

Who owns Davenport Beach?

Years after conservation deal, it's still not clear



JAMES CLARK/SENTINEL

A sign at Davenport Beach reads: 'Life's a beach, let's keep it clean,' underlying local concerns over pollution and trash left by visitors.

By JASON HOPPIN

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DAVENPORT — Volunteers at Davenport Beach spend Sunday mornings hauling out the detritus of lost weekends: bags of broken beer bottles, abandoned blankets and barbecues, clusters of cigarette butts.

For people who care about keeping the coast clean, it is a place that deserves special attention. During a 2012 cleanup organized by the nonprofit Save Our Shares, workers even pulled back the flap on a tent to find men sleeping next to their rifles.

"It's a party beach," said Haig White, who organizes the weekly trash pickups that always net at least 100 pounds of garbage and once collected as much as 400 pounds. "They leave everything. ... That's part of the collateral damage."

If the beach seems to be treated like no-man's land that's because it is. For several months, the county has tried to figure out just who owns the beach. And the answer turns out to be long and complicated.

Davenport Beach is actually divided among three historic businesses that were linchpins of North



JAMES CLARK/SENTINEL

A charred and discarded beer can rests in the sand at Davenport Beach on Thursday.

DAVENPORT

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Coast history: Coast Dairies, the Lone Star Cement Corp. (now called Cemex), and the Ocean Shore Railway. The problem is two of those businesses don't exist anymore, the Cemex plant is closed, and many people assumed the state took control of the beach under a landmark conservation deal.

While Davenport Beach is patrolled by the Santa Cruz Sheriff's Office, the commonly held view is the beach was one of seven pocket beaches — carved out by wind and sea, possessing an almost aching beauty and formerly owned by Coast Dairies — transferred to State Parks in 2006.

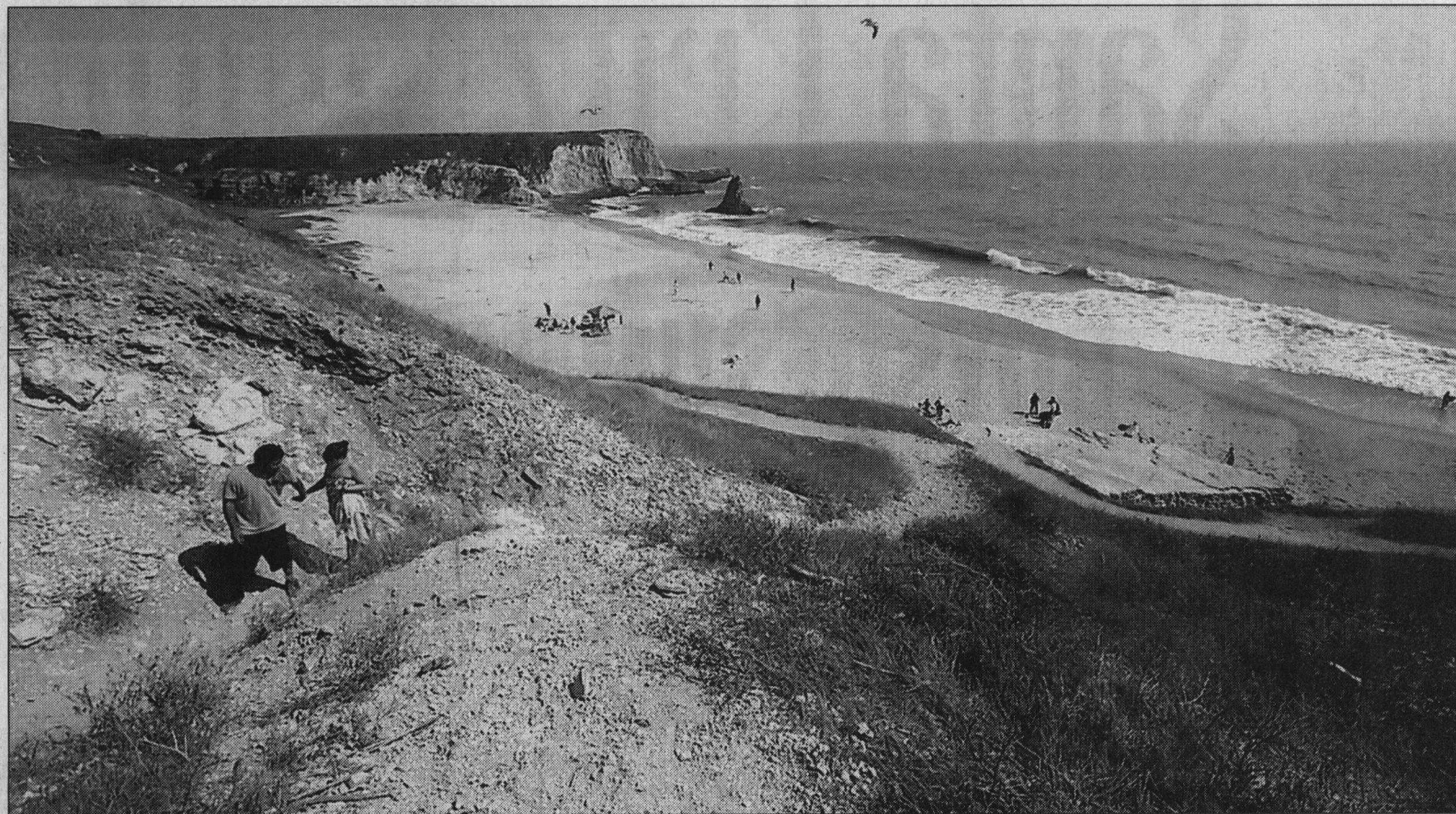
But Davenport Beach has long been known as a rowdy spot, which has led to questions about who's responsible for maintaining it.

INVESTIGATION SOUGHT

This week, Board of Supervisors Chairman Neal Coonerty formally asked the state to investigate — and hopefully resolve — a patchwork of ownership that may include the county, state, The Trust for Public Lands and Cemex Corp., which owns a meandering right-of-way through the middle of the beach, possibly for a pipe that ran to a now-abandoned pier.

"This is a pristine, wonderful beach, and we don't want it to be orphaned," Coonerty said. "Ideally, State Parks would take it over as they have all the beaches to the south of it, and keep operating it for the public."

In the late 1990s, the Save the Redwoods League, The Trust for Public Land and Land Trust of Santa Cruz County, backed by funding from the David and Lucile Packard Foundation, secured the beach and 6,800 surrounding acres as part of the \$44 million deal. Everything on the ocean side of Highway



JAMES CLARK/SENTINEL

Visitors and vacationers enjoy the view at Davenport Beach on Thursday. The beach has become a source of concern for local residents due to trash and debris left from day visitors.

I went to the state, with land on the mountain side going to the federal Bureau of Land Management.

"The understanding was (the deal included) everything seaward of Highway 1 that we owned," said Tily Shue, senior counsel at The Trust for Public Land.

But Davenport Beach may not have been part of the bargain. One complicating factor is that conservation groups didn't simply purchase the land; they bought the entire former Coast Dairies Co. Therefore, any confusion about parcels — and there were many on a large piece of property that last changed hands in the 1800s — may not have been cleared up with the sale.

"We're sort of in the midst of cleanup because of that," Coonerty said.

The Coast Dairies deal

was the last major parks acquisition by the state in Santa Cruz County, with the agency now reluctant to take on any more land without the money to finance its upkeep. Dave Vincent, who was the local State Parks superintendent at the time, said he isn't sure Davenport Beach was included in the deal, despite news reports that it was.

"I can't remember now if Davenport (Beach) was in or out, but I do know it was kind of confusing," Vincent said.

Another wrinkle: some documents describe a Coast Dairies border as San Vicente Creek, which empties into the Pacific Ocean on the south end of the beach. But the mouth of the creek shifted over time; it now empties through a manmade tunnel.

FURTHER CONFUSION

Historian Sandy Lydon

said the ownership issues are a symptom of the way deals — for land, for access, for farming, for water rights — were done during the century the Swiss families behind Coast Dairies owned the land.

"This is what happened when the old deals finally have to be exposed. And the old deals weren't always precise," Lydon said.

Furthermore, a large parcel on a low bluff overlooking the beach belongs to Ocean Shore Railway, a company that hasn't formally existed for decades. Due partly to the 1906 earthquake, Ocean Shore dropped plans to build a railway from San Francisco to Santa Cruz a century ago, though a local segment of the line operated for several years after that.

Officials are now looking at whether that par-

cel belongs to the county's Regional Transportation Commission since it bought the adjacent Branch Rail Line. Ocean Shore's right-of-way once extended along the length of the Branch Rail Line, with Santa Cruz co-opting it in the 1920s for Delaware Avenue. Decades later, that project became a 1959 lawsuit against the city by Ocean Shore heirs.

Conservation groups are also reaching out to Cemex to see if it would hand over the crooked parcel that runs through the beach.

SORE SPOT

An occasional eyesore and a headache for Davenport neighbors, Davenport Beach's reputation stands apart from the reverence most locals hold for North Coast beaches. In 2009, county supervisors extended

tough Live Oak beach rules meant to combat partying to Davenport, though whether the county can enforce those laws is another question.

The situation has improved and declined over time. On the Fourth of July holiday, the Sheriff's Office made a concerted enforcement effort at the beach that kept it from being overrun. White, the volunteer trash collector, visited the next day and said it was in the best shape he'd seen.

California Natural Resources Secretary John Laird, a Santa Cruz resident and former mayor whose department oversees State Parks, said he is aware of the issue and that it will be looked into.

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