

## COASTAL CONSERVANCY

Staff Recommendation

June 29, 2006

### STAMPS ACQUISITION

File No. 06-060

Project Manager: Su Corbaley

**RECOMMENDED ACTION:** Authorization to disburse an amount up to \$525,000 to the Friends of the Dunes Land Trust to conduct pre-acquisition activities and acquire the approximately 38-acre Stamps property on the North Spit of Humboldt Bay.

**LOCATION:** Manila, Humboldt County

**PROGRAM CATEGORY:** Public Access

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#### EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Site Photographs

Exhibit 3: Letters of Support

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#### **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 five hundred five thousand dollars (\$505,000) to Friends of the Dunes Land Trust (“FOD”) toward the acquisition of the Stamps property in the town of Manila, Humboldt County (Humboldt County Assessor’s Parcel Nos. 506-111-011 and 506-111-020), depicted in Exhibit 1 to the accompanying staff recommendation. The Conservancy further authorizes the disbursement to FOD of an amount not to exceed twenty thousand dollars (\$20,000) to conduct pre-acquisition planning activities for the project. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, FOD shall submit for review and written approval of the Executive Officer of the Conservancy (“the Executive Officer”):

- a. All relevant acquisition documents, including but not limited to, appraisals, agreements of purchase and sale, escrow instructions and documents of title necessary to the acquisition of the property.
- b. A signing plan for the project acknowledging Conservancy participation.
2. Prior to the disbursement of funds for pre-acquisition planning activities, FOD shall submit for review and approval of the Executive Officer:
  - a. A work plan, budget and schedule for completion of the activities.
  - b. The names and qualifications of any contractors to be employed to carry out the work plan.
3. FOD shall pay no more than fair market value for the Stamps property as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which have been approved by the Executive Officer.
5. FOD shall permanently dedicate the property for public access, open space, habitat conservation, and outdoor recreation, in a manner acceptable to 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 purposes and objectives Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*) regarding public access to the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. FOD is a nonprofit organization existing under Internal Revenue Code Section 501(c)(3), and whose purposes are consistent with Division 21 of the Public Resources Code.”

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**PROJECT SUMMARY:**

The proposed authorization would enable the Friends of the Dunes (“FOD”) to acquire approximately 38 acres of a 59-acre property known as the Stamps property located on the north spit of Humboldt Bay in the town of Manila (see Exhibit 1), and to conduct pre-acquisition planning activities to evaluate project details and future property uses for public access purposes. The property is south of the Ma-l’el Dunes (former Buggy Club property, acquired for public access in 2003 with Conservancy funds) separated only by the narrow 40-acre Bachofer property (see Exhibit 1). The property is owned in trust by five brothers who have indicated a willingness to sell the property to the Friends of the Dunes. The additionally requested \$20,000 would be used for pre-acquisition activities.

Three of the five Stamps brothers wish to retain approximately 21 of the 59 acres for use by their families; the retained portion would include the outbuildings and guest accommodations, and a

narrow strip of property that extends to the ocean. FOD would therefore acquire approximately 38 acres including the primary family dwelling, the access road and parking lot, the wetlands, and dune habitat. FOD intends to utilize the primary dwelling to establish a coastal dunes visitor and interpretive center and maintain coastal access. The interpretive center would be the first and only center of its kind in the greater Humboldt Bay area. Additionally, FOD intends to restore habitat through removal of non-native plants and promotion of native plant populations.

The pre-acquisition activities funded by this proposed authorization would include determining appropriate configuration of lot-splits to apportion that which would be retained by the family trust and that which would be acquired by FOD. Other pre-acquisition activities will include a preliminary feasibility review to determine the steps necessary to develop the site as a visitor and coastal interpretive center. It is anticipated that these activities will include, among other things, a property appraisal, Subdivision Map Act compliance review and application, permit reviews, and necessary title work. Following acquisition, FOD will secure funds to develop a plan to address managed public access, restoration activities, and threatened and endangered species protection and interpretive signage.

The Stamps property was owned by Charles and Rachel Stamps until Rachel's death in 2005; Charles had died prior to Rachel. Five sons now own it in trust and are anxious to sell and wish to see it established as preserved open space and used for public access. Structures on the property include a principal residence with parking lot, a secondary residence, and a large barn/workshop. The sons are agreeable to including the primary residence in the sale and wish to see it established as an educational/visitor center for dunes/environmental purposes. FOD would establish the site as the "Humboldt Bay Coastal Education Center and Reserve", to expand the current outreach, education and restoration services it provides to the Humboldt Bay community. The site would serve as a prime launching point for public access along the north spit and would complement the public access and community-services center (classroom, community functions) provided at the Manila Community Services District by providing an interpretive center focusing on coastal habitat unique to the Humboldt Bay area. Current considerations include adjusting the property lot-lines to exclude the secondary residence and the barn/workshop, and a narrow strip of land to the shore, all of which would be retained by some of the brothers for use by their families.

The site's restoration/enhancement potential is good. The property (except where developed) supports the most intact habitat on its northern half, while the southern half includes an approximate 4-acre freshwater wetland surrounded by dense growth of willow stand. Of note is the connectivity of northwest oriented freshwater dune hollows (wetland) on the property, which continue to the properties to the north. Past sand mining and other activities on the property allowed the introduction of invasive plants such as ammophila, yellow bush lupine and ice plant in patches.

The recreational / public access opportunities for this project are excellent. The property includes the family's residence that would be established as a coastal visitor center, a large parking area, and a dedicated access road from Highway 255 to the parking area. Mr. and Mrs. Stamps had routinely hosted scout and other youth group to use the property for beach recreation, and it was their dream to see their property continue in this use. The sons hope that by selling for conservation and access their parents' dreams will be realized. The site would be an excellent starting point for beach walking and/or bicycle riding on Highway 255.

The educational or interpretive potential is very high. FOD operates the program “Bay to Dunes” for school children and each year hosts internship work opportunities for college students interested in restoration careers, and conducts guided walks throughout the Humboldt Bay to interpret dune ecosystems for visitors.

FOD is a non-profit organization whose purpose is the acquisition, for conservation, of coastal property on the north coast of California.

**Site Description:** The Stamps’ family property consists of approximately 59 acres of coastal property and includes dunes and dunes plants, and an approximately 4-acre dune hollow that provides wetland habitat. Also on the property are the primary family dwelling with 360-degree views of the ocean the north spit and Humboldt Bay and beyond to the east, and several outbuildings that has been used for storage, workshop space and guest accommodations. The property adjoins the beach and foredunes but is separated from Highway 255 by smaller developed residential properties. There is dedicated road access from Highway 255 to the property.

The habitat types found on the property include dune, some maritime forest and wetland habitat. A forested dune ridge, remnant dune mat sites, beach layia and Menzies wallflower are found on the property. A large portion of the property remains undeveloped and lightly disturbed. There is moderate disturbance immediately surrounding the residences and barn, along the municipal district water line that runs north-south through this and all the nearby coastal properties, and at the PG&E electric towers that cross the property.

**Project History:** In late 2005, FOD approached the Conservancy about the possible purchase of the Stamps property for public use and the possible establishment of a coastal interpretive visitor center. Conservancy staff and FOD have met with the Stamps property owners to discuss the potential future uses. The owners have indicated a willingness to sell the property for public access and have agreed to include an existing building on the property for the establishment of an education and visitor center. FOD and the property owners have recently signed a purchase and sale agreement for the project.

The project also helps to implement the Humboldt Beach and Dunes Management Plan (HBDMP), funded by the Conservancy in 1990 and adopted by the Conservancy in 1995, which identifies properties designated as Natural Resources (NR) in the county planning process, such as the Stamps property, as an important site for public acquisition.

The Conservancy has worked with FOD for several years, working to restore coastal habitat, improve regional awareness of the fragile dunes system and increase interpretive public access of that system. In 2000, FOD expanded its role to that of land trust in order to increase opportunities to effect preservation of coastal ecosystems.

This project would continue the Conservancy’s efforts to protect, preserve, and provide public access on, the north and south spits of Humboldt Bay.

**PROJECT FINANCING:**

Pre-Acquisition Planning:

Coastal Conservancy	\$20,000
<i>Friends of the Dunes</i>	<u>\$10,000</u>
Subtotal	\$30,000

Acquisition:

Coastal Conservancy	\$505,000
Friends of the Dunes	<u>\$50,000</u>
Subtotal	\$555,000
<b>Total Conservancy Cost</b>	<b>\$525,000</b>

The proposed funding source for the Conservancy's contribution is a fiscal year 2005 appropriation from Proposition 50, the "Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002." Certain Proposition 50 funds are allocated for the acquisition and development of facilities to promote public access to and participation in the conservation of land, water, and wildlife resources, including for the development of nature centers that provide wildlife viewing, outdoor experiences, and conservation education programs to the public and to students in accordance with the Conservancy's enabling legislation. (Public Resources Code Section 79571.) This project will result in the development of coastal education center that will provide public coastal access. Consistent with the priorities of Section 79571, the project will result in a center operated by FOD, a nonprofit organization, and will include programs for children from urban areas who lack access to natural areas and outdoor education programs.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project would be undertaken pursuant to Sections 31400 *et seq.* of Division 21 of the Public Resources Code.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy funding would protect a sensitive coastal dune system, and provide pathways and viewpoints to and through the resource. The Stamps property access system will also expand on the access framework established on nearby properties on the north spit. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Consistent with Section 31400.1, the Conservancy may provide grants to nonprofit organizations to develop lands for public access purposes. As with many of the other recreation areas in Humboldt County, domestic and international visitors are drawn to Humboldt County to see the dramatic setting of dunes, ancient forest and sweeping ocean views.

The proposed funding authorization is also consistent with Public Resources Code Section 31400.2, which provides that the Conservancy may provide up to the total cost of the acquisition of interests in land for the development of public accessways by any nonprofit organization, as

provided in Section 31400.1. The Conservancy funding would cover a portion of the cost of acquisition; FOD is providing a significant matching contribution toward acquisition and will pay all associated transactional costs.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which provides that the Conservancy may provide such assistance as is required to aid nonprofit organization in establishing a system of public coastal access ways. The Conservancy funding would include funds for FOD to conduct pre-acquisition activities that would result in the acquisition of the property for the purposes of developing a public access center on the north spit of Humboldt Bay.

Under Section 31409, the Conservancy may award grants and provide assistance to nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail. Following acquisition of the Stamps property, FOD will plan for and develop a visitor center with an associated system of public access trails that may later link to the Coastal Trail.

The public interest in this project will be protected through an agreement with the nonprofit organization, consistent with Public Resources Code Section 31116(b).

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

Consistent with **Goal 2, Objective A**, the proposed project will result in protection of open space.

Consistent with **Goal 2, Objective B**, the proposed project will result in opening a previously inaccessible area for public access.

Consistent with **Goal 5, Objective C**, the proposed project will help to eradicate non-native invasive species through planning efforts that will incorporate protection and restoration of habitat with public access uses.

**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:** This project has received widespread support for the protection of the dunes and the access it will provide. Supporters include state and local public officials, federal conservation agencies, and botanists. Letters of support have been received from the

Redwood Audubon Society, Humboldt County Supervisor John Woolley and Harbor District Commissioner Mike Wilson. (See Exhibit 3 for copies of letters of support.)

4. **Location:** The proposed project would be located within the coastal zone of Humboldt County.
5. **Need:** Many people are drawn to Humboldt County because of its wild and accessible coastline. Yet, as the population of Humboldt County, and the number of visitors rises, the need for additional coastal access locations increases. Currently Humboldt County does not have a coastal interpretive center that provides visitors with information about the unique habitat that makes up the dunes of Humboldt County. This project would provide the opportunity to establish such a center.
6. **Greater-than-local interest:** The Humboldt Bay area is a destination for visitors from all over the world who are drawn to northern California for the mountains, redwoods, and oceans, and to Humboldt County for its atmosphere and aesthetics. Increasing the available dunes and beach access and providing an area where these ecosystems can be interpreted will expand the appeal of this unique area for tourism.

#### **Additional Criteria**

7. **Urgency:** The Stamps brothers need to settle their parents' estate, and in order to accomplish that, need to finalize disposition of the property. If FOD does not acquire the property, it would likely be sold for continued residential use and remain unavailable to the public. In that case, its sensitive habitat could not be protected and restored.
8. **Resolution of more than one issue:** Placing the property under the care and management of FOD would allow for habitat restoration, establishment of a broad-use public access location, and lead to realization of the vision of establishing a first of its kind interpretive center in the greater Humboldt Bay area.
12. **Readiness:** The sellers are anxious to settle the family trust estate, and FOD has initiated an appraisal. Further, the sellers have signed an exclusive right to negotiate agreement with FOD to facilitate negotiations of project details.
13. **Realization of prior Conservancy goals:** This project would further implementation of the Humboldt Beach and Dunes Management Plan (HBDMP), funded by the Conservancy in 1990 and adopted by the Conservancy in 1995.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Humboldt Bay Area Plan and its supporting zoning regulations form the Local Coastal Program (LCP) for the project area. Humboldt County's LCP consists of an integrated system of Land Use Plan (LUP) and Implementation Plan (IP) documents. The Humboldt County LCP policies address resource protection and public access issues. In response to resource protection needs on the north and south spit of Humboldt Bay, the County completed the Beach and Dunes Management Plan (HBDMP). The preferred planning alternatives from the HBDMP were approved by the Coastal Commission and amended to the Humboldt Bay Plan (LCP) and the county General Plan. The HBDMP, adopted by the Coastal Conservancy in April 1995, confirms the information presented in the LCP and discusses planning alternatives. Specifically, the LCP recommends the purchase by private parties land along the north spit that is designated as Natural

Resources (“NR”); the portion of the Stamps property proposed for acquisitions is designated NR.

Section 3.30 of the Humboldt Bay Area Plan (HBAP) identifies as environmentally sensitive habitat the vegetated dunes along the North Spit to the Mad River (Section 3.30.B.1). The Stamps property falls within that geographic area on the north spit. The endangered beach layia and Menzies Wallflower are present on the subject property.

Section 3.30.B.11.b of the HBAP lists resource restoration as an acceptable “new development” in beach and dunes areas, and recommends the purchase of dune and beach areas designated Natural Resources by private or public agencies committed to preserving the area in its natural state. This area is designated Natural Resources in the Plan and the MCSD has proven its commitment to preserving the area in its natural state for public access use. This section further states that to the extent that access development in addition to those described in [other sections of the HBAP] is compatible with protection and public education opportunities, it should be provided. Additionally, 6.13.9 of the HBDMP reinforces the foregoing recommendation of HBAP 3.30.B.11.b for purchase of lands by private or public agencies for, in addition to preservation, providing opportunities for increasing public understanding of coastal dune ecological processes. Thus, acquisition of the Stamps property by Friends of the Dunes is consistent with Humboldt County planning policies.

**COMPLIANCE WITH CEQA:** This project involves pre-acquisition planning activities and acquisition of property. Pre-acquisition activities such as configuring a lot split are not a project under the California Environmental Quality Act, as provided in 14 Cal. Code of Regs. Section 15378. Feasibility studies and planning for future actions that have not been approved are exempt from CEQA under 14 Cal. Code of Regs. Section 15262. Acquisition of property to preserve open space is exempt under Section 15325, and acquisition for wildlife conservation purposes is exempt under Section 15313.

Staff will file a Notice of Exemption upon approval of this project.