Humboldt County (Humboldt County Assessor’s Parcel Number 513-171-009, depicted in Exhibit 1 to the accompanying staff recommendation); and for estimated closing costs for the transaction, for open space, natural resource protection and public access, subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, TCLT shall submit for review and approval by the Executive Officer:

- a. All relevant acquisition documents, including but not limited to an appraisal, environmental assessment, agreement of purchase and sale, escrow instructions, and documents related to title.
- b. Evidence that TCLT has obtained all funds necessary to complete the acquisition.
2. In accordance with Public Resources Code Section 31116(b), TCLT shall permanently dedicate the property for public access, open space, and habitat conservation, in a manner acceptable to the Executive Officer.
3. TCLT shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
4. Conservancy and USFWS funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
5. TCLT shall ensure compliance with and assist the Conservancy in complying with the grant terms of the USFWS.”

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 Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Trinidad Coastal Land Trust is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize the disbursement of forty thousand dollars (\$40,000) of grant funds from the U.S. Fish and Wildlife Service (“USFWS”) and an additional forty-five thousand dollars (\$45,000) of Conservancy funds for a total disbursement of up to eighty-five thousand dollars (\$85,000) to the Trinidad Coastal Land Trust (“TCLT”) to acquire approximately 14 acres of real property adjacent to the Little River in Humboldt County (Exhibit 1); and for estimated closing costs for the transaction. The Little River property is located south of Trinidad, has significant wetland and riparian resources, and is a potential site for a segment of the California Coastal Trail (“Coastal Trail”). Green Diamond Resource Company, the owner of the Little River property, has indicated a willingness to sell the property to TCLT.

Acquisition of the Little River property is an important step towards developing the Coastal Trail through this portion of Humboldt County. The property has sufficient acreage for a potential trailhead at the terminus of Scenic Drive and for a potential trail corridor leading to Little River State Beach. To the north of the property Scenic Drive provides a very popular cycling and sightseeing route which leads past the county parks of Moonstone Beach and Luffenholtz Beach,

to the small coastal community of Trinidad. To the south, across the Little River, an existing section of the Coastal Trail extends nearly 12 miles to Arcata.

The property also encompasses a section of the Little River Estuary, and contains wetlands that are critical for birds and endangered salmonids. This is a primary reason that the U.S. Fish and Wildlife Service (USFWS) has granted funds to the Conservancy for the proposed project pursuant to the North American Wetlands Conservation Act (“NAWCA”). Acquisition of the property will protect 10 acres of coastal wetlands and estuarine habitat that provide nesting, cover, and food important for waterfowl and for a diverse assemblage of wintering and migrating shorebirds on the Pacific Flyway, such as sanderling, dunlin, and killdeer. Raptors also utilize the area, including osprey, white tailed kite, and merlins. Riparian wetlands in the project area are important to neotropical migratory birds, as well as to native marsh birds and song birds. The estuarine habitat provides critical rearing areas for salmonid species such as the CA Coast Chinook salmon and Northern California steelhead, both Federally listed as threatened species

The TCLT is a non-profit organization formed in 1978 to protect land and provide public access in and around the community of Trinidad. TCLT manages access to several very popular beach and surfing locations including Houda Point and Moonstone Beach. They have also cooperated with the Conservancy and the Coastal Commission to accept public access easements. As an all volunteer organization, TCLT is a direct expression of the local community’s long term dedication to conservation and public access; TCLT will draw from that support when managing the Little River property.

Site Description: The Little River divides Little River State Beach/Clam Beach on the south side of the river from Moonstone Beach on the north side. Both areas are popular coastal access points. Clam Beach County Park and Little River State Beach offer opportunities for hiking and horseback riding, and have an extensive system of dunes. Clam Beach also offers seasonal vehicular access to the beach as well as camping, and is connected to the communities of McKinleyville and Arcata by the Hammond Coastal Trail, an existing section of California Coastal Trail. The California Department of Parks and Recreation also recently completed a section of CCT through Little River State Beach to the southern bank of the Little River.

The Little River Parcel is located to the north of the Little River, between Little River State Beach and Scenic Drive, a county road. The parcel has space for a trailhead at Scenic Drive, potential trails to the estuary, and for connection of the California Coastal Trail from the road to Little River State Beach.

In the lower elevations, the property includes wetlands, off channel habitat important to endangered salmonids, and a section of the Little River Estuary. The remainder of the parcel is steeply sloped and covered with riparian vegetation and hardwoods.

Project History: A Coastal Trail connection in the area of the Little River property has been identified as a priority by several previous planning efforts. The Conservancy’s 2003 report *Completing the California Coastal Trail* specifically calls out connecting the Hammond Trail with Scenic Drive, and improving the Little River bridge crossing for non-motorized travel. The Conservancy-funded Humboldt County *Coastal Trail (CCT) Implementation Strategy 2011*, a collaboration between the Redwood Community Action Agency (RCAA) and local governments, recommended CCT alignments throughout Humboldt County, prioritized

recommended trail segments, and provided assistance to local jurisdictions and organizations planning the Coastal Trail. It also recognized the need for the proposed project. The 2001 *Hammond Coastal Trail Extension Analysis: From Trinidad to Fortuna* (funded by the Conservancy and written by RCAA with input from local governments) also identified the need for a crossing of the Little River, as did public comments for the *Humboldt County Regional Trails Master Plan* conducted by the Humboldt County Association of Governments in 2011.

In April 2012 an ad hoc ‘Little River Task Force’ comprised of State Parks, Green Diamond Redwood Company, TCLT, RCAA, Madrone Enterprises, County of Humboldt, Caltrans, and the Conservancy began meeting to determine the next steps. Later that year the Conservancy funded the *Little River Coastal Trail Conceptual Plan*, which funded a feasibility study for a river crossing. Completed in the spring of 2014, the feasibility study developed a strategy for a safe pedestrian crossing of the Little River, and a Coastal Trail route north to Scenic Drive. This parcel was identified during that study as critical to the future development of the Coastal Trail. Other recommendations from this plan include a preferred trail alignment through Little River State Beach, as well as widening of the Caltrans owned Highway 101 bridge to create a safe crossing for pedestrians and bicyclists. Because of the importance of this parcel for access and habitat conservation, the Conservancy, in partnership with the Redwood Community Action Agency, and TCLT, applied for a NAWCA grant from the United States Fish and Wildlife Service which was awarded in the spring of 2014.

PROJECT FINANCING

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| Coastal Conservancy | \$45,000 |
| United States Fish and Wildlife Service | <u>\$40,000</u> |
| Project Total | \$85,000 |

The Conservancy’s contribution to this project is expected to come from the FY 2014/2015 appropriation from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Proposition 12). These funds are available for grants to nonprofit organizations for the acquisition of coastal resources and public accessways. (Public Resources Code Section 5096.352). Under Proposition 12, these funds may be allocated for projects in coastal areas north of the Gualala River (Public Resources Code Section 5096.352(c)(2)) and for completion of the Coastal Trail (Section 5096.352(c)(4)).

The proposed project is consistent with this funding source as it will result in acquisition of land that contains important natural resources as well as area suitable for an additional public accessway that will support the Coastal Trail in Humboldt County.

The USFWS will contribute up to \$45,000 towards the acquisition.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed funding authorization is consistent with Chapter 9 (Sections 31400 et seq.) of Division 21 of the Public Resources Code. Section 31400 states the Legislature’s intent that the Conservancy have a principle role in the implementation of a system of public accessways to and

along the state's coastline. Section 31400.1 authorizes the Conservancy to provide grants to nonprofit organizations to acquire lands for public access purposes to and along the coast. Section 31400.2 allows the Conservancy to provide up to the total cost of the acquisition of interests in lands to nonprofit organizations for the development of public accessways. Section 31400.2 requires that the amount of funding provided by the Conservancy for the acquisition of land for public access purposes be determined by assessing the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of other factors prescribed by the Conservancy.

TCLT is a private non-profit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, having among its principal charitable purposes the conservation of land for open space and public access. The proposed funding authorization will enable TCLT to acquire ocean-front land for purposes that include potential development of a new section of Coastal Trail. As a small, all volunteer organization, TCLT is unable to acquire the property without Conservancy funding. Consistent with Section 31400.2, the amount of the Conservancy funding for this project was determined based on the availability of other funds, the urgency and importance of this project, and the project's eligibility and priority as determined by application of the Conservancy's "Project Selection Criteria & Guidelines," as discussed below. Accordingly, Conservancy funding of the proposed project is consistent with Chapter 9 of Division 21.

**CONSISTENCY WITH CONSERVANCY'S 2013
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective 1E** of the Conservancy's 2013-2018 Strategic Plan, the proposed project will assist with the acquisition of real property to facilitate the development of the Coastal Trail.

Consistent with **Goal 4, Objective 4A**, the proposed project will protect 10 acres of wetland and riparian 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 broadly supported. See Exhibit 3.

4. **Location:** The project is located within the coastal zone of Humboldt County, CA.
5. **Need:** Conservancy funding is needed to complete the proposed acquisition. Without funding from the Conservancy, the acquisition may not take place, or will be delayed by several years.
6. **Greater-than-local interest:** The proposed acquisition may enable the future construction of the Coastal Trail, a statewide objective. A trail on the property could benefit not only pedestrians but also cyclists traveling down the Pacific Coast Bicycle Route by providing a potentially safer alternative to riding on the Highway 101 shoulder.
7. **Sea level rise vulnerability:** The property includes areas that are located at about 100' in elevation. This far exceeds even the 43 to 69 inch sea level rise (SLR) predicted for the year 2100, thus portions of the property will not be impacted by SLR. Lower portions of the property, which include a section of estuary, will be impacted by sea level rise and could experience shifts in wetland type. Ownership by TCLT will enable the estuary and associated wetlands to shift landward with sea level rise.

The project area is within a Tsunami Hazard Zone on maps provided by the California Emergency Management Agency and based on modeling work done by the University of Southern California. For more populated areas in Humboldt County, the Redwood Coast Tsunami Work Group developed detailed maps based on paleohistoric seismic and historic data on the northern coast of California, and historic records in Japan. The range of run-up on the open coast used by the Redwood Coast Tsunami Working Group was predicted to be between 3 and 35 meters depending on the event causing the tsunami. The smaller tsunamis have historically been more frequent, while the worst case 35 meter run up event, triggered by an earthquake on the Cascadia Subduction Zone with associated submarine landslide, occur less frequently. Geologic evidence indicates that the largest tsunamis have occurred every 200 to 1,000 years with an average of about every 500 years. The most recent large event was in 1700 and it is difficult to predict exactly when the next one will occur.

The lower portions of the property would be impacted by a tsunami, however the higher elevations are outside of the run-up zone.

Additional Criteria

8. **Leverage:** See the "Project Financing" section above.
9. **Readiness:** The grantee is prepared to undertake this project, and the seller has indicated its willingness to sell the property to the grantee. TCLT owns and stewards a number of other properties in the area for open space and public access.
10. **Realization of prior Conservancy goals:** "See "Project History" above."
11. **Cooperation:** Green Diamond Resource Company is a willing seller. TCLT has agreed to take on ownership and management responsibilities for the property.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Little River forms the boundary between two area plans within Humboldt County's Local Coastal Program, the Trinidad Area Plan (1995) and the McKinleyville Area Plan (1995). The

area is also divided east/west between direct jurisdiction by the Coastal Commission and land falling under the jurisdiction of Humboldt County's Local Coastal Program. Access to and along the coast is promoted in both the Coastal Act, as well as Humboldt County's Local Coastal Program.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Coastal Act Section 30210 requires, in applicable part, that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires, in applicable part, that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires, in applicable part, that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

The McKinleyville Area Plan recognizes coastal access as an existing use for lands immediately south of the Little River (Sections 4.22, 4.52). It also recommends improving public access through this portion of the project area (Section 4.52 B). North of the Little River, Moonstone Beach is included in the inventory of existing access points in the Trinidad Area Plan (Section 3.50 B 5).

COMPLIANCE WITH CEQA:

Acquisition of the property is categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Section 15313 because it constitutes an acquisition of land for fish and wildlife conservation purposes and for preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. The acquisition is similarly exempt pursuant to Section 15325 because the project involves a transfer of ownership in order to preserve existing natural conditions and open space. Although a portion of the property may be developed with a public trail, the plan for the property has not yet been prepared and when it is, development of the trail will be subject to CEQA. Therefore, the transfer of the property is also exempt pursuant to 14 Cal. Code of Regulations Section 15316, which exempts transfers of land for creation of parks where the management plan has not yet been prepared. Staff will file a Notice of Exemption upon approval.