

**Summary of Scoping Comments
Realty Action – Land Exchange between
National Park Service and Giacomini Trust**

**National Park Service
Pacific West Regional Office, Oakland, Calif.**

Introduction

The National Park Service (NPS) recently issued a Notice of Realty Action (NORA) for exchanging several parcels owned by the NPS in the Dairy Facility along C Street in Point Reyes Station and one parcel along Sir Francis Drake Boulevard for three parcels owned by the Giacomini Family along Sir Francis Drake Boulevard (two parcels) and the north side of the Dairy Facility Mesa (one parcel). The three parcels currently owned by Giacomini are “lowland” parcels that are contiguous with the pastures that are slated for restoration. The parcels owned by the NPS are all upland parcels that are either on the Point Reyes Mesa (and therefore disconnected from the pastures) in Point Reyes Station or on a portion of the alluvial fan adjacent to Inverness Park. The parcels owned by the NPS in Point Reyes Station on or along C Street that are proposed for exchange to the Giacomini include a 1.3-acre parcel that is zoned Coastal Residential Agricultural (1 house per 10,000 square feet) and a 3.0-acre parcel that is zoned A-60 or Agricultural Production, 1 unit per 60 acres. The Giacomini already own 2.75 acres along C Street that are zoned residential and were not part of the original acquisition and are not proposed for exchange. This document summarizes comment received during the public scoping period for the exchange.

Purpose and Need for Exchange

In March 2000, the NPS acquired the 552-acre Giacomini Ranch for \$4.5 million for the purpose of restoring the historic coastal marsh at the confluence of Lagunitas Creek with Tomales Bay. At the time of the purchase, the Giacomini only offered certain parcels to the NPS for potential sale, as they wished to retain many of the parcels adjacent to the town of Point Reyes Station. As part of the final negotiated agreement, the Giacomini family retained some “lowland” parcels that are contiguous with the pastures on the West Pasture (near Inverness Park), and the NPS retained a portion of the Dairy Facility on the higher elevation Point Reyes Mesa that fronts C Street in Point Reyes Station.

The purpose of this land exchange at this time is to: a) establish federal ownership in 9.61 acres of environmentally sensitive wetlands, owned by Giacomini, that are contiguous to existing Federal holdings near the Towns of Inverness and Pt. Reyes Station; and b) convey a total of 5.38 acres to the Giacomini federally-owned lands adjacent to existing Giacomini holdings in the Town of Point Reyes Station, and convey an improved property near the Town of Inverness.

Completion of a land exchange that results in conveyance of the lowland areas to the NPS would be beneficial to the Giacomini Wetland Restoration Project by expanding the amount of area available for restoration. The NPS is currently in the final stages of planning and compliance for this project.

The NPS is interested in acquiring these "lowland" parcels through exchange, because they have inherently high hydrologic and biological values. The parcels either contain creeks or seeps that are important for wetland habitat diversity and maintenance. West Pasture lands that the NPS would acquire contain reaches of Fish Hatchery Creek and an associated 0.5 cfs appropriative water right. Fish Hatchery Creek supports steelhead and California red-legged frog, as well as tidewater goby. The lands that would be exchanged have been intensively altered and impacted by the operations of the dairy. While upland is important, the proximity of these parcels to town lowers its value as refugia for wildlife, which is one of the most important values of uplands adjacent to wetlands.

Public Process

On January 12, 2006, the NPS sent the NORA to more than 400 addresses, including those on the mailing list maintained by the Point Reyes National Seashore (Seashore), neighbors to the Giacomini Property, local media outlets, including the *Point Reyes Light*. The NORA was also published in the *Point Reyes Light* as a public notice for three weeks. The NORA allowed 45 days for the public to comment on the proposed land exchange, which is proposed to be handled under a Categorical Exclusion. The *Point Reyes Light* and the Coastal Post published articles regarding the land exchange on February 16, 2006 and March 2006.

During the public comment period, residents of Point Reyes Station registered their concerns about the fate of the NPS parcels in Point Reyes Station that are proposed for exchange, specifically, the potential for the approximately 3-acre parcel zoned A-60 (Agricultural, 1 house per 60 acres) to be used for future agriculture by the Giacominis once it is owned by them. Some residents also expressed concern about the potential for the 1.3-acre parcel adjacent to town to be developed in the future, as would be consistent with their current zoning as Coastal Residential Agricultural (1 house per 10,000 square feet). Based on the desire for an extended public comment period, the NPS Lands Division extended the public comment period to March 24, 2006. The public was notified about the extension of the public comment period through a second mailing to the 400 people on the Seashore's mailing list on February 23, 2006.

In addition, some members of the public and local community groups requested a public meeting with the Seashore to get additional information on the objectives for the land exchange and discuss community concerns. A public meeting was held on Thursday, March 16, 2006, at the Red Barn at the Seashore from 5:00 to 7:00 p.m. The meeting was noticed through a press release sent on March 6, 2006, to local media outlets, including the *Point Reyes Light*: the *Light* published an article on March 26, 2006. The objective of this meeting was to provide background to the public on the proposed land exchange between the NPS and the Giacomini family and discuss their specific concerns.

Approximately 50 members of the public attended the meeting. Ms. Ann Lazier of the League of Women Voters of Marin facilitated the meeting and the question and comment period. Mr. Don Neubacher, superintendent of the Seashore, provided a short history on the Giacomini Ranch purchase and the proposed land exchange agreement with the Giacominis. Ms. Lorraine Parsons, project manager for the Giacomini Wetland Restoration Project, discussed the ecological importance of the proposed land exchange and why the NPS would like to acquire the "lowland" parcels. Mr. Greg Gress, chief of the Lands Division for the

Pacific West Region of the NPS, outlined the process by which land exchanges occur, including the appraisal process and approval process. Following the formal presentation, Ms. Lazier opened the meeting up to questions and, later, up to general comments regarding the land exchange.

This document summarizes the full range of comments from the public and agencies and organizations received by the NPS during the scoping period in letters or emails or during the public meeting.

Review of Letters and Comments

To ensure that all comments and/or issues raised in letters or oral comments received during the review period were noted and summarized accurately, all of the letters received from individuals, organizations, and agencies were reviewed by Greg Gress, NPS regional office; Don Neubacher, Seashore; and Lorraine Parsons, Seashore. Comments and/or issues that shared a common theme were consolidated to the extent possible, and then a table was prepared that listed all of the issues and/or concerns under major issue headings (Appendix A).

Public Response to Scoping

Approximately 45 individuals and 4 private organizations or agencies mailed, faxed, or emailed comments regarding the land exchange by the March 24, 2006, the close of the scoping period. Commenting organizations include the Environmental Action Committee (EAC) of West Marin, Sierra Club, Tomales Bay Association, and Inverness Association. The NPS also received one petition with a total of approximately 28 signatures.

This staff report consolidates the comments under major issue, concern, or comment headings (Appendix A). Written comments received by the NPS are available for review at the Seashore Administration Building, 1 Bear Valley Road, Point Reyes Station, CA. This summary report will be available on the Seashore's web site under the Giacomini Project section of Management Documents.

Next Steps

The NPS will review the comments received during scoping to evaluate future options with regards to the land exchange, which could include terminating negotiations with the Giacomini Trust, reinitiating negotiations with the Giacomini Trust, or proceeding with the land exchange as proposed. Should the NPS elect to proceed with the proposed land exchange either as proposed or after reinitiating negotiations, staff will determine the appropriate environmental compliance route necessary to meet requirements of the National Environmental Policy Act (NEPA).

APPENDIX A: Summary of comments and questions from letters, emails, and questions and comments during the public meeting regarding the Proposed Land Exchange with the Waldo Giacomini Family.

General Topic	Specific Topic	Summary of Comments
<i>Planning Process</i>	Public Information	<ul style="list-style-type: none"> • Not enough information disseminated in the letter mailed to the Seashore mailing list or during the public comment period for people to understand the structure and implications of the proposed land exchange. (Note: NPS conducted public meeting on March 16, 2006, regarding land exchange.)
	Public Meeting	<ul style="list-style-type: none"> • Public meeting needed to ensure that the public gets the information that it needs to understand the structure and implications of the proposed land exchange. (Note: NPS conducted public meeting on March 16, 2006, regarding land exchange.)
	Deadline for Comments	<ul style="list-style-type: none"> • Because of lack of information available during initial comment period, deadline for public comment should be extended. (Note: NPS extended public comment period.)
	Project Purpose	<ul style="list-style-type: none"> • Failure to purchase C Street parcels in 2000 represents inconsistency with stated Project purpose. Incomplete acquisition action necessitates study in terms of environmental impacts. The DEIS/EIR should possibly be rescoped in order to properly address a very different project than was originally defined. • Inconsistency exists between Project Study boundaries in Philip Williams and Associates Feasibility Study in 1993 and subsequent project boundaries.
	NEPA Compliance	<ul style="list-style-type: none"> • Does land exchange trigger National Environmental Policy Act (NEPA)? • Does the DEIS/EIR in preparation for the wetlands restoration project include or not include lands proposed for exchange? • Should exchange be treated as an alternative in the DEIS/EIR analysis? • Does the NEPA analysis for the land exchange assess the implications of continued agricultural use on the edge of the proposed wetlands restoration project?
<i>General: Support or Lack of Support for Proposed Land Exchange</i>	Support Exchange as Proposed	<ul style="list-style-type: none"> • Support the NPS going ahead with the restoration of the Giacomini wetlands through the proposed land exchange with the Giacomini family.
	Support Exchange with Modifications	<ul style="list-style-type: none"> • Support the NPS conducting the proposed land exchange with the Giacomini family with modifications to structure of the exchange (listed below).
	Oppose Exchange	<ul style="list-style-type: none"> • Oppose the NPS conducting the proposed land exchange with the Giacomini family regardless of modifications to structure of the exchange. • Oppose land exchange: proposed deal is inequitable and unfair to the NPS because of values placed on undevelopable parcels. • Oppose land exchange: No agricultural or residential development or uses after 2007 acceptable. • Oppose land exchange: No continued or potential for continued agricultural use or development after 2007 acceptable. • Oppose land exchange: C Street parcels should be restored to wetlands and not be developed at all.

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Structure of Proposed Land Exchange	Keep A-60 Parcel	<ul style="list-style-type: none"> NPS should retain 3.0 acre Agricultural Production – 60 (A-60) parcel.
	Restrict Agricultural Use on A-60 Parcel	<ul style="list-style-type: none"> Continued or new agricultural use or development should be restricted on the A-60 parcel exchanged to the Giacomini family through a deed restriction.
	Dairy Barn Removal	<ul style="list-style-type: none"> Deal should be altered so that the Giacomini family take responsibility for removing the dairy infrastructure on the A60 parcel (which would stay in NPS-ownership) in lieu of payments to the Treasury.
	West Pasture swap only	<ul style="list-style-type: none"> The NPS and Giacomini family should swap only the parcels in the West Pasture. One attendee suggested that the NPS-owned “commercial” property opposite the deli must be worth about as much as the Giacomini-owned wetland parcels.
	Reappraisal	<ul style="list-style-type: none"> A new appraisal should be conducted on parcels included in the land exchange.
	Renegotiate Deal	<ul style="list-style-type: none"> The deal with the Giacomini family should be renegotiated, or the NPS should walk. Deal should be renegotiated so that no monies are transferred from the Giacomini family to the U.S. Treasury.
General Comments – Land Exchange	Selection of Lands	<ul style="list-style-type: none"> Were the lands proposed for exchange along C Street selected on the basis of the needs of the restoration project.
	Legality of Exchange	<ul style="list-style-type: none"> Concerned that the land swap may be illegal because the original land purchase was okayed by congress and a change of ownership might be considered a violation of the terms of the original agreement. Has the residential parcel been legally subdivided.
	Appraisals	<ul style="list-style-type: none"> Interest expressed in: 1) the appraisal value of the parcels; and 2) the amount of cash that the Giacomini family would receive. Why could the NPS not disclose appraisal values? Felt that not disclosing the values would hinder public or non-NPS efforts to raise monies to buy these parcels without doing a land swap. How many independent appraisals were used in order to define the value of the parcels proposed for exchange? Concern about appraisal being peer reviewed outside northern California.
	Exchange Process	<ul style="list-style-type: none"> How common is the land exchange process for the NPS and Golden Gate in particular? There has been a history of bad federal land swap deals and that this appears to be another of those, because of the inequitable value of the parcels proposed for exchange.
	Inverness Park Parcels	<ul style="list-style-type: none"> How would keeping the large parcel near Inverness Park change the timeline of the project? Also, why would the NPS have to protect this parcel from flooding if it would naturally be subject to flooding if levees weren't there?

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<p><i>General Comments – Land Exchange (cont.)</i></p>	<p>Buy All Lands</p>	<ul style="list-style-type: none"> • Rather than exchange with the Giacomini family, the NPS should buy all the lands. • Has the NPS made an explicit decision not to buy all the property within the original project boundaries defined by Philip Williams & Associates in the 1993 feasibility study? • NPS should find funding outside funding agencies to purchase the parcels without having to do the land swap. • NPS has not put enough effort into finding funding to purchase the Giacomini-owned lands outright. • What specific efforts have been put into securing new funding through Department of Interior, Congressional, and other environmental non-profit sources?
	<p>Residential Development</p>	<ul style="list-style-type: none"> • Interest in exactly how many homes could be built up on parcels near C Street -- both on the residential parcel currently owned by the NPS, as well as the parcels already owned by the Giacominis. • Concern that any development of the parcel would not fit in with the character of the community and that it would end up resembling the Affordable Housing project. • How many residences could be constructed on the Giacomini-owned West Pasture wetland parcels? • Although the large Inverness Park parcel is zoned residential, there would be high hurdles to any development there and questioned appraising it as a developable parcel. • The effects of any residential development that would potentially occur if the NPS lands were exchanged to the Giacomini family would be minor. • Development would entail extensive compliance costs and require a public comment process. Where there is a range of potential for homes to be built, for example, 2-4 houses per acre, the County will move towards the lower end of the range in rural areas such as Point Reyes Station. So, therefore, the max would end up being 2 houses per acre. If the entire strip along C Street is 5 acres, this would amount to a total of 10 houses (with the existing residences removed).
	<p>Wetland Restoration</p>	<ul style="list-style-type: none"> • Has the ecological value of having fewer homes, and keeping homes away from the edge of the wetland, been considered in addition to the ecological value of the parcels proposed to be exchanged to the NPS? • The development of four homes should not halt the restoration project: the project should be allowed to proceed.
	<p>Public Access</p>	<ul style="list-style-type: none"> • Would the exchange affect or restrict the potential for public access?
<p><i>General Comments</i></p>	<p>Agriculture</p>	<ul style="list-style-type: none"> • There should be no continued agricultural use or development along C Street in Point Reyes Station. • Dismay about cattle smells coming from the ranch: NPS should take over management as soon as possible.
	<p>Affordable Housing</p>	<ul style="list-style-type: none"> • Property along C Street in Point Reyes Station should be used to construct affordable housing.

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General Topic	Specific Topic	Summary of Comments
<i>General Comments (cont.)</i>	Public Access Overlook	<ul style="list-style-type: none">• There should be no public access overlook near C Street in Point Reyes Station.

May 2006