

COASTAL CONSERVANCY

Staff Recommendation
November 21, 2024

BELL POINT LAND RETURN ACQUISITION AND COASTAL TRAIL PLANNING

Project No. 24-054-01
Project Manager: Fanny Yang

RECOMMENDED ACTION: Authorization to disburse up to \$2,505,000 to the Mendocino Land Trust to undertake the Bell Point Land Return Acquisition and Coastal Trail Planning Project, which consists of acquiring the 157-acre Bell Point coastal blufftop property in Westport, Mendocino County for the purposes of natural resources and habitat protection and enhancement; open space and California Native American tribal cultural resources protection; and public access and trail recreation compatible with such uses; and to prepare plans, permit applications, initial designs, and environmental review documents for the establishment of 0.8 miles of California Coastal Trail on the property.

LOCATION: 36701 N. Highway 1, Westport, Mendocino County

EXHIBITS

Exhibit 1: [Project Location Maps](#)

Exhibit 2: [Photos](#)

Exhibit 3: [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 two million five hundred five thousand dollars (\$2,505,000) to the Mendocino Land Trust (“the grantee”) to undertake the Bell Point Land Return Acquisition and Coastal Trail Planning Project, which consists of acquiring the 157-acre Bell Point coastal blufftop property in Westport, Mendocino County for the purposes of natural resources and habitat protection and enhancement; open space and California Native American cultural resources protection; and public access and trail recreation compatible with such uses; and to prepare plans, permit

applications, initial designs, and California Environmental Quality Act documents for the establishment of 0.8 miles of California Coastal Trail on the property.

This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The property acquired under this authorization shall be managed and operated for the purposes of natural resources and habitat protection and enhancement; open space and California Native American cultural resources protection; and public access and trail recreation compatible with such uses. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are to be approved by the Executive Officer.

Prior to commencement of the California Coastal Trail planning tasks, the grantee shall submit for the review and written approval of the Executive Officer the following:

5. A detailed work program, schedule, and budget.
6. Names and qualifications of any contractors to be retained in carrying out the project.

In addition, to the extent appropriate, Mendocino Land Trust shall incorporate the guidelines of the Conservancy's 'Coastal Access Project Standards'.

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 9 of Division 21 of the Public Resources Code, regarding system of public accessways.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Mendocino Land Trust is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$2,505,000 grant to the Mendocino Land Trust (MLT) to acquire the 157-acre Bell Point coastal blufftop property in Westport (see Exhibit 1) for the purposes of natural resources and habitat protection and enhancement; open space and California Native American cultural resources protection; and public access and trail recreation compatible with such uses; and to prepare plans, permit applications, initial designs, and California Environmental Quality Act (CEQA) documents for the establishment of 0.8 miles of California Coastal Trail (CCT) along the Mendocino coast on the property.

The Bell Point property is located on the southern edge of the village of Westport on the northern Mendocino County coast, along Highway 1 between mile markers 76.3 and 77.1. The property is currently privately owned by a foreign investment holding corporation and does not provide access to the coast for the public. The property contains spectacular views of the Pacific Ocean from the western side parcel while the parcels on the east side of Highway 1 hold approximately 45 acres of mixed conifer redwood-fir forest. If not brought into conservation, the property could be impacted by future housing developments and/or timber logging, which would significantly harm the scenic beauty and viewsheds along Highway 1, as well as negatively impact the natural coastal habitat consisting of bishop pine forest and riparian wetland areas.

The fee acquisition of the Bell Point property will protect this section of the California coast from development while supporting public access by planning for a new segment of the CCT along the blufftop. Permanent conservation of the property will protect the sensitive natural habitats, preserve water quality to the Pacific Ocean, and maintain watersheds along the coast. The vision of the future CCT segment is to connect the Bell Point portion of the trail to the village of Westport which has affordable camping, a popular ocean view RV campground, a historic inn, beaches, and other amenities. There is a single private property between the Bell Point property and the village of Westport; MLT seeks to obtain a public access easement across that property in the future to link CCT segments (see Exhibit 1).

A significant component of the proposed project is MLT's eventual transfer of the acquired property to the tribally chartered nonprofit organization, Kai Poma, for tribal ownership and management. Kai Poma represents three local tribes: Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians. Kai Poma was formed to take part in another property transfer with the California Department of Transportation pursuant to SB 231 for the 130 acre Blues Beach property located about a mile south. The Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians have deep historical and ancestral ties to the Mendocino coast lands in and near Westport. The acquisition of the Bell Point property complements the land back efforts at Blues Beach, advancing the critical work of honoring tribal identities. The timing and synergistic connections of the aforementioned land return projects provide a unique opportunity for indigenous land conservation, promotion of cultural revitalization, and recreation access that benefits both the tribes and the general public. Consistent with the acquisition purposes, Kai Poma will protect the open space of the property as well as its traditional tribal lands, employ

Traditional Ecological Knowledge in the management of both Bell Point and Blues Beach, and increase public and recreational access by connecting the trail segments between Blues Beach and Bell Point. In 2023, Kai Poma received a \$180,000 grant from the Conservancy to conduct cultural and archeological resource studies, environmental surveys and to complete a resource management plan for the Blues Beach property, which will help inform future tribal management while maintaining public access.

Once the Bell Point property is acquired, MLT will work closely with Kai Poma to transfer fee title to Kai Poma and provide continuing support for Kai Poma's long-term planning, ownership, and management of the property. In parallel, MLT will retain a public access easement over the CCT portion of the property, and prepare plans, permit applications, initial designs, and CEQA documents for the establishment of a new 0.8 mile segment. Specifically, these activities include trail layout design, plans for parking infrastructure and signs, environmental surveys and engineered designs; preparing documents consistent with CEQA; and preparing coastal development and other permit applications as needed for future construction.

Site Description: The property consists of 157 acres of coastal headlands, meadows, and forest bisected by Highway 1. The western portion consists of approximately 50 acres of open coastal headlands, coastal meadows, riparian wetland, and bishop pine forest, while the eastern portion consists of more than 100 acres of mixed conifer redwood-fir forest, coastal meadows, and ocean view ridgelines. The open coastal headlands portion of the property has sweeping 180-degree views of the rocky and dramatic Mendocino coast to the north and south, and informal social trails along and near the blufftop. The northeastern corner of the property contains an abandoned 5,000 square foot barn in need of repair, with an unpermitted, partially constructed upstairs residence. The barn, along with a couple of trailers, is on a flat, easily accessible portion of the property on the east side of Highway 1, just before entering the village of Westport from the south.

Grant Applicant Qualifications: MLT is experienced in acquiring coastal property in fee, and possesses the capacity to undertake planning, permitting, and design of a new segment of CCT. The organization has successfully completed numerous fee acquisitions and public access projects and trail development in the region. The organization previously worked on a number of trail development projects with Conservancy funding, such as constructing a new CCT segment adjacent to the Ten Mile River Estuary, and at Pelican Bluffs in Mendocino County. MLT's board and staff represents segments of the community throughout Mendocino County. MLT has agreed to be responsible for the long-term maintenance of the trail and to steward the new trail and the surrounding lands.

Kai Poma is a 501(c)(3) tribally chartered nonprofit organization, founded by tribal representatives from Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians. Kai Poma founders and members have backgrounds in administering grant funds and executing similar projects. The organization has expertise and experience in tribal governance and organizing, cultural preservation, and identification and protection of archaeological and historic sites with a particular focus on complying with the Native American Graves Protection and Repatriation Act. Additionally, Kai Poma benefits from a

team of skilled advocates specializing in land use law, land justice, and nonprofit law that will be helpful in executing this project successfully.

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 proposed project to acquire the 157-acre Bell Point coastal blufftop property is a good investment of state resources. The project advances statewide goals of conservation as outlined in Pathways to 30x30, tribal land back projects that increase indigenous land ownership, and addresses CCT system gaps along the California coast. The budget is reasonable for covering trail planning and initial design, preparation of CEQA documents, and permit applications as well as acquisition costs adhering to appraised fair market value; and the acquisition portion of the project will contribute to protecting coastal natural resources and habitats along the Mendocino coast.

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.

The proposed project was developed in collaboration and coordination with representatives of Kai Poma, a tribally chartered nonprofit organization consisting of Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians. MLT has met with Kai Poma on numerous occasions since late 2023 to discuss tribal land transfer, ownership, and management. This ensures that the project is led and safeguarded by California Native American Tribes, reflecting the fundamental goal of the land transfer and management plan: tribal management and cultural preservation. MLT and Kai Poma have developed a close working relationship to acquire the Bell Point property for tribal ownership through land return and increase public access to the coast. MLT will develop, manage and maintain public access on the property through a public access easement, while Kai Poma will accept the transfer of fee title to the property. The land return project will enable tribes to engage in indigenous stewardship and cultural practices on ancestral land, regain ownership of and access to their ancestral lands and natural resources on the coast, employ traditional ecological knowledge,

and ensure that tribal concerns and archeological and cultural resources are respected and protected.

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

The acquisition of the Bell Point property will protect and preserve the land’s natural environment. The planning phase of the new trail will ensure that these sensitive resources as well as California Native American cultural resources are identified and protected. The future trail will continue to deliver recreational and restoration benefits over time as it will not be impacted by sea level rise and will open an alternative pathway for community members to travel along the coast.

5. Project delivers multiple benefits and significant positive impact.

The proposed project will deliver multiple benefits such as providing a key link in the CCT for residents and visitors to the Northern Mendocino coast between Bell Point (and eventually Blues Beach) to Westport. The future trail will provide healthy recreational opportunities, wildlife viewing, and educational experiences, including recognition of the land return to local tribes and historic tribal use of the land. The acquisition itself will protect bishop pine forest, mixed conifer redwood-fir forest, and coastal meadow habitats permanently from development; and maintain natural beauty and viewsheds on both sides of Highway 1.

6. Project planned with meaningful community engagement and broad community support.

The proposed project was planned with meaningful community engagement and broad community support. A grassroots effort led by MLT in partnership with community-based group, Westport Village Society, and local Westport community members recognized the importance of a connected CCT link across the Bell Point property to the town of Westport. MLT will continue to include strong public participation with both tribal and local community members as the trail connection project progresses.

PROJECT FINANCING

Coastal Conservancy	\$2,505,000
Project Total	\$2,505,000

Conservancy funding for the proposed project is expected to come from a Fiscal Year 2022/23 appropriation to the Conservancy from the General Fund for “urgent sea level rise adaptation and coastal resilience needs” (Budget Act of 2022 (SB 154) as amended by Budget Act of 2023 (SB 101)). The coastal resilience 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 coastal resilience funds, including projects that protect coastal habitat, uplands and forest habitat, and projects for non-motorized trails of statewide significance. The proposed project is consistent with the funding purposes as it is 1) acquiring 157 acres of coastal blufftop property for protection of coastal habitat, uplands and forest habitat; and 2) planning for the potential

development of a segment of the CCT, which is a non-motorized trail of statewide significance, and will incorporate climate resilience considerations to enhance trail resiliency.

The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds need to complete a project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 9 (Sections 31400 et seq.) of Division 21 of the Public Resource Code. Section 31400 states that the Conservancy has a principal role in the implementation of a system of public access ways to and along the state's coastline. Section 31400.1 authorizes the Conservancy to award grants to public agencies and nonprofit organizations to acquire land, and/or to develop, operate, or manage lands for public access purposes to and along the coast. Consistent with these provisions, the recommended grant is to MLT to acquire the 157-acre Bell Point coastal blufftop property in Westport and to plan and design 0.8 miles of CCT along the Mendocino coast. MLT is a nonprofit organization existing under Section 510(c)(3) of the U.S. Internal Revenue Code. The organization's principal charitable purposes are to focus on public access and protection of agricultural lands, wildlife habitat, healthy watersheds, and forests.

Pursuant to section 31400.2, the Conservancy may provide up to the total cost of the acquisition of interests in lands and the initial development of public accessways by a nonprofit organization. The amount of funding proposed for this acquisition has been determined by an analysis of the fiscal resources of the applicant and the relative urgency of the project.

Pursuant to section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways. The portion of the proposed project includes preparing plans, permit applications, initial designs, and CEQA documents for the establishment of 0.8 miles of CCT on the acquired property.

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

Consistent with **Goal 1.1 Commit Funding to Benefit Systemically Excluded Communities**, the proposed project will commit state funding to an acquisition and trail planning project that benefits historically excluded tribal groups and surrounding communities.

Consistent with **Goal 1.2 Return Power to Tribes**, the proposed project will support the return of power to tribes by supporting MLT's property acquisition and eventual transfer to Kai Poma for tribal ownership and management.

Consistent with **Goal 1.3 Support Systemically Excluded Communities**, the proposed project will support tribal communities in reclaiming access to their coastal lands and help build management capacity.

Consistent with **Goal 2.3 Expand Accessibility**, the proposed project will design the 0.8 miles segment of CCT to be accessible for all users.

Consistent with **Goal 2.4 Build Trails**, the proposed project includes planning for the future construction of 0.8 miles of new CCT.

Consistent with **Goal 3.1 Conserve Land**, the proposed project will conserve and protect 157 acres of coastal blufftop property along the Mendocino coast, containing a mixed conifer redwood-fir forest, coastal meadows, and ocean view ridgelines.

CEQA COMPLIANCE:

Both the acquisition component and the planning portion of the proposed project are exempt from CEQA under several sections of the CEQA Guidelines at Cal. Code of Regulations Title 14.

First, the acquisition of the Bell Point property is categorically exempt pursuant to section 15325 as a transfer of an interest in land to preserve open space and habitat. The acquisition will protect the natural resources on the property for open space and conservation.

Secondly, the planning portion of the project is statutorily exempt under CEQA Guidelines section 15262, which exempts data gathering, resource evaluation, planning, and feasibility analyses for possible future actions that have not yet been approved or funded. A portion of the proposed project consists of preparing plans, permit applications, initial designs, and CEQA documents for the establishment of 0.8 miles of Coastal Trail on the acquired property. As required by CEQA Guidelines section 15235, planning for this portion of the proposed project will include consideration of environmental factors.

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