

COASTAL CONSERVANCY

Staff Recommendation
February 3, 2023

**Frank and Joan Randall Preserve/Genga
Tribal Access and Engagement Plan**

Project No. 21-046-02
Project Manager: Emely Lopez

RECOMMENDED ACTION: Authorization to disburse up to \$685,546 to the Mountains Recreation and Conservation Authority to develop a Tribal Access and Engagement Plan and update environmental assessments for the Frank and Joan Randall Preserve/Genga (formerly known as Banning Ranch) property in Newport Beach and unincorporated Orange County.

LOCATION: Newport Beach and unincorporated Orange County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Project Site Photos](#)
- Exhibit 3: [Banning Ranch Acquisition](#)
- Exhibit 4: [Project Letters](#)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed six hundred eighty-five thousand five hundred forty-six dollars (\$685,546) to Mountains Recreation and Conservation Authority ("the grantee") to develop a Tribal Access and Engagement Plan and conduct cultural resource assessments for the Frank and Joan Randall Preserve/Genga property (formerly known as Banning Ranch) in Newport Beach and unincorporated Orange County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.

2. Names and qualifications of any contractors to be retained in carrying out the project.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$685,546 to the Mountains Recreation and Conservation Authority (MRCA) to develop a Tribal Access and Engagement Plan (Plan) and conduct cultural resource assessments for the Frank and Joan Randall Preserve/Genga property (formerly known as Banning Ranch) located between Newport Beach and Costa Mesa in Orange County, where the Santa Ana River meets the Pacific Ocean (Exhibit 1). MRCA acquired the 384-acre Frank and Joan Randall Preserve/Genga property in December 2022, using (among other funds) a Conservancy grant. The Conservancy required preparation of the Plan as a condition of its acquisition grant (Exhibit 3). Consistent with the Conservancy grant, the Plan will provide for Tribal access to the property, cultural resources, natural resources, and cultural sites with minimal protocols; a “serious effort to engage tribes” consistent with the Coastal Conservancy project selection criteria, including a full fair equitable representation on decision making bodies related to the long term management of the site; meaningful Tribal engagement and involvement in the property; and other actions identified in dialogue with Tribal members whose ancestral homeland includes the Frank and Joan Randall Preserve/Genga property. There will also be a discussion of potential land return to tribes. In preparing the Plan, MRCA will engage Tribal Nations and Tribal communities with ancestral lineage to the Frank and Joan Randall Preserve/Genga property. The Plan is one component of a broader Property Management Plan that will address habitat restoration, public access, Tribal access, Tribal stewardship, and potentially lower-cost overnight accommodations. The Property Management Plan will enable management of the property in a manner that builds resilience for the habitat and watershed resources of the property and that builds resilience for public access and coastal communities, including the Tribes with ancestral ties to the land.

The 384-acre Frank and Joan Randall Preserve/Genga property is part of the several thousand-year-old Native American Village known as Genga. Documented evidence shows that indigenous people inhabited Frank and Joan Randall Preserve/Genga property for at least 3,000 years. This land is sacred to multiple Tribes in the region; therefore, MRCA will coordinate and prepare the Plan with Tribal representatives of the Acjachemen and Gabrieleno/Tongva/Kizh, and other California Native American Tribes identified in the engagement process. It is important to develop a Plan alongside Tribal representatives to identify opportunities for Tribal co-management and future Tribal access on the property. Tribal co-management and future

Tribal access are inclusive of cultural practice, stewardship, and other Tribal purposes. The Plan will begin to create a basis for balancing Tribal access priorities with other land management priorities including habitat restoration, public access, and potentially lower-cost overnight accommodations.

The Plan will enable Tribes to provide ecological knowledge/traditional stewardship that may improve the capacity of the habitat to respond to climate change and maintain healthy environmental function on the property. Via the Plan, tribes with ancestral knowledge of the site will be able to provide their expertise and guidance in the habitat restoration work that is planned for the property. The Plan will enable tribes to provide traditional ecological stewardship such as historical information of plant palettes, native species, and sustainable stewardship practices. Tribes will also be able to provide guidance on maintaining the balance of relationships between environmental systems and humans on the land while respecting cultural resources on the land.

To implement equitable practices, MRCA will start by improving the engagement process for Tribes in habitat restoration planning, which currently does not allocate enough representation or time for Tribal Nations and Tribal communities. MRCA will coordinate the Tribal engagement process, which will commence with informing California Native American Tribes in the region of the project using the Native American Heritage Commission list. Letters will be sent offering government-to-government consultation to regional Tribes and proceed by engaging with Tribes with ancestral lineage to the land. The engagement methods offered will include a series of Tribal-agency meetings, government-to-government consultations, Tribal Advisory Committees, and other engagement methods identified in the government-to-government consultation process.

Contract opportunities will be extended to California Native American Tribes and Tribal communities to lead Tribal engagement, ensuring that culturally relevant engagement is also occurring alongside government-to-government consultations. It is expected the Tribal contracts will result in Tribal Advisory Committees. Sacred Places Institute for Indigenous People (SPI), a Tribal led organization that builds capacity for Native Nations and Indigenous communities, expressed interest in leading Tribal engagement for this Plan. Accordingly, SPI will be provided with a contract given their existing engagement with Acjachemen and Tongva Tribal communities. MRCA also unanimously adopted a resolution designating a role for SPI to lead a contract. Other contracts will also be solicited from California Native American Tribes and Tribal communities given that multiple Tribal Nations have ancestral lineage to this site.

MRCA will ensure there are multiple avenues for Tribes to engage so that all Tribes with ancestral lineage to the site can provide their input. As a neutral entity with no claim to the ancestral homeland in the area, MRCA will serve as a facilitator and a conduit for gathering all input from all the tribal interests. Tribal representatives will be compensated for their expertise and time in developing the Plan. The process for developing the Plan will aim to be thoughtful, meaningful, sensitive, and culturally aware; a process that is committed to creating a space where all are meant to feel respected.

Lastly, MRCA will update cultural resource assessments and reports considered necessary to support Tribal input into the Plan. The identified reports may include ethnographical,

archaeological, anthropological, and cultural analysis. The Plan will also be informed using comprehensive research, literature review, and an analysis of existing tribal land stewardship, repatriation/repatriation, and co-management models. SPI and other interested tribal governments will assist MRCA with this research and analysis. The research, analysis, and updated environmental documents will identify important cultural resources and provide insights into best practices for the Plan.

Site Description: The Frank and Joan Randall Preserve/Genga property spans 384 acres of undeveloped land along the coast between the urban and densely populated cities of Newport Beach and Costa Mesa in Orange County, where the Santa Ana River meets the Pacific Ocean. This site is sacred to multiple Tribal communities as it used to be a village for their ancestors. Eight Native American archaeological sites have been documented on the property along with beads, milling stones, and tools, which have been identified as approximately 3,000 years old.

Additionally, the site supports critical biological diversity, and the Coastal Commission designates portions of the property as Environmentally Sensitive Habitat Areas (ESHA). These areas include approximately 100 acres of coastal wetlands and 200 acres of coastal sage scrub, providing habitat for nearly 20 threatened or endangered wildlife species. The property's vernal pool complex is one of only two left on the Orange County coast and hosts endemic plants and animals, including the federally endangered San Diego fairy shrimp. California Department of Fish and Wildlife has cited the importance of the lowland and upland mesa in supporting sensitive plant and animal species. Southern coastal scrub and maritime succulent scrub habitat on the property were ranked as "extremely rare" and at "very high risk of extinction," with severely limited distribution throughout the state. Purple needle grass on the property is extirpated from 95% of its former range. It is critical as a foraging and nesting habitat for burrowing owls, which were observed wintering on the property as recently as 2010.

Grant Applicant Qualifications: Founded in 1985, MRCA is a local public agency exercising the joint powers of the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District under Section 6500 et seq. of the Government Code. MRCA's mission is to complement the work of these and other agencies in protecting land and public access in Los Angeles, Orange, and Ventura Counties. MRCA has acquired and manages over 80,000 acres of parkland. MRCA's efforts have been integral to reserving coastal resource areas in the mountains for the public and future generations.

MRCA also has extensive experience working with various federal, state, and local agencies to protect sensitive habitats and provide public recreational opportunities. MRCA manages coastal sites throughout Malibu and has experience managing public lands throughout Southern California. MRCA employs its operation and maintenance services, ranger division, and fire division for all its parklands and coastal properties. MRCA also operates a 24-hour ranger service phone number posted at all parklands and coastal properties to ensure that all public inquiries are taken care of promptly. The 24-hour ranger service phone number will be posted at this project site. MRCA will ensure that the proposed project site will be well maintained in the long term.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The Frank and Joan Randall Preserve/Genga Tribal Access and Engagement planning project is an opportunity to engage California Native American Tribes and Tribal communities in planning for the future management of this important property. Strengthening partnerships with California Native American Tribes is a priority for all agencies under California Natural Resources Agency.

It is vital that the Tribal Access and Engagement Plan be initiated so that it can inform the Property Management Plan which will include habitat restoration, public access, Tribal access, Tribal stewardship, and potentially lower-cost overnight accommodations. The project is also consistent with the Pathways to 30x30 California (2022), which commits California to conserve at least 30 percent of our lands and coastal waters by 2030 to combat the biodiversity and climate change crises. The project particularly supports the strategic priority to conserve land and provide an opportunity to expand equitable outdoor access for all Californians.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

This project has been informed by Tribal participation and engagement in the acquisition phase, which indicated the need for a Tribal Access and Engagement Plan. The purpose of the project is to support a serious effort to engage Tribal community members interested in planning for this site.

The Frank and Joan Randall Preserve/Genga property was occupied for thousands of years by Native Americans and the land is sacred to multiple Tribes in the region, including Acjachemen and Gabrieleno/Tongva/Kizh. The project will support the engagement of Tribal community members in developing the Tribal Access and Engagement Plan to identify opportunities for Tribal co-management and future Tribal access to the property for cultural preservation, stewardship, and other purposes.

4. Project benefits will be sustainable or resilient over the project lifespan.

The Property Management Plan will ensure that future management achieves the multiple goals of the project over time. The Tribal Access and Engagement Plan will identify opportunities for Tribal co-management and Tribal stewardship, both of which could support long-term site management. The Plan will ensure that cultural resources protection and Tribal access are integrated into the Property Management Plan. Additionally, MRCA will also address

the costs for long-term management and stewardship of the property in the long-term Property Management Plan.

5. Project delivers multiple benefits and significant positive impact.

The project will deliver multiple benefits, including protecting cultural and natural resources and creating new opportunities for Tribal access and stewardship. Tribal and public access to open spaces in the region will provide physical and mental health benefits to the surrounding community, which is low-income.

The Tribal Access and Engagement Plan will inform the Property Management Plan which will include habitat restoration, public access, Tribal access, Tribal stewardship, and potentially lower-cost overnight accommodations.

PROJECT FINANCING

Coastal Conservancy	\$ 685,546.00
Project Total	\$ 685,546.00

Conservancy funding for the Frank and Joan Randall Preserve/Genga Tribal Access and Engagement Plan is anticipated to come from the Fiscal Year 2022/23 appropriation from the General Fund to the Conservancy for the purpose of climate resilience (Budget Act 2022, SB 154). These funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the climate resilience funds. The proposed project is consistent with this funding source because it is a coastal resilience project along the coast and will build resilience for coastal communities and public access. The project will prepare one component of a broader Property Management Plan for a 384-acre coastal property that will address, among other things, habitat restoration, public access and Tribal stewardship and access. Preparation of a management plan will enable management of the property in a manner that builds resilience for the habitat and watershed resources of the property and that builds resilience for public access and coastal communities, including the Tribes with ancestral ties to the land. The proposed project is a necessary component of the broader management plan. Tribal co-management and ecological knowledge/traditional stewardship will improve the capacity of the habitats to respond to climate change and maintain healthy functions on the property. Restoration of the coastal habitat will enhance and protect wetland and coastal watershed resources for benefit of local wildlife and the public.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Section 31251 et seq. of the Public Resources Code (Chapter 6 of Division 21), as described below (all further citations in this section are to the Public Resources Code). Pursuant to Section 31251, the Conservancy may award grants to public agencies or nonprofit organizations to enhance coastal resources that, because of natural or human-induced events, have suffered loss of natural and scenic values. Grants under this chapter are to be utilized for, among other purposes, to assemble parcels of land within coastal resource enhancement areas to improve resource management and relocate

improperly located or designed improvements. This planning project will improve the management of coastal resources and facilitate the enhancement of coastal wetlands and other coastal habitats that have suffered loss of natural and scenic value due to decades of oil and gas production.

Pursuant to Section 31252, areas authorized under Chapter 6 must be identified in a local coastal plan, or other local plan which the Commission determines to be consistent with the policies and objectives of the Coastal Act. The Frank and Joan Randall Preserve/Genga property is not included in a certified local coastal program. However, the future enhancement of its coastal resources is consistent with the Coastal Act. Consistent with Section 30001.5 of the Coastal Act, the project will (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and resources; (b) Ensure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state, and (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles. The Plan will gather Tribal ecological knowledge to provide guidance on how to best restore and preserve the land's natural resources. Tribes will also provide feedback on the public access component of the project to maintain the preservation and respect of cultural resources on the land. Tribes will also provide guidance on maintaining the balance of relationships between environmental systems and humans on the land.

Pursuant to Section 30231 of the Coastal Act, the project will maintain and facilitate future enhancement of coastal wetlands' biological productivity and quality. Pursuant to Section 30240(a), the project will protect environmentally sensitive habitat areas against any significant disruption of habitat values.

Pursuant to Section 31253, the Conservancy may provide up to the total cost of any coastal resource enhancement project. Consistent with Section 31253, the following factors were considered in determining the amount of Conservancy funding for this project: the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant, the urgency of the project, and the Conservancy's project selection criteria, as described above, under the heading "Consistency with Conservancy's Project Selection Criteria."

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective 2** of the Conservancy's 2023-27 Strategic Plan, the proposed project **Returns Power to Tribes**. This project will work to engage California Native American Tribes and Tribal communities in developing the Tribal Access and Engagement Plan that will identify opportunities for Tribal co-management and future Tribal access to the property.

CEQA COMPLIANCE:

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15262 ("Feasibility and Planning Studies") because the proposed project is for feasibility and planning studies for possible future actions which the Conservancy has not approved, adopted, or funded.

The proposed authorization is to fund the preliminary planning work necessary to advance the restoration and access component of the Frank and Joan Randall Preserve/Genga property, including updating the following reports: ethnographical, archaeological, anthropological, and cultural analysis. No improvements will be constructed without undergoing CEQA review.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.