

COASTAL CONSERVANCY

Staff Recommendation

January 27, 2005

CELESTRE ACQUISITION

File No. 06-047

Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$300,000 to the Manila Community Services District to acquire the Celestre property on the North Spit of Humboldt Bay.

LOCATION: Manila, Humboldt County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Site Photographs

Exhibit 3: 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 the Manila Community Services District for the acquisition of all or part of the Celestre property (Humboldt County Assessor’s Parcel Nos. 400-171-002 and 400-171-007), depicted in Exhibit 1 to the accompanying staff recommendation, and associated costs. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition, the Manila Community Services District 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.

- b. Evidence that the Manila Community Services District has available all funds necessary to complete the transaction.
 - c. A detailed signing plan consistent with the sign guidelines for projects funded by the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12).
2. The Manila Community Services District shall pay no more than fair market value for the Celestre property as established in an appraisal approved by the Executive Officer.
 3. The 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.
 4. The Manila Community Services District shall permanently dedicate the property for public access, open space and 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.”

PROJECT SUMMARY:

The proposed authorization would enable the Manila Community Services District (MCSD) to acquire all or part of 54 acres of coastal dunes known as the Celestre property located on the north spit of Humboldt Bay in the town of Manila (see Exhibit 1). Acquisition of the property would provide an opportunity to increase the public access in Manila and is consistent with the purposes of the Humboldt County Local Coastal Plan. The Celestre acreage would be added to the Manila Dunes Recreation Area (MDRA) for a total of between 145 and 155 acres of dunes perpetually protected for public access and habitat restoration. It is anticipated that at least 44 of the 54 acres would be acquired. However, it is possible that the property owner will offer the remaining 10 acres for sale, resulting in an acquisition of 54 acres.

Following acquisition, MCSD intends to undertake invasive plant removal and habitat restoration, and will establish beach access trails. These activities would be consistent with the public access uses and restoration efforts that have occurred at the existing MDRA since 1991, when MCSD acquired the properties that make up the MDRA.

Site Description: The current configuration of the Celestre property comprises approximately 54 acres of coastal dunes on the north spit of Humboldt Bay in Humboldt County immediately north of another important Conservancy project – the Manila Dunes Recreation Area, acquired in 1991. The property is immediately north of the 101-acre Manila Dunes Recreation Area. Following acquisition, the MDRA could expand to as much as 155 acres of protected dune

habitat and public access property. The site is bounded on the west by the ocean, the south by the MDRA and on the north and east by private residential property. In addition to dunes and dune forest, the property includes approximately 2 acres of dune hollow wetland habitat. The owner's son wishes to establish a residence and therefore may retain 8 acres of the 54 acres, although all 54 acres could be offered for sale. The property has never been developed for residential use. There is some indication that the 8 acre portion might have served some industrial function which would warrant further review prior to acquiring those 8 acres. This acquisition will connect to the already protected public access lands of MDRA, and is south of other protected land on the north spit – the Ma-l'e'l Dunes area (former Buggy Club property, acquired with Conservancy and US Fish and Wildlife grant funds in 2003), and the proposed Stamps acquisition for public access. The property is part of the ancient dune system on the north spit of Humboldt Bay and includes open dunes and a remnant dune forest, and wetlands (see Exhibit 2). The property provides habitat for migrating tropical birds, and the endangered botanical Beach Layia and Menzies wallflower, as well as the rare dune mat plant community. The dune hollow supports wetland habitat and is used by migratory waterfowl and terrestrial birds.

Project History: The Conservancy has worked with the MCSD since 1990 to protect dune habitat from development and to provide for its restoration, and the development of visitor facilities improvements. On April 26, 1991, the Conservancy approved the *Manila Dunes Access Plan*, which was developed to identify projects for furthering public access in and around the Manila Dunes Recreation Area (MDRA), which is comprised of property acquired in 1991 with Conservancy funds. Most recently, in 2002, the Conservancy authorized funding for access improvements at the MDRA; that work was completed in early 2004.

The 1991 Plan recommended acquisition of properties adjoining the MDRA, including the Celestre property to the north, in order to protect a large tract of maritime forest and dunes habitat, and expand the system of trails from MDRA onto the dune system of the Celestre property.

The Celestre property owners have worked for several years with the MCSD toward the sale of their property for public access and conservation. In late 2004, MCSD contacted the Conservancy with the possibility to acquire the Celestre property. Since that time, MCSD has negotiated the details of a transaction, including the owner's desire to retain a portion for his use. Also during that time, MCSD secured grant funds that could be used for pre- and post-acquisition activities and has recently completed a survey to facilitate the owner's retention of a portion of the property, and an appraisal to establish a fair market value of the property to be acquired. Following acquisition of the Celestre property, and through a separate action, MCSD will plan for a system of trails from the MDRA onto the Celestre property and to the ocean.

PROJECT FINANCING:

Acquisition:

Coastal Conservancy	\$300,000
MCS D	<u>65,000</u>
<i>Subtotal</i>	\$365,000

Pre-acquisition activities:

MCS D	<u>\$10,000</u>
<i>Subtotal</i>	\$10,000

Total Conservancy Cost **\$300,000**

The Conservancy’s contribution to this project is expected to come from the FY 2005 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for projects north of the Gualala River and consistent with the Conservancy’s enabling legislation.

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 Celestre property access system will also expand on the access framework established at the Manila Dunes Recreation Area. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Consistent with Section 31400.1, the Conservancy may provide grants to local agencies to develop lands for public access purposes if the accessway will serve greater than local needs. 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 states 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 79 percent of the cost of the acquisition; the MCS D will provide the remaining 21 percent.

Consistent with Section 31409, the Conservancy may award grants and provide assistance to public agencies to establish and expand those inland trail systems that may be linked to the California Coastal Trail. Following acquisition of the Celestre property, made possible with funding assistance from the Conservancy, MCS D will plan for and develop a system of public access trails.

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.

**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 is supported by Senator Wesley Chesbro, Assemblymember Patty Berg, Friends of the Dunes, and others (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:** With increasing population and soaring property values, and increasing tourism, there is a need to expand on current coastal access opportunities while protecting what remains of sensitive dune habitat. The proposed project will add to increase the access at the MDRA to 155 acres and will facilitate the restoration and protection of decreasing dune habitat on the north spit of Humboldt Bay.
6. **Greater-than-local interest:** Visitors from throughout Humboldt County, the state of California and the nation visit Humboldt County for its unique coastal environment. The proposed project will provide additional public access to those visitors.

Additional Criteria

7. **Urgency:** The owner of the property is anxious to finalize the transaction. Her son was interested in utilizing the property for residential purposes (as allowed by local zoning), but is willing to retain only a portion for his use. If the sale to MCSD does not occur, it is possible that the property could be either retained in its entirety by the son for his use, or a sale to a non-conservation third party could occur making the property unavailable for public enjoyment, and for future restoration.
12. **Readiness:** An appraisal has been completed and MCSD has the funds necessary to complete the transaction.
13. **Realization of prior Conservancy goals:** This project would satisfy the recommendation in the 1991 Conservancy-approved *Manila Dunes Access Plan* to acquire the Celestre property for public access.

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 into 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 or public agencies of land along the north spit that is designated as Natural Resources ("NR"). The Celestre property 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 Celestre property falls within that geographic area on the north spit. These dunes are also identified as critical habitat for rare and endangered species listed on state or federal lists. 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.

Additionally, Chapter 6 of the HBDMP reinforces the recommendations found in the HBAP for purchase of lands for conservation by private parties. Thus, acquisition of the Celestre property by MCSD is consistent with Humboldt County planning policies.

COMPLIANCE WITH CEQA: This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations (CCR) Sections 15313 and 15325. MCSD will acquire the Celestre property for conservation and preservation of open space, and development for public access. Section 15313 exempts from CEQA the acquisition of land for wildlife conservation purposes, and Section 15325 exempts transfers of interest in land in order to preserve open space and habitat resources.

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