

COASTAL CONSERVANCY

Staff Recommendation
February 13, 2025

BADUWA'T ESTUARY PROPERTY ACQUISITION

Project No. 24-021-01
Project Manager: Morgan Wright

RECOMMENDED ACTION: Authorization to disburse up to \$277,400 to the Blue Lake Rancheria to acquire two parcels comprising 33.8 acres at the Baduwa't Estuary, west of McKinleyville, Humboldt County, for the purposes of protection and enhancement of habitat, protection of natural and cultural resources, preservation of open space, providing California Native American tribal cultural access and ceremonial uses, providing public access, and monitoring fish, wildlife, and climate change.

LOCATION: APNs 508-011-002 and 508-011-003, Baduwa't (aka Mad River) Spit, Humboldt County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
Exhibit 2: [Site Photographs](#)
Exhibit 3: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two hundred seventy seven thousand four hundred dollars (\$277,400) to the Blue Lake Rancheria (the "grantee") to acquire two parcels comprising 33.8 acres at the Baduwa't Estuary, west of McKinleyville, Humboldt County, for the purposes of the protection and enhancement of habitat, natural and cultural resources, the preservation of open space, and to enable California Native American tribal cultural access and ceremonial uses, public access, and fish, wildlife, and climate change monitoring.

The grant is authorized subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The property acquired under this authorization shall be managed and operated for the purposes of the protection and enhancement of habitat, protection of natural and cultural resources, preservation of open space, providing California Native American tribal cultural access and ceremonial uses, providing public access, and monitoring fish, wildlife, and climate change.
4. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
5. Conservancy funding (and Proposition 68 as the source of that funding) shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly viewable area, the design and location of which are to be approved by the Executive Officer.

Findings:

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

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$277,400 grant to the Blue Lake Rancheria (BLR) to acquire two parcels comprising 33.8 acres at the Baduwa't Estuary, west of McKinleyville, Humboldt County (Exhibit 1), for the purposes of the protection and enhancement of habitat, natural and cultural resources, the preservation of open space, and to enable California Native American tribal cultural access and ceremonial uses, public access, and fish, wildlife, and climate change monitoring ("the project"). The proposed project will protect and maintain in perpetuity the conservation values of the property, including cultural resources, native fish and wildlife habitat, watershed riparian resources, and water quality. The project will enable the BLR to regain ancestral territory and manage the cultural and natural resources of the land. BLR plans to enhance and restore habitat for species of concern on the property, including listed

salmonids and snowy plover. The acquisition will facilitate climate change impact studies and fish monitoring surveys with partners such as Cal Poly Humboldt, College of the Redwoods, and BLR's Tribal Education Agency.

BLR, a northern California and federally recognized tribe, was established in 1908 to serve as a refuge for unhoused Native Americans. In 1958, the tribe was terminated, but later reinstated as a federally recognized tribe in 1983. Today, BLR manages more than 100 acres of land in trust, and supports a variety of jobs, social services, environmental protection programs, and resilience and sustainability efforts.

The property comprises two parcels, Humboldt County Assessor Parcel Numbers 508-011-002 and 508-011-003, and consists of 33.8 acres of undeveloped and vacant tidal wetlands and sand dunes. There are no roads that extend to the property, which is situated on the Baduwa't Spit, between the Estuary and the Pacific Ocean shoreline. The property is zoned for Natural Resources and therefore allows for a caretaker unit to be built in the future. The property is privately owned and the preliminary title report contains conflicting information about who actually owns the property that will need to be resolved before the Conservancy disburses funds towards the acquisition.

BLR has entered into a purchase and sale agreement with the landowner to purchase the property for \$249,900 by July 15, 2025. An appraisal is underway but has not been completed. If the appraisal determines that the price in the purchase and sale agreement is above the fair market value, BLR and landowner understand that Conservancy funds cannot be used for an acquisition at greater than fair market value. The appraisal and additional costs associated with pre-acquisition studies, due diligence, and transaction costs are estimated at \$27,500.

Acquisition of this property by BLR will ensure beach access for tribal members and the public. The property is just north of Mad River Beach County Park, a beach with coastal dunes featuring a parking lot, restrooms, and boat launch. The beach is popular amongst tourists and locals alike who visit the beach, for its fishing, beachcombing, and wildlife viewing opportunities. Acquisition will allow for enhancement of coastal dunes and grasses through the removal of invasive plants and potential planting of natives. The property supports coastal wetlands associated with the river channel, and riparian vegetation, both of which are identified as Environmentally Sensitive Habitat Areas. The property also supports two rare plant species, Menzies's wallflower and beach layia, and plants of cultural importance such as clover, kinnikinnick, and reed grass.

Upon acquisition, BLR will plan for invasives removal and for access enhancement at the site. The Tribe will assess the invasive plant species at the site, develop a plan for their removal and for future management to prevent their reestablishment.

In addition, acquisition will allow BLR to plan and implement fish, wildlife, and climate change impact monitoring. BLR, in partnership with Cal Poly Humboldt, College of the Redwoods, and BLR's Tribal Education Agency, will perform rigorous fish, wildlife, and climate change impacts monitoring at the property. BLR's Tribal Education Agency provides field study programs, internships, and modern youth internship academies to promote Native history and inclusive classroom experiences through traditional ecological knowledge. This partnership and

monitoring provides baseline data to undertake climate adaptation planning efforts and habitat restoration efforts in Humboldt County.

Anadromous fish such as Chinook and coho salmon, pacific lamprey, and steelhead trout have sustained Native American tribes along Baduwa't for thousands of years. Historic gravel mining in and along the river has degraded the ecological health of the rivers and watersheds. Because the BLR's identity and culture is interwoven with the natural resources of the land, this degradation has had a profoundly negative effect on the physical, mental, and social well-being of BLR members. The acquisition of the property will return ancestral land to BLR, promoting land stewardship, environmental sustainability, and climate action.

Site Description:

Baduwa't (aka the Mad River) drains a 497-square mile basin on the Northcoast of California. The mouth is approximately six miles north of Humboldt Bay, near McKinleyville. It is an extremely dynamic ecosystem, as evidenced by significant migration of the river mouth up and down the coast since the 1940s. Between 1942 and 1992, the river mouth moved from a location approximately across from present-day School Road in McKinleyville to just below the Clam Beach Vista Point across from the McKinleyville airport. In 1997, a new mouth formed two miles south of the former mouth. The abandoned channel became a lagoon/estuary with a mixture of freshwater and brackish marshes, fed by Widow White Creek and subject to high tides entering the new mouth of the river. The river provides habitat to a variety of federal and state Endangered Species Act-listed and non-listed fish, including but not limited to coho and Chinook salmon, summer and winter-run steelhead, resident rainbow trout, coastal cutthroat trout, California roach, three-spine stickleback, riffle and prickly sculpins, Pacific lamprey, brook lamprey, and green sturgeon. The floodplains and the riparian corridor of the Mad River estuary provide habitat to wildlife, including, but not limited to deer, beaver, river otter, harbor seals, raptors, and songbirds.

Grant Applicant Qualifications:

The Blue Lake Rancheria has an excellent track record of successfully managing state and federal grants. The tribe has the financial capacity and integrity to successfully manage these funds. The Tribe manages and maintains open space properties as well as developed properties. The Tribe is a Federally Recognized Tribal Government and operates an Office of Self-Governance.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed acquisition is a good investment of state resources because (1) it will contribute to meeting the state's natural and working lands conservation goals and engage a California Native Tribe as called for in the Governor's 30 x 30 Executive Order; (2) it will advance state and regional water quality improvement goals; and (3) it will help protect and enhance the biodiversity of habitats for state and federal endangered, threatened, and sensitive species. The site is being purchased for approximately \$8,000 per acre.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

Acquisition of the Baduwa't Estuary will assist BLR to regain 33.8 acres of its ancestral land. Once returned, the Tribe will manage the cultural and natural resources of the land based with Traditional Ecological Knowledge and sustainability practices such as beach cleanups and habitat restoration projects. The applicant is a Federally Recognized Tribal Government, and tribal members of BLR will be engaged in the project and future management of the property.

4. Project benefits will be sustainable or resilient over the project lifespan.

The project will benefit the local area through improved site management by a local Tribe, preservation of marine and coastal scrub habitat, and increased nature-based resilience. The project will protect the Humboldt County coast and shoreline by facilitating the restoration of coastal scrub habitat through the removal of invasive plant species. Protecting and restoring this natural ecosystem offers a cost-effective adaptation solution against rising sea levels. These coastal habitats store water, stabilize sediment, prevent erosion, provide habitat for wildlife, and reduce impacts from flooding and storm surge. In addition, sea-level rise monitoring will facilitate the adaptation of the property to maintain habitat and access on site. Restoration of the Baduwa't Estuary will improve aquatic habitat resiliency for Chinook and coho salmon.

5. Project delivers multiple benefits and significant positive impact.

The project will return coastal land to BLR, providing tribal members with access to a beach for cultural and recreational activities. The project will protect and enhance public access to the beach. In addition, the project will facilitate enhancement of valuable habitat restoration, including essential habitat for critically endangered coho and Chinook salmon, and protect the valuable habitat from invasive species. Lastly, the project will facilitate sea-level rise monitoring to study the impacts of climate change.

PROJECT FINANCING

Coastal Conservancy	\$277,400
Project Total	\$277,400

Conservancy funding is anticipated to come from a Fiscal Year 2023/2024 appropriation from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68, Public Resources Code Sections 80000-80173). Chapter 9 of

Proposition 68 allows funds for “protection of beaches, bays, wetlands, and coastal watershed resources” in accordance with Division 21. PRC § 80120(c). This project is consistent with Chapter 9 as it will enhance and protect coastal and ocean resources through acquisition of land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values. (PRC Section 80120 (c); PRC § 80002(l)). Consistent with the purposes of this funding source, the proposed project consists of acquisition of ~33 acres of dune habitat that will provide for natural resources protection and wildlife protection with compatible public and traditional tribal access.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding improving and protecting coastal and marine habitats (Section 31220).

Section 31220(a) authorizes the Conservancy to provide grants for coastal watershed resources protection projects, if the projects meet one or more of the objectives detailed in Section 31220(b).

Consistent with Section 31220(b), the project will achieve the following objectives: protect fish and wildlife habitat within a coastal watershed (Section 31220(b)(2)); reduce unnatural erosion and sedimentation of a coastal watershed (Section 31220 (b)(4); and acquire coastal wetlands and watershed lands, including watershed lands draining to sensitive coastal or marine areas (Section 31220(b)(6)). The Baduwa’t Estuary acquisition project will acquire property interests that will protect 33.8 acres of coastal watershed lands containing critical habitat for snowy plover, green sturgeon, steelhead trout, Chinook and coho salmon and important foraging habitat for herons, egrets, and the American Peregrine falcon.

As required by Section 31220(a), staff has consulted with the State Water Resources Control Board for consistency with Public Resources Code Division 20.4, Chapter 3 (the Clean Beaches Program) (commencing with Section 30915) of Division 20.4 of the Public Resources Code, the purpose of which is to fund projects that restore the water quality and environment of coastal waters, estuaries, bays, and nearshore waters.

CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 1.2 Return Power to Tribes**, the proposed project will provide ownership and management responsibility of 33.8 acres of coastal ancestral land to the Blue Lake Rancheria.

Consistent with **Goal 3.1 Conserve Land**, the proposed project will protect 33.8 acres of land to protect coastal resources and enhance habitat.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/STATE WATER QUALITY CONTROL PLAN:

Projects undertaken pursuant to Section 31220 of the Public Resources Code must be consistent with the following, if available and relevant: Integrated Watershed Management Programs; local watershed management plans; and water quality control plans, adopted by the state and regional water boards.

The proposed project helps implement the following 2007 North Coast Integrated Regional Water Management Plan Goal:

Goals 3: Ecosystem Conservation and Enhancement

- Objective 6 - Conserve, enhance, and restore watersheds and aquatic ecosystems, including functions, habitats, and elements that support biological diversity
- Objective 7 - Enhance salmonid populations by conserving, enhancing, and restoring required habitats and watershed processes

Acquiring the properties will facilitate the planning and implementation of restoration projects to restore aquatic ecosystems and enhance salmonid populations.

The proposed project is also consistent with the Water Quality Control Plan for the North Coast (adopted by the Regional Water Quality Control Board North Coast Region in 1988 and last updated in 2018) in that it will enhance wildlife habitat, habitat for rare, threatened and endangered species, and estuarine habitat in the Mad River Estuary. Section 2.5.1.3 defines estuaries as “the tidal portions of rivers located at the mouths of streams, which are sometimes temporarily separated from the ocean by sandbars. Estuarine waters extend from a bay or the open ocean to a point upstream where the freshwater of the river mixes with the saline ocean water. Estuarine coastal waters provide protective habitat for marine life (MAR), including shellfish, and support the migration (MIGR) of aquatic organisms including anadromous salmonids,” (p. 2-15).

The Water Quality Control Plan for the North Coast designates wildlife habitat, rare, threatened, and endangered species habitat, and estuarine habitat as beneficial uses of the Mad River Hydrologic Unit (Water Quality Control Plan for the North Coast, Table 2-1, pp. 2-8 to 2-12).

CEQA COMPLIANCE:

The proposed acquisition is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15313 because this project is an acquisition of land to preserve fish and wildlife habitat; and Section 15325 because the project involves the transfer of ownership interests in land to preserve open space for park purposes or enhance natural conditions, including plant or animal habitats. The proposed project will preserve the existing natural conditions and habitats of the property.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.