

## COASTAL CONSERVANCY

Staff Recommendation  
July 16, 2007

### **BROUSSARD PROPERTY ACQUISITION**

File No. 07-056-01  
Project Manager: Joel Gerwein

**RECOMMENDED ACTION:** Authorization to disburse up to \$275,000 to the Save-the-Redwoods League (SRL) to acquire the approximately 39-acre Broussard property in Humboldt County for the purposes of public access and habitat preservation.

**LOCATION:** The Broussard property is located at 1150 Old State Highway just south of the Town of Orick, approximately one-tenth of a mile east of Freshwater Lagoon, adjacent to Humboldt Lagoons State Park and Redwood State and National Park (Exhibits 1 and 2).

**PROGRAM CATEGORY:** Site Reservation.

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#### ***EXHIBITS***

- Exhibit 1: [Project Location](#)
  - Exhibit 2: [Parcel Map](#)
  - Exhibit 3: [Photographs of property and views](#)
  - Exhibit 4: [Geological Reconnaissance Report](#)
  - Exhibit 5: [Letters of Support](#)
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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31350-31356 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred seventy-five thousand dollars (\$275,000) to the Save-the-Redwoods League to acquire the approximately 39-acre Broussard Property, Humboldt County Assessor’s Parcel Number 518-112-002, for public access and habitat protection, as shown on Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

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1. Prior to the disbursement of any Conservancy funds for the acquisition, the Save-the-Redwoods League shall submit for review and approval by the Executive Officer all relevant acquisition documents including but not limited to, an appraisal, agreement of purchase and sale, escrow instructions, and documents of title.
2. The Save-the-Redwoods League shall dedicate the property for public access and habitat protection in a manner acceptable to the Executive Officer, in accordance with Public Resources Code Section 31116(b).
3. The Save-the-Redwoods League shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.
5. The Save-the-Redwoods League shall purchase the property only from willing sellers."

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 8 (Sections 31350-31356) of Division 21 of the Public Resources Code, regarding the reservation of significant coastal resource areas.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
3. The Save-the-Redwoods League is a nonprofit organization existing under Section 501(c)(3) of the Internal Revenue Services Code, 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 Save-the-Redwoods League (SRL), a nonprofit organization, to acquire the approximately 39-acre Broussard property in Humboldt County, and protect it from development in perpetuity. The Broussard property is highly visible to the hundreds of thousands of visitors to Freshwater Lagoon and Redwood National and State Parks who travel along Highway 101 west of the lagoon and use the beach and lagoon areas adjacent to the property. Its scenic value is recognized by its designation as a Coastal Scenic Area under the Humboldt County Local Coastal Program’s North Coast Area Plan (NCAP), certified in 1983. Residential development of the property could significantly degrade the scenic forest views currently enjoyed by Humboldt Lagoons and Redwood State and National Park visitors (Exhibit 3).

The SRL’s goals for purchasing this property are threefold: 1) to protect the scenic viewshed of Highway 101 adjacent to Redwood State and National Park and Humboldt Lagoons State Park; 2) to connect a parcel of Humboldt Lagoons State Park known as the

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Freemantle Addition with other parcels of protected land in Redwood National and State Parks and Humboldt Lagoons State Park, allowing for enhanced movement of wildlife and preventing habitat fragmentation; and 3) to protect water quality in Freshwater Lagoon by protecting a hillside area draining into Freshwater Lagoon.

The property drains into Freshwater Lagoon, which is identified as an Environmentally Sensitive Habitat Area (ESHA) in Humboldt County's 1983 NCAP. Significant numbers of waterfowl and other water-associated birds use the lagoon from August through April; a 1990-1991 survey documented more than 370,000 annual bird-use days. The property also provides potential nesting habitat for birds such as bald eagles that require forested areas adjacent to bodies of water for nesting, and the creek that drains the property may provide a movement route for wildlife from inland areas to the lagoon and the ocean.

The National Park Service cites unintended wastewater discharges from private properties east of Freshwater Lagoon as one factor that has altered the natural biological productivity of the lagoon. Nutrient inputs into Freshwater Lagoon contribute to summer blooms of elodea, a non-native aquarium plant, that degrade habitat quality in the lagoon and interfere with recreational use. In addition, stormwater runoff from construction sites has been specifically identified by the North Coast Regional Water Quality Control Board as a potential source of sediment and other contaminants in the area. Development of the Broussard property, with associated maintenance of access roads, construction, and potentially additional forest clearing, would contribute to an influx of fine sediment into the creek that drains the property and then into Freshwater Lagoon. Protection of the Broussard property will prevent potential wastewater discharges that could occur if residential development occurred on the property.

Once the property is acquired, the SRL hopes to transfer the property to California Department of Parks and Recreation (DPR) in the future for long term ownership and management and inclusion in the Humboldt Lagoons State Park. The Department of Parks and Recreation has identified the Broussard property as its second highest priority for the North Coast district. The purpose of the transfer would be to consolidate parcels and promote management of the property for viewshed, habitat, and water quality conservation.

**Site Description:** Located less than a half mile upslope of Freshwater Lagoon, the property is part of the backdrop and immediate watershed for this sensitive resource. Development of the property could compromise the scenic vistas for the many visitors to the adjacent parks, degrade water quality in the lagoon, and reduce wildlife movement between portions of Humboldt Lagoons State Park and Redwood National and State Parks.

The property supports a dense stand of red alder (*Alnus rubra*), as well as areas dominated by shrubs and grasses. As noted above, the property is drained by an unnamed creek that flows into Freshwater Lagoon.

Illegal grading and construction of access roads and a building pad occurred on a relatively small portion of the property in 2003. The grading work has since been remediated, and approved by Humboldt County. A geological reconnaissance survey conducted

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in 2007 determined that the roads and building pad appear to be reasonably stable and have largely revegetated (Exhibit 4).

**Project History:** The Coastal Conservancy has a history of successful projects with the SRL. In the north coast region, the Conservancy has helped fund the SRL's acquisition of the 135-acre Big Lagoon property in 1999, the 25,000 acre Mill Creek Property in 2002, and the Montgomery Woods addition in 2005. The Mill Creek acquisition grant was followed in 2003 by a Conservancy grant for the development of the Mill Creek Management Plan. These projects were all implemented successfully, allowing for the protection of sensitive resources and management for public access as well as habitat conservation.

The SRL contacted the Conservancy about the potential Broussard acquisition in Spring 2007. Staff toured the property with the SRL and DPR staff, and concurred that due to the scenic qualities of the property, its highly visible location, and the potential for residential development with resulting negative impacts on Freshwater Lagoon and the park if the site were developed, the project is a priority for acquisition.

**PROJECT FINANCING:**

Coastal Conservancy	\$ 275,000
Save-the-Redwoods-League	<u>275,000</u>
<b>Total Project Cost</b>	<b>\$550,000</b>

Funding for the proposed project is expected to come from Proposition 40 funds appropriated to the Conservancy for projects consistent with the Conservancy's enabling legislation (Division 21 of the Public Resources Code). The project entails acquisition of key natural resources adjacent to Freshwater Lagoon and Redwood State and National Park, which is consistent with purposes of Division 21 and thus consistent with the funding source.

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

The proposed project would be undertaken pursuant to Chapter 8 of the Conservancy's enabling legislation, Public Resource Code Sections 31350-31356.

Under Section 31350, the Conservancy may acquire and protect interests in key coastal resource lands that otherwise would be lost to public use. The proposed project would protect the scenic views enjoyed by visitors to Freshwater Lagoon and Redwood National and State Parks, as well as protecting the water quality of Freshwater Lagoon, and wildlife habitat connecting coastal open space at Freshwater Lagoon with inland conservation areas in Redwood State and National Park. If the proposed project is not implemented, the property may undergo residential development. Residential development of the site would result in degradation of the scenic view currently enjoyed by the public, potential degradation of water quality in Freshwater Lagoon, and potential reduction in wildlife habitat quality on the property and wildlife movement through the property.

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Under Section 31351(a), the Conservancy may cooperate with nonprofit organizations to ensure the reservation of interests in significant coastal resources for public enjoyment, parks, and fish and wildlife habitat. The proposed project involves cooperating with the SRL, a nonprofit organization, to protect scenic views enjoyed by visitors to Freshwater Lagoon and Redwood National and State Parks.

Under Section 31352(a)(1), the Conservancy may award a grant to a nonprofit organization to ensure the reservation of significant coastal resource sites for public enjoyment, provided that the nonprofit organization is unable to acquire the property without the grant. The proposed project would grant funds to the SRL, a nonprofit organization, to acquire the Broussard property, protecting it from residential development and thereby preventing the degradation of scenic views enjoyed by visitors to the Humboldt Lagoons State Park and Redwood State and National Park, as well as protecting water quality in Freshwater Lagoon, and wildlife habitat on the property itself. The SRL has secured commitments of 50 percent of the funds necessary to acquire the Broussard property, but will be unable to acquire the property without a grant from the Conservancy for the remaining 50 percent.

Consistent with Section 31116(b), the public interest in the property will be protected by an agreement approved by the Executive Officer.

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

- Consistent with **Goal 2 Objective A**, the proposed acquisition will serve to “acquire or improve...properties to protect open space and views...”
- Consistent with **Goal 4 Objective A**, the proposed acquisition will help acquire “properties of special significance.” Freshwater Lagoon is designated as an Environmentally Sensitive Habitat Area (ESHA), in the Humboldt County 1983 NCAP, Section 3.41A. An ESHA is defined in the California Coastal Act as “an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities.” (California Public Resources Code Section 30107.5) The designation of Freshwater Lagoon as an ESHA in the Humboldt County NCAP lends special significance to land in its watershed.
- Consistent with **Goal 5 Objective A**, the proposed acquisition will help “(p)reserve, restore, and enhance...coastal habitats...”
- Consistent with **Goal 5 Objective B**, the project will help “to preserve and restore habitat corridors...from coastal habitats to inland habitat areas.” The project will provide a corridor of protected open space from Freshwater Lagoon on the coast to Redwood State and National Park directly to the east.

### **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:

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### 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 proposed project has strong support from the National Park Service, the California Department of Parks and Recreation, the Coastal Commission, and others (Exhibit 5: Letters of Support).
4. **Location:** The Broussard property is located within the coastal zone of Humboldt County (Exhibits 1 and 2).
5. **Need:** Hundreds of thousands of visitors from California, other states, and around the world visit Redwood National and State Parks every year. Almost all of these visitors travel on Highway 101 west of Freshwater Lagoon and enjoy the scenic views in the area. Acquiring the Broussard property will help protect the beauty that attracts so many visitors to this area. In addition, the acquisition is needed to prevent further degradation of water quality in Freshwater Lagoon, which could result from erosion associated with road and building construction and maintenance, as well as unintended wastewater discharges from residential development. Acquisition cannot be achieved without Conservancy funding.
6. **Greater-than-local interest:** As noted above, the scenic beauty of Redwood State and National Park attracts hundreds of thousands of visitors every year from around the world. Protecting the vistas enjoyed by these visitors is of greater than local interest. In addition, Freshwater Lagoon is an important resource for waterfowl, with 370,000 bird-use days annually. Protecting the water quality and associated biological productivity of Freshwater Lagoon is of greater than local interest.

### Additional Criteria

7. **Urgency:** The property is under contract and the SRL intends to close escrow no later than August 2007. As the property could potentially be developed for residential use, moving expeditiously to acquire it is an urgent matter. The current property owner has expressed his desire to complete the sale by the end of August 2007.
8. **Resolution of more than one issue:** The acquisition of the property would serve to protect scenic vistas as well as protecting water quality in Freshwater Lagoon, a designated ESHA. The acquisition will also protect a movement corridor for wildlife from the coast to inland areas.
9. **Leverage:** The proposed project has 50 percent funding support from the SRL.
10. **Readiness:** The property is under contract and the SRL intends to close escrow no later than the end of August 2007.
11. **Cooperation:** The acquisition will be carried out in cooperation with the SRL and with the support of the DPR.

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**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

Acquisition of the Broussard property is consistent with the Humboldt County Local Coastal Program's North Coast Area Plan (NCAP), Section 4.52B, which designates the property as within the maximum expansion area for State and National Parks delineated in the NCAP. The property is also designated as a Coastal Scenic Area under the NCAP (Section 4.8, Map 3). The NCAP states that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance" (Section 3.42). In addition, the NCAP calls for maintenance or restoration of the biological productivity and water quality of Freshwater Lagoon and other coastal waters (Section 3.41G), a goal that will be furthered by protecting the property from development.

**COMPLIANCE WITH CEQA:**

Acquisition of the Broussard Property is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under 14 California Code of Regulations Section 15325 because it involves the transfer of an interest in land to preserve open space and plant and animal habitat. The project will also preserve a scenic coastal viewshed and protect water quality in Freshwater Lagoon. Staff will file a Notice of Exemption upon approval of the project.