

COASTAL CONSERVANCY

Staff Recommendation
September 22, 2022

**DEHAVEN CREEK HEADLANDS ACQUISITION
AND RESOURCE MANAGEMENT PLAN**

Project No. 22-015-01
Project Manager: Lisa Ames/Fanny Yang

RECOMMENDED ACTION: Authorization to disburse up to \$845,000 to the Westport Village Society for acquisition of the 26-acre DeHaven Creek Headlands property for cultural resources protection; open space protection; protection, enhancement, and restoration of natural resources and habitat; and public access and beach recreation compatible with such uses; and preparation of a resource management plan for the property, located in coastal Mendocino County.

LOCATION: 39000 N. Highway 1, Westport, Mendocino County

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
Exhibit 2: [Photographs](#)
Exhibit 3: [Project Letters](#)
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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 eight hundred forty-five thousand dollars (\$845,000) to the Westport Village Society (WVS) for the acquisition of the approximately 26-acre DeHaven Creek Headlands property, Mendocino County Assessor Parcel No. 013-890-01-05 as shown on Exhibit 1, and preparation of a resource management plan for 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;
 - c. Evidence that sufficient funds are available to complete the acquisition; and
 - d. A plan for acknowledgement of the Conservancy.
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 cultural resources protection; open space protection; protection, enhancement, and restoration of natural resources and habitat; and public access and beach recreation compatible with such uses. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
 4. Prior to preparing the resource management plan, the grantee shall submit for the review and written approval of the Executive Officer a detailed work program, schedule, and budget, and names and qualifications of any contractors to be retained in carrying out the project.
 5. To the extent appropriate, the grantee 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 public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Westport Village Society 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 \$845,000 grant to the Westport Village Society (WVS) to acquire the 26-acre DeHaven Creek Headlands property in Mendocino County and prepare a resource management plan for the property. The plan will address site management to protect the natural resources while enabling continuation and potential improvement of traditional tribal uses and public access. The plan may also potentially include development of a one-half mile stretch of the California Coastal Trail extending south from Westport Union Landing State Beach (WULSB).

The DeHaven Creek Headlands property is located 19 miles north of Fort Bragg on Highway 1, one mile north of the rural village of Westport and immediately south of the WULSB (see Exhibit 1). WULSB covers over 3 miles of rugged and scenic coastline with three campgrounds on the bluffs overlooking the Pacific Ocean. The privately-owned DeHaven property is undeveloped and characterized by an undulating coastal terrace with diverse habitats including wetlands, beach dune vegetation, and marine terrace plant communities as well as archaeological resources. DeHaven Creek, a perennial stream supporting salmonids and other wildlife, bisects the property; extensive tide pools border the property on the shoreline. The property is in a large region of northern Mendocino County that includes rural disadvantaged communities. Local tribes and low-income residents from these communities rely on the area for subsistence fishing and resource gathering. The beach is used by the public for recreation, walking, kayaking, surfing, and fishing. The public currently accesses the beach for these uses via an unimproved informal trail in the northeastern corner of the property. (See Exhibit 2 photos)

By acquiring the property and removing the residential development potential, the proposed project will allow WVS to protect the property's natural resources and potentially provide improved existing and new public access amenities. The resources management plan will address potential public access amenities, which could include improvement to the informal trail adjacent to the state park, a new beach access trail and parking area south of DeHaven Creek, and the design of ½ mile of new coastal trail along the coastal terrace. The plan will also potentially address appropriate activities for public beach recreation, such as walking, kayaking, surfing, and fishing. The resource management plan will also include natural resource enhancement recommendations and an adaptive management component. WVS plans to actively collaborate with California Department of Parks and Recreation and local tribes to achieve management objectives.

Site Description: The 26-acre oceanfront property zoned RMR-20 (one residential unit per 20 acres) is located approximately one mile north of Westport in Mendocino County. It consists of a single privately-owned parcel on the west side of State Route 1 at its intersection with Branscomb Road. The north end of the property abuts Westport Union Landing State Beach (WULSB) while the south end borders the privately owned Wages Creek Beach Campground. (Exhibit 1)

The property has never been developed and retains relatively pristine natural habitats supporting diverse wildlife. Broad views are available north toward Abalone Point and Cape Vizcaino and south toward Westport and Fort Bragg. A heavily used foot trail descends at a modest gradient from the northeast corner of the property to the beach north of the mouth of DeHaven Creek. Public visitors currently park outside of the closed gate at the south end of WULSB to access this beach trail. (Exhibit 2)

Several investigations have documented the botany, wetlands, watershed condition, archaeology, geological conditions, and potential for environmental hazards. Those studies establish that there are no known adverse environmental conditions or risks, although aggressive bluff retreat can be expected to continue particularly near two minor geological faults. The property contains 4 acres of wetlands, 10 acres of bluffs and beach strand, and 12

acres of upland marine terrace plant communities. Archaeological resources include a shell midden and a remote isolated find. DeHaven Creek, a perennial stream supporting salmonids and other wildlife, bisects the property. Extensive tide pools border this property on the west, a key attraction for human use over many thousands of years.

Grant Applicant Qualifications: Established in 1992, WVS is the local nonprofit organization dedicated to land conservation and community service in the community of Westport. WVS accomplishes its mission with a cadre of dedicated and knowledgeable volunteers who serve on its Board and support the mission as members. Members include a professional archaeologist and retired state Senior Environmental Planner and others with significant fiscal and project management experience and capabilities.

WVS previously managed three Conservancy grants that entailed acquisition of approximately 9 acres of oceanfront land (the Westport Headlands), and the planning for and construction of public access improvements on the headlands. The improvements included a stairway down to the beach, a foot bridge over an intermittent stream, an overlook platform, trails, signage, and parking including one space for persons with disabilities. These projects were accomplished with significant in-kind contributions by WVS volunteers who managed the grants, contractors, and volunteers who donated thousands of hours of work to build the improvements. WVS continues to maintain the improvements in excellent condition.

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 26-acre DeHaven Creek Headlands property is a good investment of state resources because: 1) it will contribute to meeting the state's biodiversity and equitable outdoor access goals as required by the Governor's 30 x 30 Executive Order; 2) it will formalize traditional tribal access to a site that has been an important resource gathering area for thousands of years; and 3) it will leverage nonstate resources such as volunteer work and in-kind support.

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 WVS has two professional anthropologists on its project team who are coordinating contacts with local tribes. Engagement with local tribes began in early 2022 and will be an

ongoing aspect of future management of the property. WVS has contacted all the local tribes that have an interest in the region and organized a meeting in which representatives from the local tribes discussed the possibility of co-management. The local tribes have mentioned the importance of DeHaven Beach as a location where traditional resource collection and fishing continues. An annual walk on Branscomb Road from Laytonville to the coast kicks off traditional summer activities in WULSB. Some traditional activities extend onto this property.

Traditional uses will be supported by WVS on the property that will be acquired with this grant as consistent with conservation and broader public access objectives. Local tribes regularly camp at the neighboring WULSB which serves as a staging area for traditional activities and local resource gathering. Improving the access trail in the northeastern corner of the property will ensure that use can continue unimpeded. WVS plans to expand access to the headland south of DeHaven Creek, improving traditional access in a manner that does not impact resources and habitats.

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

The informal foot trail in the northeast corner of this property provides access to DeHaven Beach, a location regularly used by the general public and disadvantaged communities including local tribes and low-income residents who actively pursue subsistence fishing and resource gathering. Local tribes also carry out cultural activities such as ceremonies and culture camps that pass along traditional knowledge while camping in the neighboring WULSB to the north. Acquisition will ensure those uses continue unimpeded. Opportunities exist to foster responsible sustainable use of this property through signage, educational programs, and future habitat enhancement projects that foster the resilience of fisheries and other resources that support local communities and public visitors. Educational enrichment events can be promoted through cooperation with local tribes, CDPR, and other conservation partners.

5. Project delivers multiple benefits and significant positive impact.

This project delivers many benefits: 1) it will protect significant coastal resources and habitats including pristine headlands, beach strand, wetlands, a perennial creek, and resources important to local tribes; 2) it will protect existing public coastal access and plan future access improvements that are compatible with resource protection, sustainable and help support disadvantaged communities and local tribes; 3) it offers an excellent opportunity to encourage stewardship of coastal resources and educate the public about the effects of climate change by highlighting ongoing environmental changes within the diverse ecosystems and landforms on the property; and 4) it will provide an opportunity for habitat enhancement projects that support resilience of the ecosystems on the property and the people who depend on those resources. If this property is not acquired for public benefit at this time, private development will likely occur and current and future public access may be jeopardized.

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

In addition to engaging tribes as described above, WVS reached out to the local community of 299 residents in 2022. That outreach included three public meetings, a field visit to the property, and monthly articles in the community newsletter distributed to over 150 people interested in Westport affairs. The WVS outreach produced more community and public

response than any other local meetings held during the past decade, generating two dozen written responses and oral testimony. Local people also contributed funds to cover some of the costs of acquisition and planning, evidencing their active support for this project.

Much of that local community is considered a disadvantaged community, with a median income in the local Census Tract of just \$39,028. Local people mentioned that they traditionally rely on fishing and wild harvesting at DeHaven Beach to supplement subsistence resources obtained in the marketplace. The property proposed for acquisition with this grant will ensure those economically disadvantaged local residents and local tribes continue to have unimpeded access to this well-used coastal resource.

PROJECT FINANCING

Coastal Conservancy	\$845,000
Westport Village Society	\$12,050
Landowner	\$7,050
Project Total	\$864,100

Conservancy funds for this project are expected to come from an appropriation to the Conservancy from the California Drought, Water, Climate, Coastal Protection, and Outdoors Access for All Act of 2018 (Proposition 68, California Public Resources Code Sections 80000-80173). Chapter 9 of Proposition 68 (section 80120-80121) allocates funds to the Conservancy to enhance and protect coastal and ocean resources including acquisition of land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values. (Public Resources Code Section 80120 (c)).

Consistent with the purposes of this funding source, the proposed project consists of acquisition of 26 acres of coastal terrace and preparation of a resource management plan that will provide for natural resources protection with compatible public and traditional tribal access. The project would be carried out in accordance with Chapter 9 of Division 21 regarding public access (see “Consistency with Conservancy’s Enabling Legislation” section below).

Conservancy funds for this project are also expected to come from an appropriation to the Conservancy from the Violation Remediation Account (VRA). Funds in the VRA are available for carrying out the provisions of the Coastal Act. (Pub. Res. Code, § 30823). Funds in the VRA originate from administrative orders, settlements and judicial actions arising from Coastal Act violations. Acquisition of property interests to potentially extend the coastal trail and prevent residential development from impairing open space and scenic values will help implement the public access and visual resource policies of the Coastal Act and protect the overall quality of the coastal zone environment (Pub. Res. Code §§ 30200, 30240, et seq.). Therefore, the proposed project is an appropriate use of VRA funds. Coastal Commission staff have reviewed the project and concur that it is an appropriate use of the VRA funds.

In-kind services total \$30,000. This includes:

- Due diligence expenses (negotiating purchase agreement, site assessments, archeology report and baseline conditions report) - \$10,000
- WVS staff time for planning - \$20,000

The landowner is contributing \$7,050 because the landowner has agreed to split the costs of the appraisal, the phase 1 environmental review, title insurance, and closing costs. These costs will be subtracted from the proceeds.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. 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 needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resource Code Section regarding public access (Section 31400 *et seq*). Section 31400.1 permits the Conservancy to award grants to any nonprofit to acquire land for public access purposes to and along the coast.

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 proposed funding for development of the management plan will enable the WVS to identify options for access and coastal trail improvements consistent with habitat preservation and traditional tribal uses.

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

Consistent with **Goal 1, Objective C** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will design up to 1/2 mile of a new coastal trail segment.

Consistent with **Goal 1, Objective E**, the proposed project will secure property for potential future development of the California Coastal Trail.

Consistent with **Goal 5, Objective A**, the proposed project will protect up to 26 acres of a significant coastal and watershed resource property.

Consistent with **Goal 16, Objective A**, the proposed project will benefit a disadvantaged community.

CEQA COMPLIANCE:

The proposed project is categorically exempt from the California Environmental Quality Act under several sections of the CEQA Guidelines at Cal. Code of Regulations title 14. First, to the extent the property will be used for public access and beach recreation, it is exempt pursuant to section 15316 as an acquisition of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and the management plan for the park has not been prepared. The property is being acquired in a natural condition, a portion of the land contains archeological resources and although a portion of the property will be potentially developed with a public trail, the plan for the property has not yet been prepared and when it is, development of the trail will be subject to CEQA. The project is also exempt under section 15313 as an acquisition of land for preservation of fish and wildlife, and section 15325 as a transfer of an interest in land to preserve open space and habitat. The acquisition will protect the natural resources of the property for open space and habitat conservation.

Additionally, the planning portion of the project is statutorily exempt under CEQA Guidelines section 15262, because preparation of the management plan will involve only feasibility or planning studies for possible future actions, which the Conservancy has not yet approved, adopted, or agreed to fund. As required by CEQA Guidelines section 15262, planning for this project will include consideration of environmental factors.

Staff will file a Notice of Exemption upon approval of this project.