

COASTAL CONSERVANCY

Staff Recommendation

January 27, 2005

WILLOW CREEK INTERIM OPERATION AND MAINTENANCE

File No. 04-097

Project Manager: Richard Retecki

RECOMMENDED ACTION: Authorization to disburse up to \$300,000 to LandPaths for the interim operation and management of public access for the Willow Creek acquisition in coastal Sonoma County.

LOCATION: Bridgehaven, Sonoma County (see Exhibits 1 & 2)

PROGRAM CATEGORY: Coastal Access

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Site Map

Exhibit 3: LandPaths Willow Creek Access Permit

Exhibit 4: Letters of Support

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 an amount not to exceed three hundred thousand dollars (\$300,000) to LandPaths to operate and manage public access on the Willow Creek property in coastal Sonoma County, subject to the condition that, prior to the disbursement of any funds,

1. The Willow Creek property shall be acquired by the State Department of Parks and Recreation (DPR), and DPR and LandPaths shall enter into an agreement providing for management of the property for public use acceptable to the Executive Officer of the Conservancy.
2. LandPaths shall submit for review and approval of the Executive Officer a final work plan for yearly operation and maintenance; a yearly budget; and access permit guidelines.

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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 Chapter 9 of Division 21 of the California Public Resources Code (Sections 31400 – 31408) regarding the provision of public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. LandPaths is a nonprofit organization existing under Section 501(c) 3 of the Internal Revenue Service Code, whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would provide up to \$300,000 to LandPaths for the operation and management of public access for the Willow Creek property in coastal Sonoma County. (See Exhibits 1 & 2)

In June of 2004, the Conservancy approved \$4,187,000 towards the purchase of 3,888 acres in the Willow Creek watershed by the California Department of Parks and Recreation. The other public agencies that provided funds for the acquisition were the Sonoma County Agricultural Preservation and Open Space District (SCAPOS); the Wildlife Conservation Board (WCB); and DPR. The property is being purchased from the Mendocino Redwoods Company (MRC) for approximately 21 million dollars. If the State Public Works Board approves the transfer of the property to DPR, it will be added to the existing Willow Creek State Park facility that is part of the Sonoma Coast Beaches State Park. The Sonoma Coast Beaches State Park ranks third in visitors per year in the State Park system.

This project would facilitate the transfer of the Willow Creek property from the MRC to DPR, by providing an interim operation and management process that will remain in place until DPR can assume staff responsibilities and management of the Willow Creek property. At present, there is a “hold” on DPR accepting new acquisitions into the State Park system unless there is an operation and management plan for the acquisition.

LandPaths has been providing restricted public access, and gathering public use information, in Willow Creek for three years through a permit system approved by MRC. The proposed project would continue the access permit program; increase the number of permits; provide maps and interpretive information; provide a basic safety and security framework; and, in cooperation with DPR and other partners, develop a plan for the long-term operation and management of the property.

Conservancy funds will be granted to LandPaths and be utilized over a four-year period at \$75,000 per year for the public access and management program. At the end of the four-year period, it is expected that DPR will be able to staff and maintain the property.

Other local entities will be assisting in yearly operations with grant funds they have received. The Stewards of the Coast and Redwoods will be scheduling and leading weekly docent training and docent led tours, and developing interpretive information. The Sonoma County Agricultural

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Preservation and Open Space District (OSD) has awarded a grant of \$300,000 to DPR for the development of initial public uses for Willow Creek. DPR will be working with LandPaths and the OSD to develop those initial uses. Lastly, the Department of Fish and Game has awarded a \$600,000 grant to LandPaths for stream and habitat restoration for anadromous fisheries.

Site Description: The Willow Creek valley is located approximately two miles inland from the Pacific Ocean and one mile east of the coastal community of Jenner. (Exhibits 1 & 2) The terrain is very diverse. Running east-west through the property is a broad partially open ridge with expansive views south across Willow Creek canyon to Point Reyes and north to the Russian river valley. North of the ridge the terrain is highly dissected by tributaries of Freezeout Creek, which forms a steep canyon. Directly south of the ridge are various open benches, many with willow seeps and springs. Farther to the south, the benches give way to the steep wooded slopes of Willow Creek canyon. Forested lands consist largely of redwood, including an old growth, as well as Douglas Fir and mixed hardwood. Currently, the Mendocino Redwood Company owns the property and has logged it in the past.

The western portion of Willow Creek forms a narrow floodplain with several open fields surrounded by tall second-growth redwood. As one travels east up Willow Creek, the floodplain is replaced by a deeply cut gorge with dense conifer forest and occasional rock-exposed canyon walls. In the area, and in portions of the main stem of Freezeout Creek, are numerous waterfalls. High above Willow Creek to the south are steep slopes and perched wooden-benches, interspersed with numerous drainages. An occasional open bench provides views north of the central ridge, and south down Willow Creek Canyon to the ocean.

Willow Creek and Freezeout Creek are major tributaries to the lower Russian River. Willow Creek drains 8.7 square miles, while Freezeout Creek drains 2.9 square miles. Elevations of Willow Creek range from 40 feet at the Russian River to the highest point of 1,292 feet on the central ridge. Freezeout Creek elevations range from 40 feet at the Russian River to 1,320 feet at its highest point. The valleys receive an annual precipitation of between 50-55 inches per year. Close to thirty threatened, endangered or species of special concern are in Willow Creek and Freezeout Creek watersheds. Listed fish species are Coho Salmon, steelhead trout, prickly sculpin and three-spine stickleback.

Biologists consider Willow Creek watershed to be an excellent spawning and nursery area for salmon and trout. Willow Creek comprises a stretch of fish-bearing stream on one of its first tributaries; however, and upstream grade on the main stem currently poses difficulty for anadromous fish to swim through to upstream stretches. The mainstream and major tributaries of Willow Creek and Freezeout Creek provide the primary portion of coho and steelhead spawning and rearing.

The property supports the highest density of northern spotted owls, a federally listed threatened species and a California species of special concern, in the north coast region. Osprey nests have been documented in the northern part of the property. The property is a bird watchers' paradise. Over 100 bird species have been recorded in the Willow Creek watershed.

Project History: Conservancy involvement in Willow Creek dates from 1987. At that time, the Conservancy funded the Sonoma County Coastal Wetland Enhancement Plan. The plan identified the Willow Creek watershed as an important part of the region's wetland system due to the fact that the watershed terminates at a freshwater marsh and riparian thicket on the south side

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of the Russian River. This portion of the watershed is currently part of the Sonoma Coast Beaches State Park.

In May 1996, the Conservancy funded the Sonoma County Coastal Parcel Study, conducted by the Sonoma Land Trust. The study highlighted fee acquisition and easement opportunities, trail and public access potential, and conservation of unique natural features. It also evaluated landowner willingness to sell their property. Although the study identified the Willow Creek property as a very significant opportunity for resource protection and public access, the owner of the Willow Creek property was not willing to sell at that time.

For the past three years, Conservancy staff has been meeting with the West County Coastal Collaboration Working Group that represents interested agencies, environmental groups and legislators. The working group identified the Willow Creek Property as one of the highest priorities for acquisition in the region. The Mendocino Redwood Company, which owns the property, has agreed to sell to DPR with funding from a coalition of local and state agencies, including the Conservancy. That process is underway, but has been stalled due to concerns related to operations funding. Once the acquisition is complete, the property will be transferred to State Parks if an interim management plan is approved.

LandPaths has been conducting a “permit for access” program in Willow Creek for three years. The program was developed with the current owner of the property, the Mendocino Redwood Company. The program allows for a restricted number of permits to be issued to groups and individuals on a yearly basis. The access user must sign the permit and commit to “tread lightly” on the land. Also, it is expected that permit holders will notify LandPaths of natural or man-made impediments to access that will need to be addressed. The program is highly successful and trusted, leading to its promotion as an interim solution for providing public access at Willow Creek.

PROJECT FINANCING:

Coastal Conservancy (access management)	\$300,000
Sonoma Agricultural Preservation and Open Space District (initial site improvements)	300,000
California Department of Fish and Game (watershed enhancement)	<u>600,000</u>
Total Project Cost	\$1,200,000

The expected source of Conservancy funds for the Willow Creek operation and management project is the Coastal Access Account in the State Coastal Conservancy Fund, which was established under Public Resources Code Section 30620 (c)(2), using coastal development permit fees, to provide a source of Conservancy funding for grants to public agencies and nonprofit organizations for the development, maintenance and operation of new and existing facilities that provide public access to the shoreline of the sea, as defined in Public Resources Code Section 30115. Section 30115 defines ‘sea’ to include the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control channels. The project would provide public access to the Russian River and Willow

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Creek in areas that are subject to tidal action, and would also connect trails to the coast through the adjacent Sonoma State Beach.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The project is consistent with Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, regarding the enhancement of coastal resources:

Section 31400.1 of the Public Resources Code authorizes the Conservancy to award grants to public agencies or nonprofit organizations to develop, operate, or manage lands for public access purposes to and along the coast that will serve greater than local needs. The addition of the Willow Creek property to the State Park system will provide increased access not only to the property, but also connect to the Russian River and the Sonoma Coast through a series of existing and future trails.

Section 31400.2 of the Public Resources Code authorizes the Conservancy to provide up to the total cost of initial development of public access by a public agency or nonprofit organization. The Conservancy is one of several agencies and nonprofit organizations that will be providing funds for the planning, development, and operation and management of public access for Willow Creek.

This project is also consistent with Section 31400.3, authorizing the Conservancy to provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal accessways.

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

Consistent with **Goal 2, Objective A**, the proposed Willow Creek Operation and Management project will provide for operating improvements and the management of public access for a new state park facility.

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

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 Willow Creek Operation and Management project has strong agency and public support. See Exhibit 4, "Letters of Support."
4. **Location:** The Willow Creek property is partly within and partly outside the coastal zone, and is a coastal watershed with diverse and valuable flora and fauna. The watershed is part of

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the Russian River watershed and connects with the river less than two miles from the ocean. Trails on the property provide access to the Russian River and the Willow Creek watershed, and also connect hikers to the coast through the Red Hill property. See Exhibits 1 & 2.

5. **Need:** There are no other funds available for access management for Willow Creek acquisition. Without Conservancy funds this acquisition will not proceed. Although there are several funding sources for the acquisition (the Conservancy included), there are not funds from other agencies available for the interim operation and management of the property.
6. **Greater-than-local interest:** The acquisition and subsequent opening of Willow Creek to the public will add approximately 3,900 acres to an existing and highly popular state park facility. The natural diversity of Willow Creek and its proximity to the Russian River and the coast, make this a project a necessity in regards to the provision of public access to the area. The project has importance regionally and statewide

Additional Criteria

7. **Urgency:** Approval of this authorization will address the pressing need to offer new and increased public access to the Willow Creek valley, the Russian River, and the coast. The disposition of the property to DPR will not take place without an approved operation and management plan that will span at least three years.
8. **Leverage:** See the “Project Financing” section above.
9. **Conflict resolution:** This project will solve the conflict of DPR not being able to take title to the property based on the State’s current acquisition policy. That policy does not allow DPR to take title unless there is a “feasible and funded” operation and management plan. This authorization will provide funds and planning for the operation and management of Willow Creek for at least four years.
10. **Innovation:** In a time of severe budget shortfalls, where state policy would otherwise thwart the efforts of DPR to acquire and open additional parkland to public use, this project will utilize an innovative combination of public and private resources to serve those needs.
11. **Realization of prior Conservancy goals:** The Conservancy was initially involved in the Willow Creek watershed in 1987, with the Proposition 70 analysis for coastal acquisitions in Sonoma county. Recently, the property was again evaluated in the 1998 Sonoma County Coastal Parcel Analysis as a priority for acquisition. Also, the Russian River DPR District has included the property as an acquisition priority in its recent General Plan preparation. All of those studies highlighted the enormous natural value of the watershed, along with the potential that exists for the public access to the Russian River and the coast.
15. **Cooperation:** The Willow Creek Operation and Management project is a cooperative effort among the Conservancy, District and State DPR, the State Department of Fish and Game, the Sonoma County Agricultural Preservation and Open Space District, the Mendocino Redwoods Company, the Trust for Public Land, the Stewards of the Coast and Redwoods, and LandPaths. All of the participants are actively involved in this and other projects within the watershed.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES: The proposed authorization is consistent with the Sonoma County Local Coastal Program, certified in 1981 and revised on August 3, 1999, in the following respects:

V. Recreation: Development and Operation of Accessways.

Public accessways must be managed and properly maintained to protect natural resources and public safety, and to prevent adverse impacts to adjacent properties. The Willow Creek Interim Operation and Management project will design a sensitive approach to public access. It will take into consideration the sensitivity of natural resources, provide safe public access, and include the surrounding property owners in the public access planning process.

COMPLIANCE WITH CEQA: The proposed project is categorically exempt from review under the California Environmental Quality Act pursuant to 14 Cal. Code of Regulations Section 15301, the operation and maintenance of existing facilities involving only negligible expansion of use; and Section 15323, which applies to the normal operations of existing facilities for public gatherings for which normal facilities were designed, where there is a past history of the same or similar activity occurring for at least three years and a reasonable expectation that similar activity will continue to occur. Although applicable to facilities such as stadiums, swimming pools, and amusement parks, this exemption would also pertain to the circumstances present here, where public access has been provided for the last three years pursuant to a permit system (Exhibit 3). The development of a long-term management plan for the park, and of data and interpretive information, are exempt under CEQA pursuant to 14 CCR Section 15262 (feasibility and planning for future actions not yet adopted, approved or funded) and 15306 (information collection).