

COASTAL CONSERVANCY

Staff Recommendation
September 23, 2021

ORANGE COUNTY INDIGENOUS LAND USE PLANNING

Project No. 21-062-01
Project Manager: Joel Gerwein

RECOMMENDED ACTION: Authorization to disburse up to \$200,000 to the Sierra Health Foundation to work with tribal entities to conduct planning to further tribal access, tribal participation in land management, and land acquisition by tribal entities at multiple sites in Orange County.

LOCATION: Orange County

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [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 hundred thousand dollars (\$200,000) to the Sierra Health Foundation (“the grantee”) to work with tribal entities to conduct planning to further tribal access, tribal participation in land management and land acquisition by tribal entities at multiple sites in 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 3, Section 31119 of Division 21 of the Public Resources Code, regarding educational projects and programs relating to the preservation, protection, enhancement, maintenance, and enjoyment of coastal resources, and Chapter 4.6 of Division 21 of the Public Resources Code regarding the Santa Ana River Conservancy Program.
 2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
 3. The Sierra Health Foundation is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.
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STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$200,000 to the Sierra Health Foundation to work with tribal entities to conduct planning to further expanded tribal access, tribal participation in land management, and tribal land acquisition. The project will focus on Crystal Cove State Park and several sites on the Santa Ana River, including Banning Ranch and Fairview Park (Exhibit 1). Additional sites on the Santa Ana River will be determined by tribal participants. Crystal Cove, Banning Ranch, Fairview Park, and the Santa Ana River corridor have previously been identified by tribal communities as significant places where there is an interest in expanded tribal access, tribal participation in land management, and acquisition. Tribes currently have the same access to these sites as the general public. However, tribal members need special access to conduct ceremonies, gather plants, and conduct other activities that are part of traditional lifeways.

The project will be led by the Sacred Places Institute (SPI), a Native American-led program of the Sierra Health Foundation. Participants will be drawn from the Tongva and Acjachemen Nations, whose ancestral territories include coastal Orange County. SPI will conduct outreach to Tongva and Acjachemen groups to solicit participation, with a special focus on recruiting Elders and youth to participate. In addition to other tribal organizations, SPI will reach out to all the tribal entities on the Native American Heritage Commission contact list for Orange County. The Native American Land Conservancy and the Acjachemen Tongva Land Conservancy have already indicated their interest in participating. SPI will hold educational workshops and listening sessions for tribal members. Workshops will provide information to build participants' capacity to participate in land use planning processes, including introducing new and emerging practices in comprehensive Indigenous land use planning. Workshops will include listening sessions to document tribal vision and needs concerning their homelands, focused on the project sites. The workshops will educate participants about land use planning processes in general, and specifically in reference to the planning sites. Topics covered may include current ownership and management of project sites, local and regional plans affecting site management, and ongoing or anticipated planning efforts affecting the sites. In addition, participants will learn about mechanisms for general public and specifically tribal participation in planning. In addition to conveying information regarding land use planning, the workshops will also involve

helping participants to articulate their vision and goals for the project sites. This visioning and goal-setting process will provide a hands-on experiential educational experience for participants new to the process, such as tribal youth. The project's primary goal is to directly empower tribal governments and tribal community leaders--especially Elders and youth--to identify and advance land planning goals within their ancestral homelands. A secondary goal is to share best practices and lessons learned on tribal engagement with the Conservancy and other state agencies. SPI will hold one or more training sessions with the Conservancy and interested partners about best practices for tribal engagement.

The project is needed to begin the process of healing from severe trauma inflicted on California tribes by European colonists and by the State of California. This trauma resulted in part from the forcible removal of Native peoples from their ancestral lands and the disruption of their traditional lifeways. The impact of this trauma and ongoing systemic racism continues to be felt by California tribes to this day, manifesting through high rates of infant mortality, teen suicide, diabetes, liver disease, heart disease, other chronic conditions, and lower life expectancy. Studies have demonstrated the effectiveness of 'land-based healing,' the process of connecting indigenous people to their ancestral homelands and sacred spaces to restore and maintain emotional, mental, physical, and spiritual wellness¹. Access to land, coupled with healing focused upon familial units, intergenerational trauma, and Elders' wisdom, is vital to repairing past and current harms. The Tongva and Acjachemen Nations, whose ancestral lands include Orange County, are non-federally recognized landless tribes. One of the consequences of this status is that neither the Acjachemen or Tongva people have consistent, safe, sustainable access to tribal lands and waters essential to maintaining and revitalizing traditional cultural practices.

The project will also facilitate habitat enhancement at the project sites. In many cases, removal of Native peoples degraded the ecological health of their ancestral lands. European land management disrupted ecological processes such as fire regimes and nutrient cycling, and degraded wildlife habitat through the introduction of non-native invasive species. The project will articulate tribal goals and visions for project sites, facilitating dialogue between tribal communities and land managers. This dialogue will promote the incorporation of traditional ecological knowledge (TEK) into open space management, helping to heal the land while healing tribal communities. Incorporating TEK into land management is especially important in light of climate change. Traditional land management practices can increase the resilience of California's wildlands to a changing climate. For example, prescribed burning is a traditional land management tool widely used by California tribes that is effective at increasing resilience to wildfire.

¹ Lines, LA., Yellowknives Dene First Nation Wellness Division, & Jardine, C.G. 2019. Connection to the land as a youth-identified social determinant of Indigenous Peoples' health. *BMC Public Health* 19: 176 ff; Schultz, R., Abbott, T., Yamaguchi, J. et al. Indigenous land management as primary health care: qualitative analysis from the Interplay research project in remote Australia. *BMC Health Serv Res* 18, 960 (2018); Radu, I. 2018. Land for Healing: Developing a First Nations Land-based Service Delivery Model. *Thunderbird Partnership Foundation*, Bothwell, Ontario.

The need for this project is underscored by Governor Newsom's 2019 Apology to Native Americans for the state's historical wrongdoings, and his subsequent release of a Statement of Administration Policy on Native American Ancestral Lands in September 2020. The Statement of Administration Policy (SOAP) encourages state entities to support tribal co-management and access to natural lands within California Native Nations' ancestral homelands. The SOAP calls on state agencies to "partner with California tribes to facilitate tribal access, use, and co-management of State-owned or controlled natural lands and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs ..." This goal is to be accomplished through facilitating Native American access to their sacred and cultural sites, improving the ability of California Native Americans to engage in traditional and sustenance gathering, hunting, and fishing; managing open space lands through co-management agreements that utilize TEK and foster "opportunities for education, community development... and investment in public health..., and cultural preservation or awareness." This project will help the Conservancy implement the 2020 SOAP and will also facilitate dialogue between Native Nations and the Santa Ana River Conservancy Program, which is housed within the Coastal Conservancy, regarding tribal access, co-management, and land acquisition along the river.

Project deliverables include site specific visioning and planning products, such as workshop notes, graphics, reports, and a comprehensive teaching tool kit for California Native Nations on how to approach land management entities about land access/acquisition and planning efforts. SPI will develop training materials and hold at least one training session with the Conservancy and other state agencies to deepen their understanding of effective tribal engagement for land use planning efforts. SPI will conduct interviews with a cross-section of tribal participants at the beginning and end of this project to assist in evaluating project success.

Site Description: Several sites within Orange County have been identified for this project including Banning Ranch (traditionally known as Genga), Fairview Park, and Crystal Cove State Park. Additionally, this project will focus on working with local Native Nations and landowners along the Santa Ana River to identify potential sites of priority for acquisition, access, use, stewardship, and/or co-stewardship along the River.

Genga (Banning Ranch) is a 401-acre coastal site of wetlands and coastal buffs located in Newport Beach at the mouth of the Santa Ana River. The Trust for Public Land is currently leading an effort involving private land trusts and donors and multiple state and federal agencies to acquire Banning Ranch as public open space. Tribal members have not had regular, meaningful access to the land for more than half a century, as the area has been used as oil fields since the 1940s, and the property has not been accessible to the public. Now is a crucial time for uplifting tribal voices, as acquisition partners are considering future public uses for the property.

Crystal Cove State Park comprises over three miles of beach and 2,400 acres of open space. It is located between the cities of Newport Beach and Laguna Beach and is one of Orange County's largest remaining open spaces. The Park holds hiking trails through the Moro Canyon

watershed, open beaches and beachside campsites, and a historic district with cottages for rent and an educational center. As an ancient village site, Crystal Cove is especially significant to both Tongva and Acjachemen tribal communities. Additionally, SPI has an ongoing successful collaboration with the Crystal Cove Conservancy and, for over a year, has been in productive conversation with them about tribal access.

Fairview Park comprises 208 acres in Costa Mesa and is owned and managed by the City of Costa Mesa. The Park is located on the Santa Ana River and includes 195 acres of open space, two Nationally Registered Cultural Resource Historic Sites and five distinct natural communities which are home to many rare and endangered plant and animal species. Fairview Park supports 3.75 acres of vernal pool and vernal marsh habitat and a population of endangered San Diego fairy shrimp. The Park acts as a regional gateway to the Santa Ana River Trail, the Orange Coast River Park, and adjacent Talbert Regional Park.

The *Santa Ana River* runs through multiple tribal territories, including the ancestral lands of the Acjachemen and Tongva Nations in Orange County. The river is an important water source, and land uses along its banks include open space, wildlife habitat, and agriculture, as well as the Santa Ana River Trail and Parkway. The Santa Ana River Trail and Parkway is a local, regional, and state resource.

Grant Applicant Qualifications: SPI has successfully managed multiple tribal outreach, engagement, and land use planning projects since its founding in 2012. SPI has facilitated tribal participation in several land use planning processes in Los Angeles and Orange Counties, including the City of West Hollywood Climate Adaptation Plan, Los Angeles County Sustainability Plan, Santa Ana Watershed Authority Disadvantaged Communities and Tribal Involvement Program for Integrated Regional Water Management Planning, and the Mountain Recreation and Conservation Authority Upper Los Angeles River and Tributaries Comprehensive Plan. SPI has received multiple state grants and recently added a grants coordinator to its staff. SPI's fiscal sponsor, Sierra Health Foundation, offers necessary administrative and financial assistance for the organization. In addition, SPI will partner with Pueblo Planning, a planning and design firm with extensive experience working with grassroots, nonprofit, and tribal communities, and public agencies.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section below.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section below.

- 3. Promotion and implementation of state plans and policies:** The project will help implement California’s 2020 *Statement of Administration Policy on Native American Ancestral Lands* by facilitating access and co-management for the Tongva and Acjachemen Nations to their ancestral lands.

The project will help implement the *Safeguarding California Plan* (2018 Update) by implementing Action B-1.4 of the Plan: Engage and support local and tribal communities in their planning processes where significant ecological resources are concerned.

The project will further Education, Recreation and Access Goal #6 of the *2018 Santa Ana River Parkway and Open Space Plan*: Prioritize increased open space access for park-deficient and disadvantaged communities along the river corridor.

The project is consistent with the Conservancy’s *Justice, Equity, Diversity, and Inclusion Guidelines* adopted in 2020, in that it will assist tribes to regain access to their ancestral lands on the coast, and work with tribes to enable traditional stewardship and cultural practices on ancestral land and co-management of their ancestral lands and natural resources.

- 4. Support of the public:** The project is supported by key stakeholders, including the Crystal Cove Conservancy, the Native American Land Conservancy, and the Acjachemen Tongva Land Conservancy.
- 5. Location:** See the “Project Summary”.
- 6. Need:** Conservancy funding is critical to project implementation; other funds available for the project are insufficient for implementation.
- 7. Greater-than-local interest:** The project will provide a model for expanding tribal access and land management throughout the state. In addition, project sites are of regional and statewide importance. All the project sites provide habitat for endangered or threatened species, such as the California coastal gnatcatcher. Crystal Cove State Park, Fairview Park, and the Santa Ana River corridor provide recreational access for visitors from across the region and beyond. More than two million people visited Crystal Cove State Park in 2020.
- 8. Sea level rise vulnerability:** Project sites are found at a range of elevations, including elevations near sea level at Crystal Cove State Park and Banning Ranch. While the project will not design specific infrastructure that could be vulnerable to inundation, the project’s land use planning and visioning will consider sea level rise.

Additional Criteria

- 9. Urgency:** One of the project sites, Banning Ranch, is expected to be acquired as public open space by Summer 2022, at which point management planning will be initiated. Implementing the proposed project now will help tribes advocate for their goals and participate in the management planning process for Banning Ranch. In addition, stresses on underserved tribal communities are growing with climate change, COVID-19, and a difficult economy. The project will facilitate urgently needed land-based healing for tribal communities.

10. **Resolution of more than one issue:** The project will address traumas experienced by tribal communities removed from their ancestral lands, while facilitating the incorporation of traditional ecological knowledge to increase resiliency of natural communities to climate change.
11. **Leverage:** See the “Project Financing” section below.
12. **Innovation:** The project is innovative in centering California Native Nations in land use planning. Native Nations are often marginalized in conversations about planning in their own homelands. This project will build tribal capacity to effectively participate in land use planning efforts to advocate for tribal visions and priorities for their ancestral lands and waters.
13. **Readiness:** SPI is prepared to begin implementation as soon as it receives funding.
14. **Realization of prior Conservancy goals:** See Project Summary.
15. **Return to Conservancy:** See the “Project Financing” section below.
16. **Cooperation:** Project partners include the Crystal Cove Conservancy, the Native American Land Conservancy, and the Acjachemen Tongva Land Conservancy.

PROJECT FINANCING

Coastal Conservancy	\$200,000
The California Endowment	\$5,000
Schmidt Foundation 11th Hour Project	\$20,000
Hewlett Packard Foundation	\$10,000
Cotyledon Foundation	\$5,000
Live Oak Foundation	\$5,000
Project Total	\$245,000

Unless specifically labelled “Required Match” the other sources of funding listed above are provided as estimates. The Coastal Conservancy does not typically require matching funds, nor does it require documentation of expenditures from other funders. Typical grant conditions require Grantees to provide any funds needed to complete the project.

The anticipated source of funds for the project is an appropriation from the California Environmental License Plate Fund, derived from sales and renewal of personalized license plates. Funds in the California Environmental License Plate Fund are available upon appropriation for purposes outlined in Public Resources Code Section 21190. These purposes include funding environmental education projects. Please refer to the “Project Summary” section, above, for more information on how the project provides environmental education. Additional project funding totaling \$45,000 will be provided by five private foundations listed above.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 3 of Division 21 of the Public Resources Code (Section 31119), regarding educational projects and programs for adults and children, and with Chapter 4.6 of Division 21 of the Public Resources Code regarding the Santa Ana River Conservancy program.

Consistent with Section 31119 of Chapter 3, the authorization involves a grant to a non-profit organization for a project that will provide educational workshops to underserved communities relating to the preservation, protection, enhancement, maintenance, and enjoyment of coastal resources.

Section 31171 of Chapter 4.6 acknowledges the need to address lack of access to parks for low-income communities and people of color in Orange County. The project will facilitate increased access to open space for tribal communities in Orange County.

Section 31173(b) of Chapter 4.6 authorizes the Conservancy to award grants to enhance recreational and educational experiences on, the Santa Ana River. This project will help identify underused parcels that could benefit tribal communities near the river. The project is consistent with the 2018 Santa Ana River Parkway and Open Space Plan in that it will further the Plan's Education, Recreation and Access Goal #6: Prioritize increased open space access for park-deficient and disadvantaged communities along the river corridor. The project will further this goal by identifying areas along the river corridor that could be managed to provide increased access to tribal communities.

Section 31175(d)(1) enables the Conservancy to fund projects for cultural preservation along the Santa Ana River. Consistent with this section, the project would facilitate the preservation of Tongva and Acjachemen lifeways through tribal access for ceremonies and traditional uses and tribal participation in land management of open space along the Santa Ana River.

Consistent with the requirements of section 31177(b) SPI will work with existing public agencies in developing the tribal goals for lands managed by these agencies. The project will facilitate future collaboration between tribal entities and land management agencies.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 4, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project would support an educational program to improve public understanding and promote stewardship of coastal resources. The project would do this by providing educational workshops to tribal communities to empower them to participate in land use planning efforts along the coast and the Santa Ana River.

Consistent with **Goal 9, Objective E** of the Conservancy's 2018-2022 Strategic Plan, the proposed project would provide an environmental education program within the Santa Ana

River Parkway by providing educational workshops to tribal communities to empower them to participate in land use planning efforts along the Santa Ana River.

Consistent with **Goal 16, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the proposed project would increase coastal access for all Californians by supporting an organization that provides and facilitates coastal experiences for tribal communities, which constitute an underserved population.

CEQA COMPLIANCE:

The project is categorically exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations section 15306 in that the planning effort will involve information collection and resource evaluation activities as part of a study leading to an action that has not yet been approved, adopted, or funded by a public agency, and these planning activities do not result in a serious or major disturbance to an environmental resource.

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