



## SUMMARY REPORT

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**Agenda Date:** 2/27/2024

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**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District  
**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District  
**Staff Name and Phone Number:** Leslie Lew, 565-7367  
**Vote Requirement:** Majority  
**Supervisory District(s):** 5th

**Title:**

Estero Americano IPAOM Funding Extension (0523)

**Recommended Action:**

Authorize Ag + Open Space's General Manager to execute an amendment to a funding agreement with The Wildlands Conservancy extending the availability of Initial Public Access and Operations and Maintenance funding for two years to March 31, 2026.  
(Fifth District)

**Executive Summary:**

The Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) acquired a conservation easement and recreation covenant over the 547-acre Estero Americano Coast Preserve property (Preserve) on December 24, 2015 at the same time The Wildlands Conservancy's (TWC) acquired the Preserve. Ag + Open Space's funding of \$1.95 million was used as a contribution towards the \$3.8 million purchase price of the property, which was also funded by the State Coastal Conservancy and the Gordon and Betty Moore Foundation. TWC owns and operates the Preserve, which is located just south of Doran Beach.

TWC has requested an extension of a grant agreement in the amount of \$299,500 for initial public access and operation and maintenance (IPAOM) activities, as detailed below and in the attached budget. The recommended extension of two years, from March 31, 2024, to March 31, 2026 is consistent with Ag + Open Space's Expenditure Plan and its IPAOM Policy, which governs the provision of initial public access and operations and maintenance funding for recreational properties purchased with the Ag + Open Space's Measure F sales tax revenue.

**Discussion:**

The Estero Americano Coast Preserve (Preserve) is located at the west end of Estero Lane and just north of the mouth of the Estero Americano. The Bodega Harbour Subdivision is adjacent to the Preserve to the northwest. TWC intends to provide Preserve access that will consist of low-intensity public outdoor recreational uses, consistent with the conservation easement and recreation covenant held by Ag + Open Space.

The Preserve is intended to be a recreational destination from several potential public access points, allowing the public to experience multiple habitat types along the Pacific Ocean coastline south to the mouth of the Estero Americano. Pursuant to the recreation covenant, the Preserve will be open to the general public daily. Until the property becomes open to the general public, TWC will provide pedestrian access to the Preserve via

regularly scheduled organized guided hikes. This funding has been used to facilitate guided hikes and will continue to fund the permitting, studies, and construction of infrastructure that is needed to facilitate general public access.

TWC began its efforts to provide initial public access upon receipt of the IPAOM funds. However, they have experienced extraordinary circumstances and associated delays including legal action, impacts from extreme weather events such as wildfire and floods, and the COVID-19 pandemic, which made it difficult to open the Preserve to the public within the specified timeframe of the IPAOM agreement. TWC is therefore requesting an extension of the funding for two years, to March 31, 2026.

Specifically, TWC has faced legal challenges from neighbors since shortly after the Preserve property was acquired. While a settlement was reached with neighbors on Estero Lane, the legal action is an indication of possible future issues with local residents as public access plans progress. TWC has proactively dedicated effort towards enhancing communication with their neighbors at the Bodega Harbor Homeowners Association (HOA). This valuable outreach has delayed the project as TWC works to address community concerns and incorporate useful input from neighboring communities. The efforts of TWC have demonstrated their commitment to working with their neighbors during the planning process and beyond and have resulted in improved relationships with the HOA.

Concurrently, TWC has also taken time to be involved in the process of updating the County's Local Coastal Plan (LCP) - recently updated and approved by the Board of Supervisors - to ensure that Preserve activities are in compliance with the most recent LCP.

Given these challenges, TWC has requested that your Board extend the terms of the grant agreement to March 31, 2026. The extension will give TWC an appropriate time frame to address unanticipated issues as they establish general public access on the Preserve.

### **Funding Agreement**

On February 9, 2021, Ag + Open Space and TWC entered into an initial public access and operations and maintenance (IPAOM) Funding Agreement authorizing up to \$299,500 to be used by TWC exclusively for the following tasks directly related to initial public access to the Preserve:

- Trail design resource surveys
- Coastal Permit application preparation, fees, tracking, public hearings
- Public access amenities (including gates, fencing, signs, kiosks, portable restroom rental, and picnic tables)
- Road/trail repairs, upgrades, and erosion control
- Project management and implementation
- Visitor safety and patrols (operations)
- Trail maintenance
- Community engagement and public outings

About \$97,700 in reimbursements have been approved for various IPAOM activities consistent with the attached Work Plan, including:

- Resource surveys, planning and permitting, trail design

- ☐ traffic study
  - ☐ biological surveys
  - ☐ special status plant surveys
  - ☐ wetland delineation
  - ☐ fauna surveys
  - ☐ permitting and review of the public access work plans
  - ☐ geotechnical survey of the coastal bluffs
  - ☐ cultural resources survey
- Capital costs for construction and access improvements
  - ☐ repair of spur road to the mouth of the Estero
  - ☐ installation and routine maintenance of a portable restroom at the end of the spur road near Estero Beach
  - ☐ installation of four picnic tables
- Operations and maintenance
  - ☐ administrative and financial oversight
  - ☐ project management
  - ☐ Preserve patrols
- Community engagement and outreach
  - ☐ April 2022 wildflower outing
  - ☐ April 2022 meeting with Bodega Harbour HOA
  - ☐ September 2022 community engagement tour with neighboring community members
  - ☐ October 2022 - guided raptor hike

The proposed 2-year extension will allow TWC to utilize the remaining \$201,787.01 in available funding to implement the remainder of the Work Plan.

### **California Environmental Quality Act**

Funding available under the agreement is for trail design, resource surveys, coastal permit application preparation, fees, tracking, public hearings, operations and maintenance, community engagement, and public outings. Funding is also available under the agreement for implementation of public access amenities (including gates, fencing, signs, portable restrooms, and picnic tables), road and trail repairs, upgrades, and erosion control once the location and extent of such improvements have been determined and the potential environmental impacts have been analyzed. Once feasibility and resources studies have been completed, all aspects of the ultimate trail design and related public access improvements will be reviewed pursuant to CEQA by the permitting agencies, including Permit Sonoma and the State Coastal Commission. All funding for such alterations and improvements is conditioned on a determination by the Ag + Open Space General Manager that there has been full compliance with the California Environmental Quality Act.

### **Prior Board Actions:**

On November 17, 2015, by Reso. No. 15-0465, the Board approved the acquisition of a conservation easement and recreation covenant over the Estero Americano Coast Preserve property.

On February 9, 2021, the Board approved a funding agreement to provide \$299,500 to The Wildlands Conservancy for initial public access and operation and maintenance of the Estero Americano Coast Preserve property.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 23-24 Adopted</b>	<b>FY 24-25 Projected</b>	<b>FY 25-26 Projected</b>
Budgeted Expenses	97,712.99	201,787.01	0
Additional Appropriation Requested	0	0	0
<b>Total Expenditures</b>	<b>97,712.99</b>	<b>201,787.01</b>	<b>0</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other (Ag + Open Space, Measure F)	97,712.99	201,787.01	0
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>97,712.99</b>	<b>201,787.01</b>	<b>0</b>

**Narrative Explanation of Fiscal Impacts:**

Adequate appropriations are existing in the FY 23-24 budget and will be incorporated into the projected year's budgets. The Ag + Open Space Board of Directors approved Initial Public Access and Ongoing Maintenance funding on 2/9/2021. Funds have already been encumbered and no additional allocation or adjustment is needed.

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

1. Budget Summary
2. Amendment to Funding Agreement
3. Work Plan

**Related Items "On File" with the Clerk of the Board:**

1. Funding Agreement