

COASTAL CONSERVANCY

Staff Recommendation

January 17, 2008

CARMEL RIVER PARKWAY ACQUISITION – MCWHORTER PROPERTY

File No. 06-104-02

Project Manager: Trish Chapman

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Big Sur Land Trust for acquisition of the McWhorter Property for inclusion in the Carmel River Parkway in Monterey County.

LOCATION: Carmel River Watershed, Monterey County

PROGRAM CATEGORY: Integrated Marine and Coastal Resources Enhancement and Public Access

EXHIBITS

Exhibit 1: [Project Location Maps](#)

Exhibit 2: [Property plat maps](#)

Exhibit 3: [Properties in relation to Carmel River Parkway](#)

Exhibit 4: [River Parkway Overview Map](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111, 31220 and 31400-31409 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the Big Sur Land Trust (BSLT) for the acquisition of the McWhorter property (Assessor Parcel Number 169-171-008) for inclusion in the Carmel River Parkway, as shown on Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

1. Prior to the disbursement of funds for acquisition, BSLT shall submit for the review and approval of the Executive Officer of the Conservancy all relevant acquisition documents, including but not limited to the appraisals, environmental assessments, purchase agreements, escrow instructions, and documents of title necessary to the acquisition of the property.
2. BSLT shall dedicate the property to habitat restoration, resource protection, open space preservation, public access and education in a manner acceptable to the Executive Officer.

3. BSLT shall pay no more than fair market value for the McWhorter property, as established in an appraisal approved by the Executive Officer.
4. BSLT shall acknowledge Conservancy funding by erecting and maintaining on the property a sign that has been reviewed and approved by 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 criteria in Chapters 5.5 and 9 of Division 21 of the Public Resources Code (Sections 31220 and 31400-31409) regarding integrated marine and coastal resource enhancement and public access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
3. The proposed project is consistent with local watershed management plans and water quality control plans.
4. The proposed project will serve greater than local needs.
5. BSLT is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue code, whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed project would provide a \$500,000 grant to the Big Sur Land Trust to acquire the McWhorter property for inclusion in the Carmel River Parkway (Exhibit 3). In 2005, BSLT developed the Carmel River Parkway Vision Plan (Parkway Plan) with input from over 250 community members (Exhibit 4). The vision includes a plan for public trails, floodplain restoration, and public education via interpretation and education centers along the parkway corridor.

The Parkway Plan calls for restoring 264 acres of floodplain habitat and 6.4 miles of stream that have been degraded, buried, or diverted into pipelines. Restoration will improve threatened riparian habitats and improve hydrologic function. The plan also identifies five wildlife corridors that need improvement, particularly at 13 specific “pinch” points. The plan also identifies key areas for removal of non-native invasive species and restoration with natives. For public access, the plan calls for developing the parkway from the Pacific Ocean to the mid-valley area of Carmel in the near-term, with the long-term goal of extending it into Los Padres National Forest. The parkway will eventually provide a pedestrian and bicycle link from Carmel Valley to the Pacific ocean.

The McWhorter property is a 12 acre property composed of floodplain and active river channel. It has an estimated value of \$1.2 million, though no formal appraisal has been conducted. It has been identified by BSLT, the Monterey Peninsula Water Management District, the Carmel River Steelhead Association, and the Ventana Wildlife Society as an important riparian property for

conservation along the Carmel River. The site would also provide opportunities for public access to and along the river and would be a link in the Carmel River Parkway trail. The property supports a dense riparian forest, some of which has reestablished due to active restoration efforts by the Monterey Peninsula Water Management District since 1995. The instream habitat consists of a deep pool and several riffle and run areas supporting steelhead trout rearing and spawning. The deep pool on the property is purported to be “Steinbeck’s Pool” of *Cannery Row* fame.

The Ventana Wildlife Society (VWS) has conducted riparian bird monitoring at the site and found that it supports a high diversity of riparian birds (see Site Description). VWS has identified the property as an excellent site for establishing an ornithological laboratory that would expand bird research and conservation efforts into the Carmel River watershed and provide an excellent educational opportunity for residents in the watershed.

If the grant is approved, BSLT would secure ownership of the site and continue restoration of the property with agency partners and maintain protection for aquatic and riparian habitats. In recent years, BSLT has made the Carmel River a major focus of its efforts. BSLT is leading the effort to develop the Carmel River Parkway and is pursuing projects to acquire trail access rights, develop the trail network, and plan and implement floodplain restoration projects. BSLT has thirty years experience undertaking conservation projects.

Site Description: In *Cannery Row*, John Steinbeck wrote “The Carmel is a lovely little river. It isn’t very long but in its course it has every thing a river should have.” The Carmel River watershed, 255 square miles in size, is located in the northern Santa Lucia Mountains of Monterey County. In the upper watershed, the river and its tributaries flow in steep-sided canyons. For the last 15 miles, the river flows across the relatively flat Carmel Valley floor to the Pacific Ocean. The upper watershed is primarily public and private forest, grazing and agricultural lands. The lower valley is primarily suburban development.

The McWhorter property is located on Schulte Road south of Carmel Valley Road. The property is 12 acres and includes several informal trails. The property is otherwise undeveloped. There are two schools within walking distance of the property and several neighborhoods within the immediate vicinity. The western end of the property includes both sides of the Carmel River for approximately 1000 feet of riverbank.

The property supports a dense riparian forest, some of which has reestablished due to active restoration efforts by the Monterey Peninsula Water Management District conducted since 1995. The riparian area is currently dominated by a mixed canopy of willow and black cottonwood, with an understory of poison oak, mugwort, mulefat and blackberry. The low stream bank at the site acts as an area for natural recruitment and continues to be colonized by black cottonwoods, sycamores and willows.

Since 2003 the Ventana Wildlife Society (VWS) has been conducting bird monitoring at the property to assess riparian forest health and habitat. To date, 43 species of birds have been identified on the property. Fourteen species have been documented for breeding evidence and 16 species are identified by California Partners in Flight for conservation focus.

The current landowners have generally allowed informal public access to the site and the existing trails are periodically used by members of the local community.

Project History: The Coastal Conservancy has been involved in projects along the Carmel River for many years, including a \$4,000,000 grant to State Parks for restoration of the Carmel River

Lagoon and a \$12,200,000 grant to the Monterey Peninsula Regional Park District for acquisition of Palo Corona Ranch (a part of that grant is being reimbursed to the Conservancy). In 2005, BSLT convened a diverse group of community and agency stakeholders to develop a conceptual plan for a Carmel River Parkway, extending from the lagoon at the mouth of the river, 18.5 miles upstream to San Clemente Dam. Conservancy staff participated in this planning process and have been working with BSLT to develop projects to implement the Parkway Vision.

The goal of the Parkway Plan was to “create a vision for the Carmel region which emphasizes the preservation and restoration of vital corridors necessary for the long-term function of the landscape.” The plan identified four key objectives: 1) preserve lands essential to the overall health and function of the ecosystem; 2) restore natural function to critically altered systems; 3) develop education opportunities and facilities to serve as connection points to the surrounding landscape; and 4) design a trail network that provides safe access and connections to existing parklands and trail systems.

BSLT is working on numerous projects to realize the Parkway Vision, including developing a restoration plan for the floodplain just east of Highway 1, habitat restoration and trail development in Hatton Canyon, and acquisition of key properties for development of the parkway. In January 2007, the Conservancy approved a \$3.5 million grant to BSLT for acquisition of the Quail and Howe properties along the Parkway, \$2.5 million of which was reimbursable. Subsequently the owner of the Howe property increased the asking price for the property significantly, to an amount well above the fair market value. BSLT now expects to use only \$1.2 million of the original grant with \$700,000 being reimbursable to acquire the Quail property.

The owners of the McWhorter property would like to see the property conserved and approached BSLT to discuss a sale in the spring of 2007.

PROJECT FINANCING:

Coastal Conservancy grant	\$500,000
Big Sur Land Trust	700,000
Total Project Cost	\$1,200,000

The expected source for the Conservancy funds for this project is an appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the Conservancy’s use of these funds for the purposes of protecting beaches, bays, coastal waters and coastal watersheds, and the natural habitat values of coastal waters and lands through projects undertaken pursuant to the Conservancy’s enabling legislation (Division 21 of the Public Resources Code). Section 75060(e) of the Public Resources Code specifically allocates Conservancy funding for Monterey Bay and its watersheds, including the Carmel River watershed. The proposed project is part of a comprehensive effort to protect and restore the aquatic and riparian habitats of the Carmel River and develop a trail network for public access that is compatible with the habitat goals. The project will acquire floodplain habitat, as well as

facilities to promote public access including a research site for avian study. The proposed project is consistent with the Conservancy's enabling legislation, as discussed in the "Consistency with Conservancy's enabling legislation" section below. The proposed authorization is thus consistent with the funding requirements of Proposition 84.

Proposition 84 also requires that for acquisition projects that protect natural resources, the Conservancy assess whether the project meets criteria specified in Section 75071. The proposed acquisition satisfies the following specified criteria. The project will contribute to linking existing protected areas by acquiring floodplain property along the Carmel River Parkway. When complete, the Carmel River Parkway will provide linkages between several large areas of protected land including Carmel Lagoon and Palo Corona Regional Park at the lower end of the river, Garland Regional Park in the mid-valley, and the Ventana Wilderness in the upper watershed. The project will also contribute to long-term protection of and improvement to the water and biological quality of the Carmel River, a "priority watershed" as identified by the Resources Agency. The Big Sur Land Trust will provide private matching funds to the acquisition and will provide for the ongoing stewardship and management costs for the property. Finally, as required by Section 75701(f), Conservancy staff has submitted to the Resources Agency and has posted on the Conservancy's website an explanation as to how the proposed acquisition meets the criteria of that section.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapters 5.5 and 9 of the Conservancy's enabling legislation, Public Resources Code (PRC) Section 31220 regarding integrated coastal and marine resources protection and PRC Sections 31400-31409 regarding public access, respectively.

Section 31220(a) of the PRC authorizes the Conservancy to undertake and award grants for projects that meet one or more criteria of Section 31220(b). Consistent with Section 31220(b), the proposed project will achieve the following objectives: 1) acquires and protects riparian areas, floodplains, and other sensitive watershed lands, and 2) provides for public access compatible with resource protection and restoration objectives.

Pursuant to the requirements of Section 31220(c), the proposed project is consistent with local and state watershed plans. This is discussed in detail below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan." Section 31220(c) also requires that projects include a monitoring and evaluation component. The Conservancy will monitor the project to ensure that public access is provided and BSLT will evaluate its effectiveness by undertaking periodic evaluations of trail use and resource protection.

Under PRC Section 31400, the Conservancy has a principal role in the implementation of a system of public accessways to and along the coast. The Conservancy's funding of the proposed acquisition is consistent with Chapter 9 because the property will be added to the Carmel River Parkway which will eventually link the upper reaches of the Carmel River watershed with the coast and the thousands of acres of wilderness in Palo Corona Regional Park (PCRFP).

Under Section 31400.1, the Conservancy may award grants to a nonprofit organization to acquire land for public access purposes to and along the coast if the Conservancy has determined that the accessway will serve more than local public needs. The Carmel River Parkway will provide access to the coast and Carmel State Beach, as well as wilderness access to PCRFP and Los

Padres National Forest. The river parkway will be an asset for residents throughout the region as well as the many visitors to this popular tourist destination.

Consistent with Section 31400.2, the proposed Conservancy funding was determined based on the total amount of funding available for projects, the fiscal resources of BSLT, and the urgency of the project relative to other eligible projects.

Under Section 31400.3, the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public accessways to and along the coast. BSLT will use the authorized funds to acquire property critical for the development of the Carmel River Parkway trail network.

Consistent with Section 31409, the proposed authorization for land acquisition will assist BSLT in expanding an inland trail system that links to the California Coastal Trail.

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

Consistent with **Coastal Trail Goal 1 Objective G**, the proposed project will acquire approximately 12 acres for a river park, including trail right-of-way for the Carmel River Parkway.

Consistent with **Resource Conservation Goal 4, Objective A**, the proposed project will acquire 12 acres of floodplain habitat along the Carmel River.

Consistent with **Resource Conservation Goal 5, Objective C**, the proposed project will protect approximately 12 acres of habitat which, through the Carmel River Parkway, is part of a comprehensive effort to protect a wildlife corridor from the coast to the upper watershed of the Carmel River and its tributaries.

Consistent with **Coastal Watershed Goal 6, Objective B**, the proposed project implement a portion of the Carmel River Parkway Vision Plan.

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:** The Carmel River Parkway Vision Plan was developed with the input of over 250 community members. The Carmel River Parkway is supported by Congressman Sam Farr, Assemblymember John Laird, Supervisor Dave Potter, California State Parks, Monterey Peninsula Regional Park District, Transportation Agency of Monterey County, the City of Carmel, the County of Monterey, and several local businesses.

4. **Location:** The proposed acquisition would be located outside of the coastal zone, but it would connect through the River Parkway trails to Carmel Lagoon and the ocean. The property also supports spawning and rearing habitat for steelhead trout.
5. **Need:** BSLT does not have the funds available to secure the property without assistance from the Conservancy.
6. **Greater-than-local interest:** Carmel Valley is a popular destination for people living within the Monterey Bay region, as well as for travelers from elsewhere in the United States and throughout the world. The Carmel River Parkway will join together several regional destinations including Carmel State Beach, Point Lobos State Reserve, PCRCP, Garland Ranch Regional Park, and Jack’s Peak County Park.

Additional Criteria

7. **Leverage:** See the “Project Financing” section above.
8. **Readiness:** BSLT is finalizing negotiations for the property. Once they have financing in place, they will be ready to close the acquisition.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The Carmel Area Land Use Plan is the adopted Local Coastal Program (LCP) for this portion of Monterey County. Policy 5.3 states that public access shall be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. Policy 5.3.3(3d) further specifies that “the water quality of Carmel River... should be protected by siting and designing improvements to public access areas in a manner compatible with these sensitive resources.” Public safety, resource protection, and respect of private property owners are all key elements in the design of the Carmel River parkway. The proposed property is being acquired from willing sellers and BSLT has discussed the parkway trail plan with neighboring landowners.

Policy 2.3 states that environmentally sensitive habitats shall be protected, maintained and, where possible, enhanced and restored. The parkway vision includes preservation and restoration of the aquatic and riparian resources of the Carmel River. The proposed acquisition is consistent with this vision.

**CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/
STATE WATER QUALITY CONTROL PLAN:**

Projects undertaken pursuant to Chapter 5.5 of Public Resources Code Division 21 (Section 31220) must be consistent with the following if available and relevant: Integrated Watershed Management Programs (IWMP); local watershed management plans; and with water quality control plans, adopted by the state and regional water boards. A draft of the Monterey Peninsula IWMP was recently completed and includes the Carmel River. Implementation of the Carmel River Parkway is recommended as one of the priority projects for implementation. The Water Quality Control Plan for the Central Coastal Basin adopted by the Regional Water Quality Control Board designates several beneficial use objectives for the Carmel River. The

preservation and restoration activities that are included in the vision for the Carmel River Parkway will facilitate the restoration of fish and wildlife habitat thereby furthering the following designated beneficial uses for the Carmel River: cold fresh water habitat, wildlife habitat; rare, threatened or endangered species; migration of aquatic organisms; and spawning habitat. The Parkway will also facilitate use of the river for non-contact recreation, another of the beneficial uses designated for the Carmel River. In developing this project BSLT and Conservancy staff have consulted with the State Water Quality Control Board, as required by PRC Section 31220(a)

In 2004, the Carmel River Watershed Conservancy adopted an Assessment and Action Plan for the Carmel River. The Action Plan called for creating a plan based on input of local residents, land owners and recreational group representatives for managed public access that considers local concerns for appropriate use and other issues related to parking, and access for seniors and the handicapped. The Carmel River Parkway Vision Plan fulfills this objective and is therefore consistent with the Action Plan.

COMPLIANCE WITH CEQA:

Acquisition of the McWhorter parcel is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15325, 14 Cal. Code of Regulations (CCR). Section 15325 exempts acquisition of lands to preserve the existing natural conditions, to prevent encroachment of development into flood plains and for open space and restoration purposes. Upon Conservancy approval of the proposed authorization, staff will file a Notice of Exemption for the project.