

# HUMBOLDT NORTH COAST LAND TRUST

## Newsletter - September 2008

*Humboldt North Coast Land Trust is a non-profit organization dedicated to protecting for the public benefit the natural beauty and character of Humboldt County from Little River to Big Lagoon*

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### **TRUSTEES:**

#### **Gail Kenny**

President 677-0515

#### **Ben Morehead**

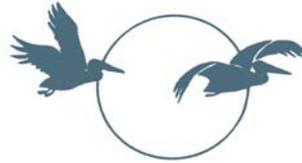
Vice-President 677-0177

#### **Beverly Zeman**

Secretary 677-9391

#### **Gail Ward**

Treasurer 677-0489



**Don Allan**  
**John Calkins**  
**Kathleen Lake**  
**Ned Simmons**  
**Ilene Poindexter**  
**Matthew Malkus**

### **ADVISERS:**

**Jeanine Martin**  
**Tom Lindquist**  
**Melody Hamilton**  
**Sue Forbes**

### **Annual General Meeting Hetch Hetchly Valley – Lessons Learned.**

Please join us for our annual general meeting on Thursday, September 18 at 7:00 p.m. in the Civic Room at the Trinidad Town Hall. Tom Davies will be presenting a program on Hetch Hetchy Reservoir. The focus of the program will be environmental leadership in the early 20<sup>th</sup> century focusing on the damming of Hetch Hetchy Valley in Yosemite National Park illustrating the philosophies of Conservationist environmentalism and preservationist environmentalism. Primary source documents from both philosophies will be presented for analysis and discussion.

### **Saunders' Gifted Property**

Progress is being made on the joint project behind the Trinidad Chevron Station. The Museum building is just about done and ready for action. The Museum's native plant garden landscaping is in. The Cal-Trans grant funding for the road through the property was stalled for some time, but is now progressing. The road design has been finalized and it will go out to bid later this month. There is a remote chance it will be in before winter. The Trinidad Museum Society is waiting for the road to be completed before they can open their new building. The library building committee has a design for their building that will complement the museum building. It will be heated by using geothermal energy and the geothermal trenches have been

installed. The library building committee has begun their major fundraising campaign. The Trinidad City Park portion (Saunders' Park) will be constructed once the road is in.

### **Replogle Easement**

We have been in discussions with the owner of the property with the Replogle public access easement From Wagner Street to the old Indian Beach (Old Home) trail regarding keeping the vegetation cut back. Also, the City of Trinidad is updating an ordinance that will allow a sign to be installed there regarding usage rules.



**North Luffenholtz Beach**

### **Funds**

We moved our investments from Raymond James to Humboldt Area Foundation. This will give our organization more exposure in the

community and encourage people to donate to HNCLT. We did a follow-up letter to members who didn't respond to our initial annual mailing for membership and generated an additional \$1,000. We also received \$975 in memory of Mary Rowena Bissell who spent a lot of time in Trinidad and whose family and friends wished to support our work here.

### **Board Members**

We added 2 board positions and have gone from 9 Trustees to 11 Trustees. We appointed Ilene Poindexter to one of the open positions and are in conversations with some potential Trustees for the vacant position.

### **Strategic Planning**

We adopted a Potential Project questionnaire, Project Criteria Form, Management Plan Guidelines, and Monitoring of Holdings Policy. We also assigned stewardship teams for each holding.

### **Trail Maintenance**

John Calkins worked with Ross Ward on his Eagle Scout project which focused on trail building and maintenance. As part of the project they did some major maintenance work on the Baker Beach and Houda Point Trails.



**Baker Beach**

### **Pilot Point**

We were contacted by a graduate student from Montana State University to dig in the Moonstone Beach Formation, part of which is located at Pilot Point, because it is one of the only sea otter bearing rock units in the Pacific rim. In addition there have been important pinniped and marine bird fossils found from the same site. There are very few marine rock units that preserve vertebrate fossils that are under 2

million years old (i.e. are roughly equivalent with the Pleistocene, or ice age). Additionally, the Moonstone Beach formation is the only known source for fossils of an extinct sea otter named *Enhydra macrodonta*. He spent two days in mid-June looking around at some of the localities around Pilot Point, including Moonstone Beach. He found some invertebrate shells at the site. However, at a road cut nearby he found a single sea otter tooth. He plans to be back possibly in December to look again.

### **Moonstone Beach**

The parking lot was improved by owner Sam Merryman when he had the potholes filled and the graded this past year. We hold a public access easement across the ocean side of the parking lot. We work closely with Sam to keep the problems to a minimum there. Some of issues Sam has reported to us include out of control dogs, people not picking up after their dogs, people leaving human waste in places other than the portapotty, people camping on the beach and leaving trash. This beach access has special challenges because it is a combination of both public (Humboldt County owns the paved area) and private property and the parking lot is shared by the beach house which is rented for private parties. There can be conflicting interests at the beach when it is a very nice day and there is a function at the beach house. When that occurs, parking on the side of the parking lot away from the beach can be reserved for private parking, with the beach side left open to the public. We are interested to know of any major problems you might encounter at Moonstone Beach and encourage you to contact us.

### **Martin Creek Trail**

The informal trail was reviewed by Johnny Calkins and Ben Morehead for trail work and a plan was made. This trail is in the difficult category and will remain so due to the bottom of the trail being steep, but a couple of spots with erosion issues will be addressed in the future.

## **Learn More About Land Conservation**

*By Katherine Loeck*

Sylvia Bates has more than 20 years of experience in the field of land conservation. Read this interview to learn all about conservation easements from a professional..

***How would you explain a conservation easement to someone without prior knowledge of them?***

A conservation easement is a voluntary legal agreement between a landowner and a conservation organization or public agency. Its primary purpose is to protect the land from inappropriate development, and this agreement restricts the amount and type of development that can occur on a piece of land. It protects a property's value as agricultural land, a scenic view, an open space, a river corridor, a park, etc. These conservation values are permanently protected from any development that will have a negative impact on them. The agreement is perpetual, meaning it lasts forever and runs with the land. It binds all future owners of the land as well as the existing landowner. So the current landowner is bound by the terms of the easement, ensuring that the property never becomes developed, and any future owners of the property also are bound by those same restrictions.

***What's the relationship between a landowner, easement and land trust?***

Interactions between a landowner and a land trust can happen in many different ways, often depending on how that relationship first came about. Some landowners are very generous and are able to make donations of conservation easements. Sometimes they will actually approach a land trust for this purpose because they think this is an important thing to do. They have a conservation commitment, a conservation ethic, and really want to see their land permanently protected from any future development. So they may already have established an earlier relationship with the land trust — perhaps they're a land trust member already, or maybe they're just a member of the community that's already heard about the good work that the land trust

does, or somehow are introduced to the organization in some other way. In other situations, a land trust may initiate contact with a landowner for those properties that the land trust has previously identified as being very important in its community or region to protect. So the land trust may approach the landowner to discuss options for protecting their land.

***Which scenario is more common?***

Both, actually. Land trusts are both proactive in terms of identifying those areas that they are most interested in protecting, depending on their mission and their goals. Plus, they also respond to land protection opportunities from landowners that approach their organizations, if the property fits with their mission and their land protection criteria. It works both ways.

***What requirements must a piece of land satisfy in order to be eligible for an easement?***

Well, it depends. First, land trusts establish land protection criteria that describe those properties that they're willing to protect. Second, a land trust is generally a nonprofit 501(c)(3) corporation, so it must operate in the public benefit. An easement must have some kind of public benefit before a land trust will accept it. Public benefit does not necessarily mean public access; public benefit can be demonstrated in other ways. Public access is one measure of public benefit, but not the only one. Public benefit can be the protection of water quality. It can be the protection of a rare or endangered species habitat, or the protection of open space that provides a beautiful scenic view of a Rocky Mountain vista. Public benefit can be defined in a number of different ways. And finally, for those donated easements for which a landowner intends to take a federal income tax deduction or state tax credit, there are certain Internal Revenue Service requirements that the conservation easement must meet.

***Is ecological value determined by the land trust?***

Ecological value is one factor that might make a property important to protect with a conservation easement, but it's not the only factor. Ecological values, such as natural areas or an endangered species habitat, are often protected by conservation easements, but there are other properties that may not have these specific ecological values, but have other public benefit values, such as recreation or agriculture. Ecological values are sometimes determined by the land trust or, for example, a consulting biologist, but these values also are often determined by public agencies, such as state natural heritage programs.

***How long does it take to set one up? Is it easy to do?***

It depends on the internal process of the land trust and the nature of the easement project. An average project may take between eight months to a year. Other easements can be very complicated and may take many years to complete.

***What are the short-term costs?***

Short-term costs for the landowner include attorney and financial advisor fees. Again, it's difficult to estimate.

***About how much does an easement lower the property's market value?***

In general, the less restrictive the conservation easement is, the lower the value of the easement. So it really depends on the terms of the conservation easement and how developable the property is to begin with. In terms of resale value of the property itself, over time that often is not an issue.

***According to the Land Trust Alliance, more than 1,700 land trusts are already established, serving every state. Are they fairly accessible to anyone who is interested in conserving land?***

Yes, absolutely!

***How does a land trust ensure the easement's restrictions are upheld after a***

***landowner's death? Are there exceptions that can break an agreement's permanency?***

The land trust's role is to ensure that easement-protected property remains protected. In general, land trusts do this by monitoring the property once a year, either through a visual inspection on the ground or by flying over it by plane, depending on the size of the property. And by keeping good relationships with the landowner, making sure that they understand the easement's terms, what they can and cannot do, and then building those relationships with new landowners, the next generation landowners who own the property after the original grantor of the conservation easement is no longer the owner. Land trusts also are responsible, then, if there is an issue, for working with the landowner to resolve any problems and defending the terms of the conservation easement forever.

When there are problems, a land trust's first recourse is usually to try to work out a solution with the landowner. But ultimately the land trust's duty is to defend the easement and its terms, even if it means going to court.