

COASTAL CONSERVANCY

Staff Recommendation
September 3, 2020

SAMOA DUNES AND WETLANDS: PUBLIC ACCESS

Project No. 16-010-03
Project Manager: Michael Bowen

RECOMMENDED ACTION: Authorization to substitute Friends of the Dunes as the interim fee owner of the 356-acre Samoa Dunes and Wetland Complex and disburse up to \$30,000 to Friends of the Dunes to provide interim management of the 356-acre Samoa Dunes and Wetlands complex in Humboldt County, CA.

LOCATION: Between the communities of Samoa and Manila on the north spit of Humboldt Bay, near Eureka, Humboldt County

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: [Project Location Map](#)
Exhibit 2: [Sept. 6, 2018 Staff Recommendation](#)
Exhibit 3: [Support Letters](#)
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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 substitution of Friends of the Dunes as the interim fee owner of the 356-acre Samoa Dunes and Wetlands complex in Humboldt County, CA, and disbursement of an amount not to exceed thirty thousand dollars (\$30,000) to Friends of the Dunes (“the grantee”) to provide interim management of the property.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

3. A plan for acknowledgement of Conservancy funding.”

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 authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding a System of Public Accessways.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Friends of the Dunes is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.”

PROJECT SUMMARY:

Staff recommends the Conservancy authorize Friends of the Dunes to hold fee title to the 356-acre Samoa Dunes and Wetlands complex (“property”) in Humboldt County, CA (Exhibit 1), and disburse an additional amount not to exceed thirty thousand dollars (\$30,000) to provide interim management of the property.

The Conservancy authorized disbursement of \$673,350 to the Humboldt Bay Harbor, Recreation, and Conservation District (“District”) to acquire the property on September 6, 2018 (Exhibit 2). The expectation at that time was that the District would be an interim owner/manager of the property until such time as a long-term owner, most likely the Bureau of Land Management (“BLM”), could take title to the property. However, in Spring 2020 the District communicated their likely withdrawal from the project due to financial concerns exacerbated by the global COVID-19 pandemic. Having sought this conservation acquisition for decades, the parties were now faced with the imminent unraveling of an important conservation and recreation acquisition.

Conservancy staff worked closely with the District, the BBLM, Humboldt County, Friends of the Dunes, Security National (“seller”), Wildlife Conservation Board and Natural Resources Agency to identify a means of acquiring and transferring the property while ensuring the protection of the access and resource values for which the property was being acquired. The BLM reiterated its interest in long-term ownership of the property, but BLM staff expressed the need for additional time to work through the federal acquisition process. Meanwhile, the option to purchase this property expires in September of this year, necessitating an interim property owner and manager to ensure the timely purchase and eventual transfer of the property to the BLM.

Not wanting to lose the opportunity to protect the property and eventually gain public access to the Samoa Dunes, Friends of the Dunes stepped forward and indicated a willingness to serve as an interim property owner/manager while the parties await transfer of the property to a

suitable long-term management agency. In order to take on this responsibility, Friends of the Dunes identified a number of interim management needs, such as trash cleanup and patrol, that would arise while the various entities awaited transfer of the property to the federal estate. Those tasks will be funded by the recommended authorization, as well as matching funds identified, below.

While the funding partners await transfer of the property, Friends of the Dunes has agreed to hold the property and manage public access to protect natural resources at the site through measures including, but not limited to, the following:

- Trail Oversight

An informal trail network is located on the property. The grantee will review, patrol, and clean as necessary those trails deemed optimum for existing levels of public use at the site.

- Routine Patrols

The grantee will patrol the property no less frequently than biweekly, and work with local partners via a memorandum of understanding to expand patrol and clean-up of the property during the interim ownership period.

- Trash Cleanup

The grantee will ensure that the property is maintained in a clean and safe condition during the interim ownership period.

- Public Education and Signage

To the extent allowable under the Coastal Act, the grantee will ensure that existing trails and resources are clearly marked and maintained to reduce or avoid damage to sensitive coastal resources.

Staff recommends disbursement of \$30,000 for these management activities so that the resource and recreational values will be protected and maintained while the funding partners await transfer of the property.

Site Description: The property is located on the north spit of Humboldt Bay between the towns of Manila and Samoa (Exhibit 1). The property is bounded on the west by one mile of Pacific Ocean coastline and on the east by Humboldt Bay. The City of Eureka is a short distance away. The property includes approximately 81 acres of wetlands consisting of 9 acres palustrine shrub, 56 acres palustrine forested, and 16 acres estuarine emergent wetland; 84 acres of open dunes; and 139 acres of coniferous forest including declining and rare Beach pine-Sitka spruce forest. The property provides habitat for numerous rare, threatened, endangered and protected species. The site is described in greater detail in Exhibit 2.

Grantee Qualifications: Friends of the Dunes has either received or been directly involved in nearly a dozen Conservancy grants and has demonstrated its capability of administering public funds efficiently. Projects undertaken with Conservancy assistance include acquisition of property on the North Spit that is open to public access, development of a dunes visitor center, and Explore the Coast grants that provide increased opportunities for the public to learn about

and enjoy the dunes. Given this past experience, the grantee is an appropriate entity to provide interim management of the Samoa Dunes property.

Project History: The history of the development of the acquisition project is described extensively in Exhibit 2. Since the Conservancy’s acquisition funding approval in 2018, Conservancy staff has worked diligently with the District and other project partners to garner the remaining funds to complete the acquisition, and work through title and other issues pertaining to the various grant requirements. Funding is now completely assembled for the acquisition, and escrow is expected to close by the end of September 2020. However, as discussed in the project summary above, the District became increasingly concerned about its ability to provide interim property management services, thus requiring a new approach.

In response, Conservancy staff drafted a proposed memorandum of understanding (MOU) patterned after a similar effort at the Humboldt Bay South Spit. The MOU identifies partners to the transaction and future management of the property and establishes roles and responsibilities for ensuring that the property is safe, clean and that the conservation and recreational values for which the property was purchased are maintained. The grantee is now leading the MOU effort, which includes enforcement staff from the Humboldt County Sheriff’s office, CDFW, and BLM. The grantee has also commenced a major capital campaign to ensure that funds are sufficient to enable the grantee to satisfactorily manage the property in the interim while the partners await transfer to the BLM or another suitable party.

PROJECT FINANCING

Coastal Conservancy	\$30,000
Humboldt Bay Harbor Recreation and Conservation District	\$15,000
Friends of the Dunes	\$15,000
Project Total	\$60,000

The expected source of funds for the property management activities is an appropriation to the Conservancy from the Coastal Access Account in the State Coastal Conservancy Fund. Pursuant to Public Resources Code section 30620.2, these funds are available to the Conservancy for “grants to public agencies and nonprofit organizations for the development, maintenance, and operation of new or existing facilities that provide public access to the shoreline of the sea.” The proposed authorization enables the operation and maintenance of an existing informal trail network that will provide public access to the beach, ocean and coastal trails at Samoa Dunes and Wetlands. The proposed project will be carried out by a nonprofit organization. Thus, the proposed project is an appropriate use of these funds.

Additional funding for interim management costs includes a direct contribution from the District and numerous private sources arranged by Friends of the Dunes, including a significant contribution from Supervisor Virginia Bass, Eureka. The seller has generously offered to host joint community fundraising events to support property management costs.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed funding authorization is consistent with Chapter 9 (Section 31400 et seq.) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, regarding the implementation of a system of public accessways to and along the state's coastline.

Under Section 31400, the Legislature has charged the Conservancy with a principal role in the implementation of a system of accessways to and along the state's coastline. Consistent with this section, the proposed authorization will support operations and maintenance of a beach and dune forest access trail.

Pursuant to Section 31400.1, the Conservancy may award grants to a nonprofit organization to develop, operate and manage lands for public access purposes to and along the coast. The proposed authorization will enable Friends of the Dunes, a nonprofit organization, to manage an existing trail network, a parking area, and ensure appropriate use of the site. Thus, the proposed authorization will enable the grantee to manage lands for public access to and along the coast.

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 and related functions. The proposed authorization will enable Friends of the Dunes to maintain existing informal trails and parking at Samoa Dunes and Wetlands to protect the natural resources and ensure safe access to the beach.

Section 31408 charges the Conservancy, in consultation with the Department of Parks and Recreation, and the California Coastal Commission, with coordination of the development of the Coastal Trail (CCT), a braided system. In the project area, one strand of the CCT goes from the Mad River Bridge through Arcata and on to Eureka. The other strand goes from the bridge to Mad River Beach Park and then down the beach until arriving at the mouth of Humboldt Bay (North Spit). The proposed authorization will enable Friends of the Dunes to operate and maintain a section of the California Coastal Trail, consistent with this section.

The proposed project is consistent with the Humboldt County Local Coastal Program as described in the "Consistency with Local Coastal Program Policies below."

CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:

Standard No. 1, Protect Public and Coastal Resources: The management of existing informal trails and parking will be performed to minimize and reduce the alteration of natural landforms and therefore protect the surrounding resources.

Standard No. 5, Environmentally Sensitive Areas:

The property hosts abundant rare flora and fauna, including Menzies's wallflower, Beach layia and more. The grant will ensure the signage regarding protection of these areas, consistent with the funding sources.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective B** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will maintain and ensure safe and predictable access to a coastal area that has historically been officially closed to public use.

Consistent with **Goal 5, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will protect 356 acres of recently acquired significant coastal resources.

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 October 2, 2014, 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. **Promotion and implementation of state plans and policies:** This project helps implement the California @ 50 Million (2015) Goal 5 for Natural Resource Stewardship and Management by continuing to support the long-term stewardship of the Samoa Dunes and Wetlands (page 23).
4. **Support of the public:** The proposed acquisition and management scenario enjoys broad public support as identified in the September 6, 2018 staff recommendation, and recent letters in support of the transfer to BLM and in support of the pending Wildlife Conservation Board grant (Exhibit 3).
5. **Location:** The site is located within the coastal zone of Humboldt County on the north spit of Humboldt Bay between the towns of Manila and Samoa. Approval of this grant will protect and enhance at its current level coastal access opportunities a short distance from Eureka and Manila, disadvantaged communities.
6. **Need:** Although Friends of the Dunes is a very willing partner in the acquisition, management and eventual transfer of the property, their small size requires financial assistance to manage properly and safely the newly acquired property. Due in large part to its proximity to Eureka and other Humboldt Bay cities, the site is prone to homeless encampments and other uses that are incompatible with the general public's enjoyment and safe visitation to the area. Friends of the Dunes intends to maintain the safety and cleanliness of the site at the same level the current owner to ensure public enjoyment of this beautiful area.
7. **Greater-than-local interest:** The State, through the Conservancy, Wildlife Conservation Board and California Natural Resource Agency grants has invested heavily in the acquisition of this rare and unusual property so that the public might enjoy it in perpetuity. Its

significance, described extensively in Exhibit 2, warrants management funding so that future visitors to the area may enjoy accessing the coast from this unusual site.

8. **Sea level rise vulnerability:** Surrounded by the Pacific Ocean and Humboldt Bay, the property is highly vulnerable to sea level rise. However, any proposed development beyond maintenance and management of existing trails is not part of this grant and must factor sea level rise into its development.

Additional Criteria

9. **Urgency:** Without the participation of Friends of the Dunes in the transaction as an interim owner, the District will withdraw from its prior agreement to acquire the property. At that point, the seller will market the parcels individually, cease patrolling the area and the property will likely deteriorate into a fragmented, trash-laden and legally inaccessible site. This modest assistance to facilitate and improve public access at the site is very worthwhile in the larger effort to protect and enhance the property in perpetuity.
10. **Resolution of more than one issue:** As stated above, and paradoxically, dedicating funding to management of public access facilities at the Samoa Dunes and Wetlands will also guarantee the successful acquisition and transfer of the property as originally intended.
11. **Leverage:** See the “Project Financing” section above.
12. **Conflict resolution:** The District’s unanticipated withdrawal from interim management of the property jeopardized an acquisition which the Conservancy and its partners have attempted to bring to fruition for two decades. Friends of the Dunes’s welcome entry to the process, and agreement to manage public access at the site, has resolved both the public access challenges at the site, as well as the looming conflict between the District on the one hand and supporters of the acquisition on the other.
13. **Innovation:** Friends of the Dunes, small but pioneering, has provided a novel plan to manage a relatively large and challenging property while the parties to the transaction await transfer to the federal estate. This bridge ownership will creatively solve the dilemma caused by the District’s withdrawal from interim management of the property.
14. **Readiness:** The grantee and their partners are ready to proceed with acquisition and management of the site.
15. **Realization of prior Conservancy goals:** As discussed in Exhibit 2, completion of the acquisition and management of the property for public use and enjoyment has been a Conservancy goal for two decades.
16. **Cooperation:** Management of the property, led by Friends of the Dunes, will be conducted via a memorandum of understanding developed cooperatively by several parties including the Humboldt County Sheriff’s Office, the Bureau of Land Management, Friends of the Dunes, the Conservancy, and Cal Fish and Wildlife. The MOU will express the contributions of each party to the interim management needs.

17. **Vulnerability from climate change impacts other than sea level rise:** The property is not vulnerable to climate change impacts other than sea level rise.
18. **Minimization of greenhouse gas emissions:** Little construction and modest patrol levels ensure no significant greenhouse gas emissions.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Humboldt Bay Area Plan (HBAP) 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 and Implementation Plan documents. The Humboldt County LCP policies, which address resource protection and public access issues, are extensive.

In response to resource protection and public access needs along the north and south spits of Humboldt Bay, Humboldt County also prepared the Beach and Dunes Management Plan (HBDMP). The HBDMP presented preferred planning alternatives that were approved by the Coastal Commission and amended to the LCP and the county General Plan.

The preferred planning alternatives from the Humboldt Beach and Dunes Management Plan (HBDMP) were approved by the Coastal Commission and amended to the Humboldt Bay Plan (LCP) and the county General Plan on June 7, 1994; the Conservancy adopted the HBDMP in April 1995. Specifically, the LCP recommends additional accessway improvements and enhancement activities on the north spit of Humboldt Bay. Therefore, the proposed project is consistent with the LCP.

Section 3.30.B.1(2) of the HBAP identifies as environmentally sensitive habitat the vegetated dunes along the North Spit to the Mad River. The property falls within that geographic area on the north spit. The endangered beach layia and Menzies Wallflower are present on the subject property. Management of their habitat through this grant is consistent with the LCP.

Section 3.30.B.11.b of the HBAP states that to the extent that where 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.

CEQA COMPLIANCE:

The proposed project consists of operation and maintenance of existing facilities and topographical features and will not expand the existing use of the property. Thus, the project is categorically exempt pursuant to 14 California Code of Regulations Section 15301. Upon approval of the project, Conservancy staff will file a Notice of Exemption.