

COASTAL CONSERVANCY

Staff Recommendation
September 25, 2008

HARE CREEK BEACH ACQUISITION

File No. 08-001-01
Project Manager: Liza Riddle

RECOMMENDED ACTION: Authorization to disburse up to \$370,500 to the Mendocino Land Trust for acquisition, management planning and stewardship of approximately 5.8 acres known as the Hare Creek Beach Property in Mendocino County.

LOCATION: Oceanfront property west of Highway 1, just south of Highway 20 and the City of Fort Bragg, within an unincorporated area of Mendocino County (see Exhibit 1, "Location Map: Mendocino Coast," and Exhibit 2, "Hare Creek Beach Property.")

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Location Map: Mendocino Coast](#)

Exhibit 2: [Hare Creek Beach Property](#)

Exhibit 3: [Photographs of Hare Creek Beach Property](#)

Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed three hundred seventy thousand five hundred dollars (\$370,500) to the Mendocino Land Trust ("the MLT") as follows: Up to \$350,000 to acquire the Hare Creek Beach Property (Mendocino County Assessor Parcel Number 018-450-25, "the Property") for public access and recreation, habitat conservation, and open space preservation purposes; and, up to \$20,500 for costs associated with the acquisition, including development and implementation of a management plan and stewardship of the Property for three years.

This authorization is subject to the following conditions:

1. Prior to disbursement of any Conservancy funds, the MLT shall:
 - a. Submit for the review and approval of the Executive Officer of the Conservancy ("Executive Officer") all relevant acquisition documents, including but not

limited to the appraisal, agreement of purchase and sale, escrow instructions and documents of title.

- b. Obtain all other funds necessary to complete the acquisition.
2. The MLT shall pay no more than fair market value for the Property, as established in an appraisal approved by the Executive Officer.
3. The MLT shall permanently dedicate the Property for public access, habitat conservation and open space in accordance with Public Resources Code Section 31116(b).
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. Prior to disbursement of any funds for development of the management plan, the MLT shall submit for the review and approval of the Executive Officer a work program, schedule and budget.”

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 Project Selection Criteria and Guidelines last updated by the Conservancy on September 20, 2007.
2. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Mendocino Land Trust is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed authorization would enable the Mendocino Land Trust (“the MLT”) to acquire the Hare Creek Beach Property (“the Property”), a 5.8 acre parcel located south of Fort Bragg and west of Highway 1, for public access and recreation and open space preservation purposes. The Property is comprised of one parcel that extends from a developable blufftop area adjacent to Highway 1, down a riparian corridor along the Hare Creek streambed (and including steep bluff walls on the north side of the creek), across small sand dunes, and finally, to a sandy cove at the Pacific Ocean (see Exhibits 1 and 2, “Location Map: Mendocino Coast” and “Hare Creek Beach Property Map.”)

The MLT will own and permanently manage the Property for three purposes: 1) to afford Mendocino County visitors, community members and surfers access to a sandy beach and the ocean; 2) to create and improve a one mile link in the California Coastal Trail; and 3) to manage critical beach, dune and riparian habitats currently degraded by unregulated public use and invasive non-native vegetation.

An informal, prescriptive trail starts on the adjoining private property to the north (“the Todd’s Point Subdivision”) and drops steeply down to Hare Creek Beach. The trail is used extensively by local community members and surfers, but is not maintained or signed, and there are no nearby parking areas that are safely accessible from Highway 1. As a result, non-resident visitors and hikers on the California Coastal Trail (“the CCT) typically miss this stunning stretch of Mendocino County coastline. Hikers typically walk this stretch of the CCT within the highway corridor on a narrow bridge that arches high above Hare Creek.

A residential and commercial development proposal for the Todd’s Point Subdivision is currently under review by the City of Fort Bragg (“the City”). MLT is working closely with City planners to ensure that the developers provide easily accessible and safe parking for Hare Creek beach and trail users, as is required by Policy 4.4.12 of the Mendocino County Local Coastal Plan.

A ten-foot wide Offer to Dedicate (accepted by MLT in November 2005) forms the boundary between the Property and the Todd’s Point Subdivision. MLT plans to use funds provided under a 2006 Conservancy authorization for the Mendocino County Coastal Trail to improve this trail easement. Once the Property is acquired and the easement is improved, hikers will be able to walk from Hare Creek Beach, up to and along the MLT-held easement, then traverse quiet streets within the Todd’s Point Subdivision, and finally connect to the trail and viewpoint at Pomo Bluffs Park, a Conservancy-funded project recently completed by the City of Fort Bragg. In total, MLT’s plans will improve an approximately one mile segment of the California Coastal Trail.

The Property contains a remarkable variety of habitats – sandy beach, coastal dunes, and estuarine, riparian, and palustrine wetlands – used as resting and feeding areas by resident and migratory bird species. Hare Creek and its associated and estuarine habitats also support federally-listed steelhead trout and coho salmon. MLT proposes to develop and implement a management plan, which would include removal of invasive plant species, re-vegetation with native species, and construction of a small north-south fence between the Property and Babcock’s remaining parcels located east of Highway 1. The requested Conservancy funding would enable MLT to steward and manage the property for three years, during which time MLT will raise a stewardship endowment for long-term management.

Without this acquisition and protection, the Property could be developed with a residential home on the bluff top and the opportunity to improve public access to and along this beautiful stretch of the California coast could be lost. Without active management and careful stewardship, critical coastal wetlands and dune habitat will continue to degrade and two federally-listed anadromous fish populations would continue to decline.

MLT has had a stellar history of conservation achievements in Mendocino County – largely the result of its long and fruitful relationship with the Conservancy – and thus is well-suited to carry out this project. Some of the MLT’s many successful projects with the Conservancy include: Acquiring the Caspar Beach and Headlands, Navarro Point, Glass Beach, and Big River properties; preparing the Mendocino County Coastal Conservation Plan; constructing new trails and overlooks in Mendocino, Caspar and Fort Bragg; and constructing trails and a parking lot at Navarro Point. The MLT is a 501(c)(3) organization established to acquire lands for open space, environmental and recreational purposes.

Site Description: The Hare Creek Beach property is a hidden gem on the Mendocino Coast. From a grassy blufftop fronting Highway 1, an informal trail drops steeply down through blackberry brambles to the Hare Creek corridor, passes through a dense riparian willow thicket, and finally emerges at a lovely cove with small sand dunes and a cobbled estuarine reach of Hare Creek, where the creek flows into the Pacific Ocean. This secluded sandy beach is a favorite hangout for locals and the crashing surf attracts many surfers and swimmers.

The riparian corridor and cove provide important shelter for resting and feeding migrants, particularly shorebirds migrating north and south each spring and fall. These habitats have been degraded by non-native invasive plant species such as English ivy, ice plant, Himalayan blackberry, jubata grass, and French broom.

Although Hare Creek and its associated estuary are quite small, they support surprisingly high numbers of federally-listed steelhead and coho salmon, with 50-100 steelhead and 24-50 coho spawning here each year.

The Property consists of one irregularly shaped east-west oriented parcel totaling approximately 5.8 acres, with its eastern boundary along Highway 1 and its western boundary a sandy beach fronting the Pacific Ocean. The Property is bounded on the northwest by a 10-foot wide Offer to Dedicate (held by MLT), which runs contiguous the RCC/Carlson property now being planned for development (see Exhibit 2). Secluded private homes dot the bluff tops overlooking the cove to the northwest in the Todd's Point subdivision, and to the south and southeast in the Bellow-Seacrest subdivision.

The property is currently zoned for commercial development. However, most of the 5.8 acre property is constrained by environmental considerations (e.g., topography, critical habitat, flood plain zoning, Local Coastal Plan restrictions). As a result, only approximately 0.5 acres located on the blufftop adjacent to Highway 1 could be developed. An appraisal prepared by Dean Strupp in 2007 (and updated in May, 2008) concludes that development of one private residence would be the Property's highest and best use.

Project History: The Property has been owned for many generations by the Babcocks, a prominent local family. In late 2007, family members approached the MLT with an offer sell all of their extensive holdings in the Hare Creek corridor, including parcels east and west of Highway 1. MLT had long coveted the portion of the property located west of Highway 1 because it contains critical natural resources, provides access to a sandy beach, and affords the possibility of adding another link in the ever-lengthening California Coastal Trail. After many months of negotiations, the family agreed to sever the westernmost area from their remaining holdings and, in return, MLT agreed to share with the family the costs for the County-required boundary adjustment and certificates of compliance. (The County issued the certificates of compliance in June, 2008 and anticipates completing the boundary adjustment by October, 2008.) A local supporter of the MLT has agreed to provide \$50,000 matching funds towards acquisition, management and planning costs for the project.

The Conservancy has had a longstanding, very fruitful relationship with MLT in acquiring and managing coastal properties, and planning for and developing public access throughout Mendocino County (see Project Summary for more details).

PROJECT FINANCING:

Acquisition	\$400,000
Associated Acquisition and Planning Costs	17,500
Interim Stewardship	<u>3,000</u>
Total Project Cost	\$420,500
Conservancy Funds	\$370,500
Private Donor Funds	\$50,000

Conservancy funding for acquisition and transaction costs (\$367,500) is expected to come from Proposition 40, the “California Clean Water, Air, Safe Neighborhood Parks and Coastal Protection Fund.” The project is consistent with this funding source in that it would be carried out consistent with the Conservancy’s enabling legislation, specifically with regard to public access and the development of land and water resources along the coast. Conservancy funding for stewardship (\$3,000) is expected to come from the Conservancy’s Coastal Access Account and will be used by MLT while it fundraises for a permanent source of funding. Pursuant to Public Resources Code Section 30620(c)(2) the Coastal Access Account may be used for grants to nonprofit organizations for the development, maintenance and operation of new or existing facilities that provide public access to the shoreline. The MLT has received a commitment of \$50,000 in matching funds from a local donor, and will use these funds for acquisition and associated costs, including management planning.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapter 9 (Sections 31400 – 31410) of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code.

The proposed project will help to guarantee the right of the public to access and enjoy coastal resources, consistent with Section 31400. Consistent with Section 31400.1 the Conservancy is authorized to award grants to a nonprofit organization to acquire, develop and manage lands for public access to and along the coast. The Mendocino Land Trust is a nonprofit organization that seeks to acquire, develop and steward the Hare Creek Beach property as a coastal accessway for the local community and visitors to the highly scenic Mendocino County coastline. Pursuant to Section 31400.2, the Conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by any nonprofit organization and pursuant to Section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways. Finally, pursuant to Section 31408 the Conservancy is directed, in consultation with the Department of Parks and Recreation, the California Coastal Commission, and the California Department of Transportation, to coordinate the development of the California Coastal Trail. This project will result in a new one-mile link in the California Coastal Trail.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objectives C and D** of the Conservancy's 2007 Strategic Plan, the proposed project will place California Coastal Trail signs and construct and improve new trails.

Consistent with **Goal 2, Objective C** of the Conservancy's 2007 Strategic Plan, the proposed project will open a coastal area that is currently inaccessible or closed to public use while respecting the rights of nearby landowners and the need to minimize impacts on sensitive natural resources.

Consistent with **Goal 4, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will acquire and protect significant coastal and watershed resource properties.

Consistent with **Goal 5, Objectives A, B and D** of the Conservancy's 2007 Strategic Plan, the proposed project will plan for, restore and enhance coastal habitats including coastal wetlands and intertidal areas, stream corridors, and dunes; and eradicate non-native invasive species that threaten important coastal habitats.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, 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 state and local elected officials, the City of Fort Bragg, Coastwalk and local residents and business owners. Letters of support are attached as Exhibit 4.
4. **Location:** The proposed project is located within the coastal zone of the County of Mendocino.
5. **Need:** The opportunity to acquire and restore the Property, to create new access to the beach and to forge a new link of the California Coastal Trail could be lost without Conservancy support.
6. **Greater-than-local interest:** The Mendocino coast is a state-wide and national scenic and recreational destination. Visitors and hikers will be able to enjoy a previously hidden and inaccessible sandy cove, and safely proceed up or down coast on the California Coastal Trail.

Additional Criteria

7. **Urgency:** The Property is under contract and MRT intends to close escrow as soon as possible.
8. **Resolution of more than one issue:** The proposed project would provide new coastal access to a sandy stretch of the Mendocino coastline while providing a new link in the California Coastal Trail. The MLT will carefully manage the property by removing non-native invasive species and regulating public use. Finally, acquisition of the Property will eliminate the possible threat of development as a private residence.
9. **Leverage:** See the “Project Financing” section above.
10. **Readiness:** An appraisal has been completed and the MLT has negotiated a transaction that is acceptable to the landowners. The MLT is ready to proceed with the acquisition immediately.
11. **Realization of prior Conservancy goals:** See the “Project Summary” section above.
12. **Cooperation:** The City of Fort Bragg is cooperating with MLT in establishing safe and accessible parking conveniently located near the Hare Creek Beach trail.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Mendocino County Local Coastal Program (certified November 20, 1985) Policy 4.4.12 states that: “Public access to Hare Creek beach shall be an important feature of the local coastal plan in this area which is subject to rapidly increasing urbanization. A proposed shoreline access trail to Hare Creek beach is indicated on the land use map. The purchase and management by a responsible public agency of a shoreline access trail extending from the north side of Hare Creek in the vicinity of Bay View Avenue (County Road 439A) to Hare Creek beach is recommended by this plan.”

COMPLIANCE WITH CEQA:

The Mendocino Land Trust will preserve the Hare Creek Beach property as open space, and the acquisition is thus categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to 14 California Code of Regulations Section 15313 because it is the acquisition of land by MLT in order to preserve fish and wildlife habitat, preserve access to public lands and waters, and to preserve the land in its natural condition; and Section 15325 because it is a transfer of ownership of interests in land in order to preserve open space and habitat. The installation of signs is categorically exempt under Section 15303 which applies to the construction of small structures. The preparation of the management plan is statutorily exempt from CEQA pursuant to 14 California Code of Regulations Section 15262 (Feasibility and Planning Studies) as it involves only a planning study for possible future actions which the Conservancy has not approved, adopted, or funded. The stewardship activities are categorically exempt under Section 15301 as MLT will maintain a wildlife habitat area to protect fish and wildlife resources; and Section 15306 (Information Collection) as the MLT will collect basic data and conduct resource evaluation that will not result in a serious or major disturbance to environmental resources. Upon Conservancy approval, staff will file a Notice of Exemption.