

COASTAL CONSERVANCY

Staff Recommendation
September 14, 2023

BLUES BEACH LAND RETURN PROJECT PLANNING

Project No. 23-054-01
Project Manager: Fanny Yang

RECOMMENDED ACTION: Authorization to disburse up to \$180,000 to Kai Poma to conduct cultural and archeological resource studies and environmental surveys and to prepare a resource management plan for the Blues Beach property located in the community of Westport in Mendocino County.

LOCATION: Westport, Mendocino County

EXHIBITS

- Exhibit 1: [Project Location Maps](#)
 - Exhibit 2: [Project Photos](#)
 - 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 one hundred and eighty thousand dollars (\$180,000) to Kai Poma (“the grantee”) to conduct cultural and archeological resource studies and environmental surveys and to prepare a resource management plan for the Blues Beach property located in the community of Westport in Mendocino 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.

3. Evidence that all permits and approvals required to implement the project have been obtained.
4. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain 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 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. Kai Poma 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 \$180,000 grant to Kai Poma to conduct cultural and archeological resource studies and environmental surveys and to prepare a resource management plan for the Blues Beach property located in Westport in Mendocino County. The proposed project will facilitate future planning of trail accessibility improvements by identifying significant cultural resources, completing environmental surveys, and supporting future tribal management and maintenance initiatives for Blues Beach.

The Blues Beach property contains important cultural and ecological resources that have been disturbed or damaged over the past decades. The property is a popular spot for both locals and tourists; however, its remote location and popularity has also led to illegal encampments, trespassing vehicles, trash and litter problems, and damage to Native American cultural sites. In September 2021, Governor Newsom signed Senate Bill 231 (SB 231), allowing the current property owner, California Department of Transportation (Caltrans), to transfer the Blues Beach property to a non-profit organization chartered by local tribal governments and to enter into a master planning agreement. Kai Poma was formed to receive the land transfer and to take over management, protection, and preservation of cultural and ecological resources at the property while maintaining public access. As a tribally-chartered 501(c)(3) nonprofit organization, Kai Poma has established a direct connection to tribal communities through its board officers and founders, who are also elected officials from the Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians. This composition 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.

Kai Poma, as part of the proposed project, will be 1) conducting cultural and archeological resource studies and environmental surveys at Blues Beach, and 2) developing a comprehensive

management plan for the property. The studies and environmental surveys will inform the development of the subsequent management plan and ensure that traditional tribal cultural properties and sites are protected during future public access planning. The task will consist of record searches and literature review; tribal coordination and consultation; a buried site sensitivity assessment, pedestrian survey, cultural resources inventory, native plants inventory, and archeological testing. The management plan will help guide the safeguarding of critical habitats and biodiversity and also include restoration activities for the beach area, creek, and terrace areas. To ensure public access is aligned with public safety and maintenance requirements, the plan will lay the foundation for improved trails for elder access leading south from the Vista Point, and an entrance and parking area at the southern end of the site which may also serve as a use area for ceremonies. Other significant tribal centered elements that will be incorporated into the management plan include multi-generational ceremonies focused on traditional ecological knowledge and stewardship practices passed down through the generations.

Site Description: The Blues Beach property is located along Highway 1 between post mile 73.65 and post mile 75.62 – the physical entrance to Blues Beach – about 2 miles south of the community of Westport. The property contains tidepool areas and rocky peninsulas, with rocks offshore that form a natural arch on the north end of the beach. Pine forest is present in the area north of the vista point pullout and the adjacent parking lot. The vista point parking lot is often used as a public rest area.

Currently, the property is owned by Caltrans, but the state agency will be transferring approximately 135 acres of the property to Kai Poma for ownership and management in mid-2024 pursuant to Section 118.9 of the Streets and Highway Code. The authorizing legislation further requires Kai Poma to maintain the property and develop a comprehensive management plan addressing the numerous significant and highly vulnerable cultural natural resources there while ensuring public access is not greatly impacted.

Grant Applicant Qualifications:

Kai Poma is a recently established 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 such a project successfully.

Kai Poma recognizes the importance of ongoing oversight in safeguarding the cultural and ecological significance of the Blues Beach property. As the responsible party, Kai Poma will establish a resources management framework that incorporates regular monitoring protocols and maintenance schedules. Kai Poma will collaborate with relevant stakeholders, including

community members, tribes, and partners, to foster engagement and ensure continuous support for the project's long-term management objectives. Kai Poma plans to continue to apply for state and federal funding to be able to manage and maintain the project. By adhering to these practices, Kai Poma will maintain the site's integrity and effectively manage its resources for the benefit of present and future generations.

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 is a good investment of state resources as it provides crucial funding support to identifying archeological and cultural resources for the future successful tribal management of the Blues Beach property. Funding the proposed project is in line with the State's efforts to facilitate land back projects to tribal communities, while supporting their capacity to successfully protect, conserve, and manage their cultural resources. The proposed project has a reasonable budget for the project activities and is feasible. The proposed project contributes to future important benefits for California tribal groups by increasing tribal lands ownership and access to coastal territories, enhancing coastal habitats and biodiversity, and increasing coastal access. The project will also plan for habitat restoration and enhanced public access, including planning a new ADA accessible trail.

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 is a tribally led project for tribal communities by tribal representatives. There will be ongoing communication with all involved tribal groups throughout the duration of the proposed project, including its long-term planning and management phases. This creates opportunities for tribal members to obtain employment and engage with the project tasks. By actively engaging tribes in the process, the proposed project aims to uphold tribal sovereignty, respect cultural heritage sites, and foster strong and collaborative relationships.

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

The proposed project will incorporate sustainability and resilience to sea level rise into the comprehensive management plan. The plan will focus on resource identification and protection, and also enhancement of the existing trail system to be sustainable over the long term. The plan will also promote ecosystem and cultural resilience by incorporating a range of

environmental and cultural restoration activities such as prescribed cultural burns, the planting of native plants, creek restoration, multi-generational ceremonies, and educational workshops on traditional ecological knowledge and stewardship practices.

5. Project delivers multiple benefits and significant positive impact.

The proposed project delivers multiple benefits and significant positive impact by supporting and facilitating increased tribal access to coastal lands, allowing tribal communities to reconnect with culturally significant areas and strengthening connections to the site. The project also facilitates habitat restoration and enhanced public access.

The proposed project also recognizes the cultural significance of the site and considers the importance of traditional ecological knowledge and stewardship practices. By incorporating multi-generational ceremonies and educational workshops into the management plan, the proposed project celebrates Indigenous traditions and fosters a deeper connection to the land. This approach not only promotes cultural preservation but also contributes to community engagement and the transmission of ancestral knowledge. It recognizes the importance of honoring and respecting Indigenous traditions and strengthens the relationship between the project and the local communities.

Lastly, the proposed project benefits the tribal workforce as it will rely on traditional practitioners and Tribal natural resource experts to conduct the cultural resource surveys and environmental studies and to provide appropriate recommendations for land management.

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

The proposed project is planned with meaningful community engagement and community support from the tribal groups involved. Active engagement of community members includes planning and engaging with tribal delegates from the Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians and an estimated 6,000 tribal members from these Tribes. Other community stakeholders involved in the proposed project include San Francisco climate justice and land justice communities, the Coastal Commission, Mendocino County Sheriff's department and Caltrans. The diversity of involvement ensures a collaborate approach that integrates different perspectives, expertise, and priorities to achieve proposed project goals.

PROJECT FINANCING

Coastal Conservancy	\$180,000
Project Total	\$180,000

Conservancy funding for the proposed project is anticipated to come from a Fiscal Year 2022/23 appropriation from the General Fund to the Conservancy for climate resilience (Budget Act 2022, SB 154). The climate 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 climate resilience funds, including for coastal resilience projects that build resilience for coastal

communities, public access, and critical infrastructure. The proposed project is consistent with the funding purposes as it conducts planning activities for the future protection and management of coastal and cultural resources at the Blue's Beach property, while improving existing access opportunities to the coast.

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 project will be undertaken pursuant to Chapter 5.5, Integrated Coastal and Marine Resources Protection (Section 31220) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. Section 31220 authorizes the Conservancy to undertake projects that improve and protect coastal and marine water quality and habitats, sediment management, and living marine resources protection and restoration. The proposed project is consistent with Section 31220 as it is planning for the protection of coastal resources at the Blues Beach property through identifying sensitive and vulnerable habitats with cultural surveys and environmental studies, and then incorporating the information into a comprehensive management plan that will outline future marine resource protection and restoration strategies. Specifically, the proposed project is consistent with Section 31220(b)(2) as the management plan will contribute to the protection and restoration of wildlife habitat within coastal watersheds; Section 31220(b)(7-8) as the development management plan will consider the impact of population and pressures on coastal and marine resources at Blues Beach by ensuring that public access is compatible with resource protection and restoration objectives; and Section 31220(c) as the proposed project will create regular monitoring protocols and maintenance schedules at the site for sustainable long-term management of the coastal resources.

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 benefit historically excluded tribal groups.

Consistent with **Goal 1.2 Return Power to Tribes**, the proposed project will support the return of power to tribes by supporting cultural resource surveys and development of a tribally led management plan for the Blues Beach property.

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 2.4 Build Trails**, the proposed project will contribute to the future planning of access trails on the property to increase safety and accessibility for tribal elders, and other visitors on the Blues Beach property.

Consistent with **Goal 2.5 Enhance Recreational Amenities Including Paths**, the proposed project will support improvement of coastal pathways and other recreational amenities at the site.

Consistent with **Goal 3.2 Restore or Enhance Habitats**, the proposed project will contribute to the protection and restoration of ecological resources, coastal habitats, and biodiversity at the Blues Beach property.

CEQA COMPLIANCE:

The proposed project is statutorily exempt from review under CEQA pursuant to 14 California Code of Regulations (CCR) Section 15262 and categorically exempt under 14 CCR section 15306, because it involves only feasibility and planning studies, basic data collection and research, and resource evaluation, none of which will impact any environmental resource(s) and all of which is for possible future action that has not yet been approved, adopted, or funded. The proposed planning project consist of conducting archeological studies and cultural resources survey and developing a comprehensive management plan for the Blues Beach property. Upon approval of the project, Conservancy staff will file a Notice of Exemption.