

## Trinidad and the Humboldt North Coast Land Trust: A Solution for Land-Use Conflict

Authored by Steele Wotkyns, founding Land Trust board member, as a chapter in a book on communities and conservation in California entitled "Land-Saving Action" published by Conservation Law Foundation of New England in 1984.

(note: organization name change to 'Trinidad Coastal Land Trust' in 2011)

Trinidad, California, circa 1983

Countering the decades-long trend that has tended to centralize and prescribe land-use planning, the establishment of the Humboldt North Coast Land Trust (HNCLT) is an early and dramatic example of the effectiveness of local volunteer responsiveness to land-use issues. This endows Trinidad's story with a special interest. Local volunteer land trusts occupy a "vacant niche" between private and local community interests and the more generalized public interest of large-scale government agencies. HNCLT's success in reducing the levels of conflict between these approaches heralds a renaissance of local responsibility. The side effects are as dramatic as the original impulse. Trinidad has rediscovered itself. This is the vital and sufficient reward the volunteers have worked so hard to achieve.

Trinidad is the smallest and second-oldest incorporated city in California. It is a semi-rural community on the fringes of Eureka. Located 300 miles north of San Francisco, Eureka is the only moderately large population center on the north coast. For most people who do not know the state, the vast north coast is a hidden and unknown land. Roads, rail, and air services are minimal. Humboldt County is a haven for adventurous travelers and exurbanites. It is home to a significant and remarkably stable native-born population whose ancestors came for gold and trees. Trinidad has been a minor port for the region's products in conjunction with Humboldt Bay and is an important local fishing center. It retains in large measure the virtues' and vices of a traditional, independent, and self-sufficient small American town.

The city's character is inseparable from its physical environment. The several miles of coast which it and its hinterland command are incomparably beautiful. Rare on the western coasts of the Americas, the presqu'isle of Trinidad

Head offers protection in the summer from the prevailing northwest winds. It was here in the eighteenth century that Spanish explorers sought refuge, named the town for the Feast of the Trinity, and gave the first accounts of the native American population, the Tsurai of Yurok stock. The prehistoric village site is within the city limits, and the descendants of its inhabitants are among our influential citizens. Huge, rocky sea-stacks dot the ocean, while the coast consists of a variety of pocket beaches nestled under the brooding palisades which are so characteristic of the California coast. The steep coastal mountain range rises behind, still covered in part with the redwood forest for which our region is famous.

One-third of the incorporated land within the city limits is a long-established state park. Within ten minutes of the city are two flanking state parks of generous proportions. Other parks, including the new Redwood National Park, are less than an hour's drive from the town. Nearly all of the other privately owned beaches and coves within the city limits and

the hinterland have always been available to the public by a network of informal trails leading from the nearest coastal road. Development along the coast is relatively unobtrusive. Moderate private surveillance in the immediate past has managed to preserve the near-pristine quality of the coastal experience for visitors and the local population. In the dry summers there are morning fogs and brilliant afternoon sunshine; in the winter it rains and rains. A price for paradise!

Crab and salmon are the principal fisheries, while the coast is alive with birds and a rich tidal life. Sea lions and pods of harbor seals cover the offshore rocks within sight and sound of the city. Fishing boats anchored in the lee of the Head, with a fringe of white houses on the palisades above, rival the beauty of the most famous fishing villages of the Mediterranean coast. California's Coastal Act of 1976

As a result of the Coastal Act of 1976, our community was suddenly overwhelmed by rigid demands for coastal preservation, conservation, and planning. We were also threatened with state purchases within the city limits and the city's adjoining hinterland. Had these purchases been made, considering the naturally limited land-base of the town, the "critical mass" necessary for a successful community might have disappeared.

You can imagine the consternation of a community of 300 souls suddenly beset by the two-pronged descent of powerful and remote state agencies? One, the California Coastal Commission, demanding rigid adherence to an elaborate and inflexible planning standard geared to the infrastructure of a large city. The other, being the State Department of Parks and Recreation, planning to remove yet another third of the city's land by purchase. Our part-time city clerk and then-unsophisticated city council-were overwhelmed. Threatened landowners, both within the city and nearby, faced the situation with a mixture of disbelief, resignation, and mounting anger.

Although the town and state eventually squared off, it all began fairly low key while the commission and the city council reviewed their respective parts in the process. Citizens were surveyed concerning their desires for the community. To all those participating, it seemed hopeful when the technical part of producing the planning document, known in California as the Local Coastal Program (general plan), began. Subsequently, however, the desultory public hearings, which probably satisfied the letter of the law, failed entirely to reach people in the community or to reflect their expressed desires. The commission's regulations clouded the issues, and neither the commission's regional and state staff nor the citizens could predict their ultimate effect on the social fabric of the community.

Finally, a document, foreign in many ways to the expressed desires of the citizens, was produced, and the certification hearings were upon us. Some of us began to suspect that the return of reasonable local jurisdiction, upon certification, was a chimera. However, exhausted and intimidated by endless wrangling with the commission's staffs, the planning consultant and city officials urged the adoption of the document. Fortunately, by vigorous citizen action, certification was delayed. Then the ax fell!

Thirty-three coastal landowners received notification from a sub-agency of the California State Department of Parks and Recreation that their lands were being considered for purchase by act of eminent domain in order to establish yet another park in our town and immediate vicinity. The shock to the landowners was paralleled by the shock registered in the community at large. Already surrounded and partly invaded by public parks, we were able to see immediately that the future economic and social structure of our community would be made subservient to the whims of a distant impersonal bureaucracy.

The rush to restudy the largely imposed plan was on. Threatened landowners created an informal association, The Concerned Citizens of Trinidad. At first, we felt at sea, without voice, without connections, and without access, confronted by a remote, unresponsive, and unaccountable bureaucracy. There appeared to be an unimpeachable power in the state capitol holding all the cards. Expensive consultation with leading attorneys in San Francisco suggested that we hold out for a maximum purchase price by forcing the state to go through complex condemnation procedures. Our unified stand, forcing the state to consider this cumbersome process, did buy our association some time. However, we soon recognized that legal proceedings offered no real solution. Our limited collective means precluded the endless costs of legal services that could gain for us only a maximum invasion of the public purse. As taxpayers and landowners this was not an attractive option. Moreover, the health of the community in which we had chosen to live would still have remained seriously threatened.

Political action, then, appeared the only recourse, even though the odds seemed insuperable. An aroused citizenry sharply questioned the proposed general plan. We called to the attention of the city council the implications of admitting the validity of further public purchase in our community. Others sought and documented wide public support through petition opposing unnecessary and costly state purchase of local land. Still others arranged for area-wide publicity, including television talk shows and newspaper articles, some as far away as San Francisco. Throughout we concentrated on reaching real decision makers, avoiding a uniformly unresponsive bureaucracy.

The controversy between the town and state embodied a dilemma. On the one hand, a statewide public consensus (Proposition 20, which created the Coastal Commission by referendum) had expressed a new interpretation of private property rights in places of high resource value. While, on the other hand, it could unequivocally be shown that unlimited public use of those resources results in degradation of them along with a questionable invasion of private and community interests. Thus, under certain circumstances, there is a kind of built-in defeat in the very objectives of the Coastal Act of 1976. So, we began an intensive search for a creative accommodation, for an alternative to the too-rigid strictures of regulation, an alternative that would satisfy the intent of the law while permitting the diversity of response needed to accommodate specific circumstances.

We also began to realize that the "doctrinaire" conservation community had missed something vital. Since the "conservation ethic" is a human idea, it cannot be isolated from

other human responses to the environment, so it cannot be considered separately from other social and economic values that make up a community. Real conservation depends on people living with and in the environment who feel a keen personal responsibility for valuable natural resources. This caring level of stewardship is rarely achieved by the faceless mechanisms of a centralized government agency.

The question before us was refined: What kind of an alternative would balance the abstract public welfare against the specific character of our environment and local community? Whatever it was, it had to be attractive to private interests and reasonably palatable to more conservative private sensibilities as well.

As we worked to develop such an alternative, it became clear that legislative action would be required if we were to succeed. A reawakened legislature, led by our own assemblyman and now Senator Barry Keene, and a group of Trinidad citizens began searching for a specific alternative proposal. In the course of this search, a nonprofit corporation, The Trust for Public Land (TPL), offered a suggestion. "Why not," asked TPL as ombudsman, "set up a private, local nonprofit land trust that will let the people decide and do voluntarily what has proved very difficult in the heavy hands of public agencies?"

#### **HUMBOLDT NORTH COAST LAND TRUST**

Our legislators liked the idea of a local land trust, and so did we. Events moved rapidly. Senator Keene devised a special bill that withdrew appropriations from the Department of Parks and Recreation for the contended purchases, recognized the newly formed Humboldt North Coast Land Trust as an "appropriate entity" to serve the public interest, and granted it \$100,000 as seed money for the partial purchase of lands where owners had been adversely affected by coastal regulation. The proposed bill then attracted wide support in the California assembly and senate, chiefly for its potential merit in resolving growing conflicts in the dangerously heated climate of coastal regulation.

Now that our land trust was recognized and granted seed funds by the legislature, we needed a bridge for cooperation between our local trust and state agencies. Happily, the more flexible California Coastal Conservancy has become this bridge. Meanwhile Trinidad, chosen as a pilot program under the Coastal Act, became the first trust to have a certified coastal plan under the coastal law of 1976.

Our trust is young. Yet in the five years of its existence, we have been given land appraised at more than \$2 million. These gifts include easements and below-market-value purchases. The fiscal as well as environmental benefits of this approach have been substantial. The original appropriation for purchase in our area was \$1,200,000, representing only a minor portion of the proposed parks and recreation project. In contrast, the trust has used only the original seed funds granted to it by the state legislature. Even so, we have succeeded in dramatically increasing protected areas. For example, one below-market-value purchase tripled the effective size of an adjacent county park.

The trust has also been able to act independently of state funding. For instance, it was able to sell a one-plus-acre parcel of already developed land within an eighteen-acre habitat preserve. This transaction assured permanent protection of seventeen acres of open space and precluded further potentially damaging development. The one-acre sale carried with it restrictive conditions that built in care and surveillance of the land. The increased value of the one-acre parcel compensates the county tax base, which is chronically in need. A moderate profit realized by the trust will finance other critical purchases and help maintain the trust's other activities. In coming years, other promised gifts, purchases, and granted easements will exceed in public benefit and cost much less than the original plans of the California State Department of Parks and Recreation.

The trust also has exciting plans in cooperation with the City of Trinidad and the County of Humboldt for the establishment and management of trails to beaches, the proposed establishment of a recycling septic tank management district, and various aspects of Trinidad's harbor development. All of this is being accomplished with relatively little pain in an improved atmosphere of cooperation, as opposed to confrontation—all in a way that strengthens the social fabric of the community rather than threatening its ultimate decline.

The decentralizing thrust of the volunteer land trust movement is reflected in HNCLT'S belief that long-range conservation is best served by a diversity of ownership and management patterns. An early alert given the trustees informed them of the imminent transfer of Trinidad Head out of federal ownership. This triggered a quiet but intense campaign by the trust at federal, state, and local levels that resulted, in the winter of 1982/83, in an astonishingly rapid transfer of the Head to the ownership of the City of Trinidad. The city, the trust, and the Tsurai Ancestral Society will share in the management of this unique coastal feature.

HNCLT, like other local land trusts, has the enormous advantage of promoting the enlightened self-interest of our patrons in providing for genuine public needs. They, in turn, protect their residual rights after suitable gifts are made in the public interest, realize tax and estate-planning advantages, and, above all, have the ultimate satisfaction of real service to the community. That negotiations between the trust and its patrons can remain low keyed and unpressured is a great advantage in obtaining grants of easements or gifts of land from the more conservative members of the community who often control critical lands.

The trust is also able to be flexible and responsive to owners' attitudes and special circumstances. In one case, it was able to accept land that had been repeatedly offered to the state and repeatedly refused, ostensibly for budget reasons; in other cases because the owners were adamantly opposed to agency ownership.

Aside from the financial advantages that are often possible for land trust patrons, negotiations are conducted with friends and neighbors so emotional attachments to land are released gently. Patrons retain not only the sense of directing the destiny of their land,

but also of a very real participation in the formulation of policy and active involvement in the continued management of their now-protected lands. In short, the implicit demand to continue caring promotes the best kind of social responsibility and community solidarity.

For example, HNCLT never makes an "acquisition." Instead, it receives a gift from a generous patron in circumstances where the gift is of benefit to the patron, the community, the public, and is at the same time a reasonable option for trust management. If any one of these ingredients is missing—no deal. HNCLT does not accept or promote a new access way, open space easement, or habitat reserve unless there is a clear advantage both to its patron and to the "public." Sharing the resource builds in turn a reciprocal responsibility among the trust, its patron, and the community. Most important, HNCLT does not make prescriptive plans; instead, it is on the lookout to identify step by step, as the situation changes, ways to protect and preserve management options for both its patrons and the community at large.

Aside from its concrete objective to protect and make available coastal resources, the trust is having considerable success in areas of social influence not contemplated on its formation. Points of view and political orientations that were polarized by imposed regulation and the threat of acquisition have been resolved by local community action and organization, making possible the cooperative rapprochement between distant state agencies and local individuals.

Meanwhile, there have been a number of other bills passed by the state legislature that have strengthened the position of private and local nonprofit land trusts. One of these provisions has been to extend to trusts limited public liability for lands that they manage in the public interest. Sister land trusts are springing up all over the state. The diversity of these volunteer associations and their goals differ with the resources of their localities. As the volunteer trust network grows, there is both a greater sense of responsibility and a growing power to shape our own destinies. Conservation of our natural resources in a fashion appropriate to the local community and compatible with the needs of society as a whole follows.

In spite of all the organizational problems, political hurdles, and the sounds of distant thunder, what have we accomplished? As of 1983, HNCLT has received gifts and services in kind, land, conservation easements, and money valued at \$2 million or more. But money is just a convenient way to count the accomplishments and means nothing in particular of itself. The real accomplishment is that we have learned how much we can do if we just begin to accept, and even demand, responsibility for that share of our affairs that we can do better for ourselves.