

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950



W13b

CDP 1-24-0662

(Caltrans – Blues Beach Land Transfer Project)

April 9, 2025

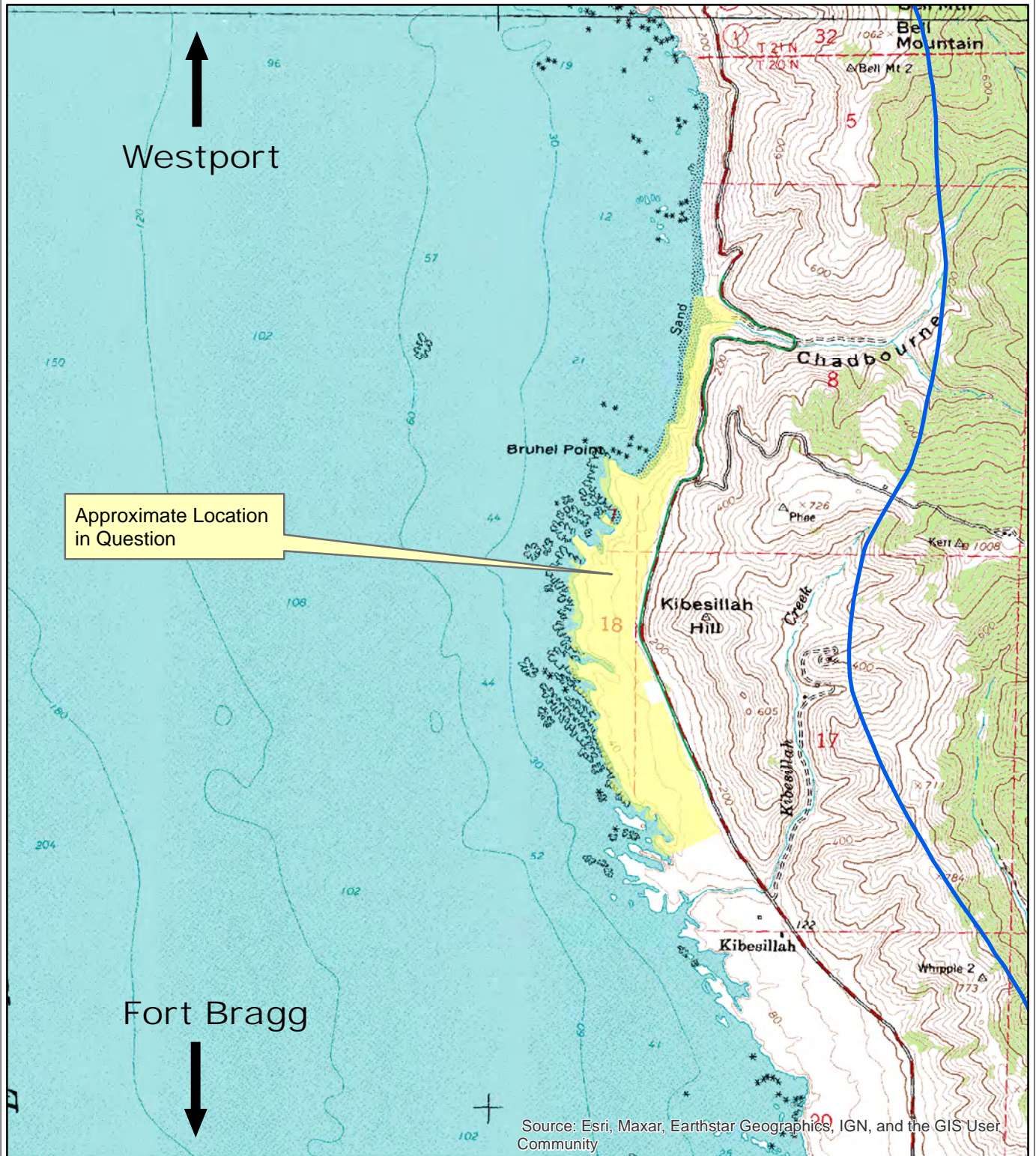
EXHIBITS

- Exhibit 1 – Project Location Map
- Exhibit 2 – Jurisdiction Map
- Exhibit 3 – APN and Transfer Property Map
- Exhibit 4 – Public Access Management Plan (Draft)



Exhibit No. 1
PROJECT LOCATION MAP
CDP 1-24-0662 (CALTRANS)





Blues Beach Project
Mendocino County



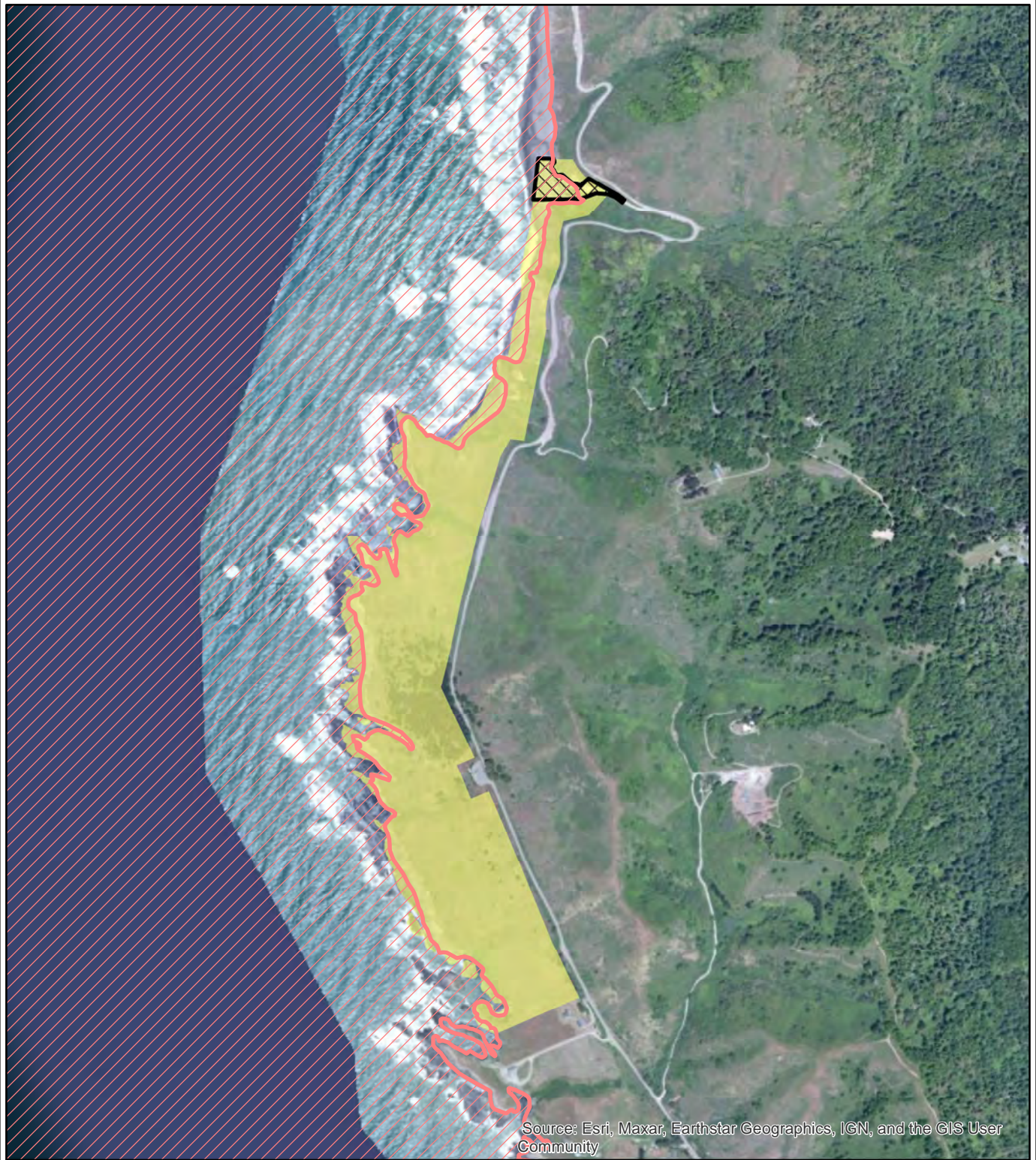
Portion of USGS 7.5 Minute
Inglenook Quadrangle with
Coastal Zone Boundary added.

For illustrative purposes only.



Exhibit 1

DR 04/2024



Blues Beach Project
Mendocino County



 Coastal Commission Permit Jurisdiction

 Proposed Caltrans Easement

 Proposed Transfer Area

For illustrative purposes only.



Exhibit No. 2
CDP JURISDICTION MAP
CDP 1-24-0662 (CALTRANS)



(Page 1 of 2)



Blues Beach Project
Mendocino County



 Coastal Commission Permit Jurisdiction

 Proposed Caltrans Easement

 Proposed Transfer Area

For illustrative purposes only.



Exhibit 2b

DR 04/2024



NO SCALE
ALL LOCATIONS
ARE APPROXIMATE

NORTH BOUNDARY OF
STATE'S SCENIC LANDS
(NOT A TAX PARCEL
BOUNDARY)

015-010-31
STATE RW &
SCENIC LANDS

015-370-03
STATE SCENIC LANDS

015-370-04
STATE SCENIC LANDS

015-370-12

015-370-11

015-010-33
STATE RW

015-010-39

015-010-43

BLUES BEACH
PROPOSED
EASEMENT

HIGHWAY 1
PM 75.3

015-010-42

015-070-37

015-070-56

BRUHEL POINT
VISTA POINT

015-070-41

STATE OF CALIFORNIA -
CALTRANS
BLUES BEACH PROJECT
EA 01-OH850
MEN-1-73.69 / 75.59

STATE OWNED HWY RW
(FEE TITLE)

STATE OWNED
SCENIC LANDS

TAX PARCELS

PROPOSED TRANSFER
PARCEL

Exhibit No. 3
APN & TRANSFER PROPERTY MAP
CDP 1-24-0662 (CALTRANS)



Blues Beach Public Access and Management Plan

I. Introduction

Kai Poma, a 501(c)(3) nonprofit organization incorporated under the laws of the Hoopa Valley Tribe, has approved the transfer from the California Department of Transportation (“Caltrans”) of certain Property within the Coastal Yuki and Yuki ancestral lands of the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, and the Coyote Valley Band of Pomo Indians (the “Tribes”) located in present-day unincorporated community of Westport, in Mendocino County, California. This Property is referred to as the “Blues Beach Property” or the “Property” herein and described more fully below.

This Plan is a voluntary agreement entered into by Kai Poma and the California Coastal Commission (collectively referred to as the “Parties”). The purpose of this Blues Beach Public Access and Management Plan (the “Plan”) is to provide a basic framework for management of the cultural resources, public access, public safety, and conservation elements of the Property consistent with Senate Bill 231 (California Streets and Highways Code section 118.9) to aid in the transfer of title from Caltrans to Kai Poma, and to satisfy the requirements of Government Code section 831.5 as set forth in Public Resources Code section 30609(b) regarding the provision of public access to and along the coast.

II. Background and Existing Conditions

The Property consists of approximately 136 acres of land and is located west of California Highway 1 (“Highway 1”) between post mile markers 73.65 and 75.62. The Property extends to the mean high tide line. The Property does not include land that is part of the highway operating right of way, nor does it include significant portions of Chadbourne Creek west of Highway 1. Kai Poma has a significant interest in co-managing and eventually acquiring this adjacent area to the Property to ensure that the cultural, environmental, and habitat resources within and alongside the creek are stewarded and protected. Caltrans also will hold a non-exclusive easement to a portion of the property at the north end including part of the access road for the purpose of highway maintenance, construction, reconstruction, and access that is necessary and related to the management of the Westport Sink and Slide Area. See Exhibit 1 for detailed parcel boundary map.

The region now known as the Blues Beach Property is part of a multi-layered living cultural landscape consisting of overlapping cultural landscapes of the individual and collective Kai Poma Tribes. Since time immemorial, the Tribes have

and ecologically stewarded extensive areas of the Northern California coastal region, including areas now encompassed by the Blues Beach Property. This region, including the Blues Beach Property, is home to a dense concentration of traditional cultural properties, sacred sites, and other cultural resources archaeologists have dated back to as far as 12,500 BC. The Tribes continue to maintain a strong historic and cultural affinity to this region in ongoing interactions with the land and its resources including those considered to be both cultural and natural resources – plants, animals, air, soil, and water. For Kai Poma, the region's significance is affirmed through ongoing traditional cultural practices including individual and intertribal community gatherings, stewardship, fishing, hunting, plant and mineral gathering, traditional food harvesting, prayer, stories, and land-based community cultural education. The entirety of this region, including individual sites within the Blues Beach Property, are central to the maintenance and revitalization of Tribal cultural knowledge, histories, and practices.

The Blues Beach Property borders the Pacific Ocean within Mendocino County, California at approximate coordinates 39°36'5.4"N and 123°47'14.8"W. The western Property boundary at the Pacific Ocean consists of sandy and rocky coast and several small tidal pools. The Property is bordered on the east by Highway 1, the major north-south highway that runs along the Pacific coastline of California. The majority of the Property is characterized by a long coastal terrace, punctuated by a number of gulches that divide the terrace into various pieces. At the northern end of the Property, there is a long sandy beach, colonially known as "Blues Beach." Here, at approximately 200 feet inland, the land steeply slopes up to a bluff approximately 60 feet above sea level. The bluff is comprised of tall grasslands and young coastal trees.

Situated just inside the northern boundary of the Property is Chadbourne Gulch, a small ephemeral stream (Chadbourne Creek) that flows to the Pacific Ocean at Blues Beach. Chadbourne Gulch drains a watershed of 1,730 acres dominated by mixed hardwood and conifer forests and reaches elevations of 560 feet near the headwater divide. A 2008 Stream Inventory Report, conducted by the California Department of Fish and Wildlife (formerly California Department of Fish and Game), documents current conditions for Chadbourne Gulch and makes recommendations for potential enhancement of habitat for coho salmon and steelhead trout.

Altogether, the Blues Beach Property contains approximately 136 acres along about 2 linear miles of coast. The total acreage of the land to be returned initially reflected in Senate Bills 231 was stated as approximately 172 acres, but was later reduced to the current size of approximately 136 acres. Importantly, Kai Poma is not currently receiving title to the culturally and environmentally significant portions of the land where Chadbourne Creek runs to the ocean. Caltrans has indicated interest, without making

any formal commitments, in transferring in the future the area being retained adjacent to Chadbourne Creek between the beach and Highway 1.

Farther south on the Property, approximately 1/2 mile north of the southern Property boundary, is Bruhel Point, where there is a popular vista point that is managed by Caltrans and is known for its ocean views, with amenities consisting of accessible parking, interpretive panels, benches, and two paved pedestrian trails. Caltrans was required to construct the vista point by Coastal Development Permit #1-97-078, which was approved by the California Coastal Commission in 2004.

The area in which the Property sits is within the ancestral territories of several California Indigenous communities and has been a place of gathering with important social, cultural, and economic significance since time immemorial. Through the colonization of this territory and the subsequent formation of the State of California, Native Americans were displaced from their rights of access and use in favor of the privatization of the land into the hands of migrant settlers. In the 1960s, those settlers profited from the sale of this land to the State of California, which purchased the Property to expand construction of Highway 1 and to provide a scenic viewshed for highway travelers. In contrast to the traditional use and care of the land by Native Americans, more recently the general public has accessed this Property primarily for fishing and recreation, with little to no stewardship by the State of California.

Today, there are three main locations where the public enters the Property: two along the terrace portion of the Property and one to the beach. The terrace area covers the southern and central portions of the Property. Most users gain entry to the terrace by parking in the Bruhel Point Vista Point parking lot and then use the two Caltrans-constructed pedestrian trails or any number of un-official trails. One of the established trails extends seaward from the parking lot to the edge of the bluff, while the other, which is intended to be accessible for people of all abilities, proceeds roughly south from the parking lot for 300 feet, with a bench approximately every 100 feet.

A second entry point is from a long Caltrans pullout located on the seaward side of the highway along the terrace of the central part of the Property at approximately post mile marker 74.56. Members of the public park their vehicles in the pullout and walk through one of two gaps in the existing wooden fence that runs roughly along the boundary of that portion of the Property. It is unknown whether these gaps were intentionally created or due to a disrepair or being broken. From there, visitors follow informal trails across the Property, proceeding down the terrace and through riparian vegetation and blufftop bushes and grasses, to the bluff edge to fish and/or walk along the blufftop. Visitors also scramble down the bluff to the intertidal area to fish, among other ocean activities. All visitors to the terrace are pedestrians; there are not any roads along the terrace.

At the north end of the Property, there is a heavily used, short gravel access road that allows vehicles to exit Highway 1 and to park at a large bulb where the road terminates at the beach. This bulb area, as well as along the edges of the road, can accommodate a small number of cars, although the area is not marked, so often cars park haphazardly.

Existing use of both the terrace and the beach road/beach varies widely. Winter visitation might be just a few cars per day, while holiday weekends might bring several tens of cars and people to the Property. Also, it is not uncommon for visitors to park in the bulb area and illegally camp overnight. Plus, visitors in 4-wheel vehicles often drive from the bulb out to and along the beach, and many get stuck in the intertidal zone and require assistance in pulling vehicles out from the water.

The longstanding and often inappropriate use of the Property has damaged cultural and natural resources. To rectify past damage and protect the area for the future, Senate Bill 231 was introduced and signed by the Governor in 2021.

III. Purpose

In light of the cultural context of the Property, on September 24, 2021, California Governor Newsom approved Senate Bill 231 ("SB 231"), which added section 118.9 to the Streets and Highways Code, authorizing Caltrans to return the Blues Beach Property at no cost to a tax-exempt nonprofit organized by the Tribes for environmental and cultural protection. The Legislature found that such a transfer "serves the public purpose of conserving highly vulnerable natural and cultural resources that must be preserved and protected from damage due to unauthorized activities" (Streets and Highways Code section 118.9(j)(1)).

The law also states that, for the purposes of this land return, "California Native American tribe" means the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, or the Coyote Valley Band of Pomo Indians. In 2022, these three Tribes formed Kai Poma, a tribally-incorporated nonprofit corporation, and obtained federal tax-exempt status under section 501(c)(3) of the Internal Revenue Code.

The legislation requires that the Property be **"maintained as a natural habitat and for protection of Native American cultural resources."** Additionally, the legislation **limits the "use of the [P]roperty to public access, natural habitat, and the protection of Native American cultural resources."**

The legislation further establishes that Kai Poma:

“shall allow public access to the Blues Beach [P]roperty consistent with the requirement to provide public access, maintain natural habitat, and protect Native American cultural resources, but may restrict public access to any portion of the [P]roperty that contains a Native American burial ground and shall restrict public access from sunset to sunrise. The restriction on public access from sunset to sunrise does not apply to Native American cultural activities, including, but not limited to, conducting cultural activities, harvesting native plants, and fishing.” (Streets and Highways Code section 118.9(i).)

Kai Poma’s stated organizational purposes satisfy these legislative prescriptions, as described below:

- **Maintenance of natural habitat**
 - Kai Poma’s stated organizational purpose is, among other things, to “preserve the natural environment and habitat on lands within the historic territorial area of Native American tribes in and around what is present-day Mendocino County,” which includes the Blues Beach Property.
- **Protection of Native American cultural resources**
 - Kai Poma’s stated organizational purpose also includes the protection of “historic and cultural resources and sites of significance to Native American tribes in and around what is present-day Mendocino County.” As such, Kai Poma is committed to developing specific management plans to protect, maintain, and restore Native American cultural resources.
- **Public Access**
 - Kai Poma shall allow public access to the Blues Beach Property consistent with the requirements of Streets and Highways Code section 118.9 and Public Resources Code section 30609.5 to provide commensurate public access as approved by the California Coastal Commission. Public access shall be managed in a phased approach to allow for expeditious transfer of the Property while allowing sufficient time for Kai Poma to perform resource surveys and plan for the development and management of any facilities on the Property.

Kai Poma has secured initial funding from public and private sources to conduct the necessary studies to develop their management plan to accomplish these organizational purposes as well as manage the Property’s use as contemplated in this document.

IV. Site Management

This section outlines the current management approach and summarizes future planning activities that Kai Poma will undertake once the Property returns to Kai Poma's stewardship and Kai Poma secures adequate funding.

Phase 1 – Establish a baseline

- **Public Access Locations** – Kai Poma accepts the Property pursuant to the terms of the transfer with Caltrans and subject to the requirements of California Streets and Highways Code section 118.9 and the California Coastal Act. Kai Poma will allow for continued public access via the three currently existing entry points: the access road to Blues Beach, the Caltrans pullout, and Bruhel Point vista point.

At Chadbourne Gulch, Kai Poma will allow for continued informal public entry to Blues Beach via the access road.

At the highway pullout, Kai Poma will allow for continued pedestrian entry through the existing gaps in the fence and use of the existing informal trails.

At the vista point, Kai Poma will provide for continued pedestrian use of the two existing paved trails originating from the parking lot.

- **Public Access Hours** – As codified in Streets and Highways Code section 118.9, due to the remoteness of the Blues Beach Property and the exceptional vulnerability of the resources, it is necessary to restrict public coastal access to the hours between sunrise and sunset. Such restriction does not apply to the three Kai Poma constituent Tribes' cultural activities, including, but not limited to, conducting educational and cultural activities, harvesting native plants, and fishing.
- **Signage** – Per Special Condition 3 of CDP 1-24-0662, Kai Poma and Coastal Commission staff will work collaboratively to design and identify locations to install appropriate signage to inform the public about the sunset to sunrise public access restrictions and any other relevant information related to management and access to the Property. Kai Poma may repair or replace signs as needed.

Except for emergency actions authorized under Public Resources Code section 30611 or 30624, no other changes to public access will be made and no other development

will occur under Phase I. Nothing herein precludes the Parties from entering into separate access agreements prior to the land return for the purposes of the studies, surveys, and monitoring as contemplated herein.

Phase 2 – Research and develop long-term management plan for site

- Subject to securing adequate funding, Kai Poma will complete the following studies or surveys to inform long-term management of the Property:
 - Cultural resource protection study to inform future management and stewardship of sacred sites, burial grounds, and other Tribal Cultural Resources, including appropriate location and intensity of public access.
 - Natural habitat study to inform future management, restoration, and protection of culturally and environmentally important species and ecosystems. The study will also inform overall management of the site and assist Kai Poma with determining appropriate locations and intensity of public access.
 - Creek survey to inform future management and restoration of watershed resources and fish habitat.
- When Kai Poma completes one or more of the studies or surveys described above, and through close and ongoing consultation with the California Coastal Commission, Kai Poma and the Coastal Commission will work expeditiously to amend this Plan as needed, and to amend the associated Coastal Development Permit if determined by the Coastal Commission Executive Director to be necessary, to incorporate long-term management and maintenance strategies as informed by site studies and in response to site conditions and use patterns. Such amendments may alter public access patterns to ensure Kai Poma can fulfill its obligations to provide appropriate public access while protecting natural habitat and sensitive cultural resource areas and landscapes as informed by the studies, surveys, research, and Kai Poma's vision for Indigenous land stewardship.

Phase 3 – Future co-management and acquisitions

- Kai Poma plans to invite, and enter into, co-management agreement(s) with willing neighboring landowners for the watershed within which the Property is located.
- Kai Poma plans to enter into one or more agreement(s) with Caltrans as to future excess land transfers pending completion of any fish passage improvements or other contingent projects.

- **Future Site Improvements** – Kai Poma may wish to develop site improvements to protect cultural, natural, or environmental resources and improve public access. Prior to the construction of such improvements, this Plan shall be amended as needed as described in Section VI to reflect development of the site improvements. In addition, Kai Poma will submit an application to amend the associated Coastal Development Permit to authorize development of the site improvements, if determined by the Coastal Commission Executive Director to be necessary. The construction of any such improvements will comply with all applicable laws and will include meaningful consultation with Kai Poma and the affected Tribes prior to any such improvements.

V. Roles and Responsibilities

Maintenance and Liability

Once the Blues Beach Property has been returned from Caltrans to Kai Poma, Kai Poma will assume long-term responsibility and limited liability as the owner of the Property to the extent required by Public Resource Code section 30609.5 and Government Code section 831.5 and any other relevant federal, state, or Tribal law, and as agreed upon in this Plan.

Subject to the terms of the transfer agreement with Caltrans and the easement retained by Caltrans, Kai Poma will be responsible for the future, ongoing maintenance of the Property, to provide public access, maintain natural habitat, and protect Native American cultural resources consistent with Streets and Highways Code section 118.9.

Kai Poma has entered into an *Agreement to Provide Public Access and to Qualify Nonprofit Organization for Limited Public Entity Tort Immunity* with the California Coastal Conservancy pursuant to California Government Code section 831.5, providing for appropriate public access and limiting its tort liability. See Exhibit 2 attached to this Plan.

Public Safety

Kai Poma intends to complete and maintain a Letter of Agency with the Mendocino County Sheriff's office for consistent enforcement of trespass under Penal Code section 602.

Dispute Resolution

Both Parties agree that this Plan accurately and fully represents the intent and authority of the legislation governing the transfer to and management of the Property by Kai Poma. All disputes related to appropriate management of the Property, including those raised pursuant to Streets and Highways Code section 118.9(d), shall be addressed and resolved through the processes described in this section.

If either Party hereto disagrees on the interpretation or performance of this Plan, they shall first make every reasonable effort to meet to resolve the dispute with the other Party amicably and in good faith between each other.

If informal attempts to resolve the matter are unsuccessful, the disputing Party shall provide written notice specifying the concern regarding management of the Property and a request to meet to the other Party. Notices shall be sent via phone, e-mail, and first-class mail to the following representatives:

Kai Poma, to:

Eddie Knight, Chair
PO Box 179
Redwood Valley, CA 95470
chair@kaipoma.org
707-354-3907

California Coastal Commission, to:

Dr. Kate Huckelbridge, Executive Director
California Coastal Commission
455 Market St., Suite 300
San Francisco, California 94105
Kate.Huckelbridge@coastal.ca.gov
(415) 904-5202

A copy of this notice shall also be sent to the California Coastal Commission Native American Liaison, and the State Coastal Conservancy Tribal Liaison, if these positions have been designated within each agency. Contact information for these individuals, if known, is listed below as of the initial execution of this Plan and will be updated regularly as needed:

California Coastal Commission Native American Liaison:

Dr. Kate Huckelbridge, Executive Director
California Coastal Commission
455 Market St., Suite 300
San Francisco, California 94105
Kate.Huckelbridge@coastal.ca.gov
(415) 904-5202

State Coastal Conservancy Tribal Liaison:

Emely Lopez
1515 Clay Street, 10th Floor
Oakland, California 94612
Emely.Lopez@scc.ca.gov
(510) 286-0342

Each Party will make every good faith and reasonable effort to ensure the appropriate individuals are provided adequate notice and are afforded the opportunity to be included in the meeting, and to maintain the contact information for their authorized representative(s) current with the other Party.

If a meeting cannot be scheduled within sixty (60) days of notice or the Parties are still unable to reach agreement, the Parties shall arrange a facilitated dispute resolution meeting with a mutually agreed upon alternative dispute resolution provider in a good faith attempt to resolve their differences. The Parties agree to prioritize seeking a reputable mediator with significant experience working with California Tribes or Tribal entities. If the Parties are unable to schedule a meeting or resolve their differences through this facilitated dispute resolution process within one hundred and twenty (120) days, then any Party may appeal to any court of competent jurisdiction.

In no event shall any steps be taken towards reversion of the Property to state ownership until the above processes have been followed. Additionally, reversion may only be sought in the event the unresolved dispute directly relates to Kai Poma's failure to fulfill its statutory obligations, or if Kai Poma voluntarily dissolves or is involuntarily dissolved or its 501(c)(3) status is revoked by the Internal Revenue Service and it neither reinstates its nonprofit status nor designates a successor organization duly qualified under section 118.9(a)(3) of the Streets and Highways Code within twelve (12) months of such dissolution or revocation.

VI. Amendments to the Management Plan

Given the large size of the Property and the extensive amount of public use, it is anticipated that this Plan will be revised over time as informed by site studies and in response to site conditions and use patterns. Kai Poma will utilize adaptive management techniques to adjust plans and procedures over time as needed. This plan may be amended as needed with the concurrence of Kai Poma and the Coastal Commission, subject to Special Condition 2 of CDP 1-24-0662.

Signature Page

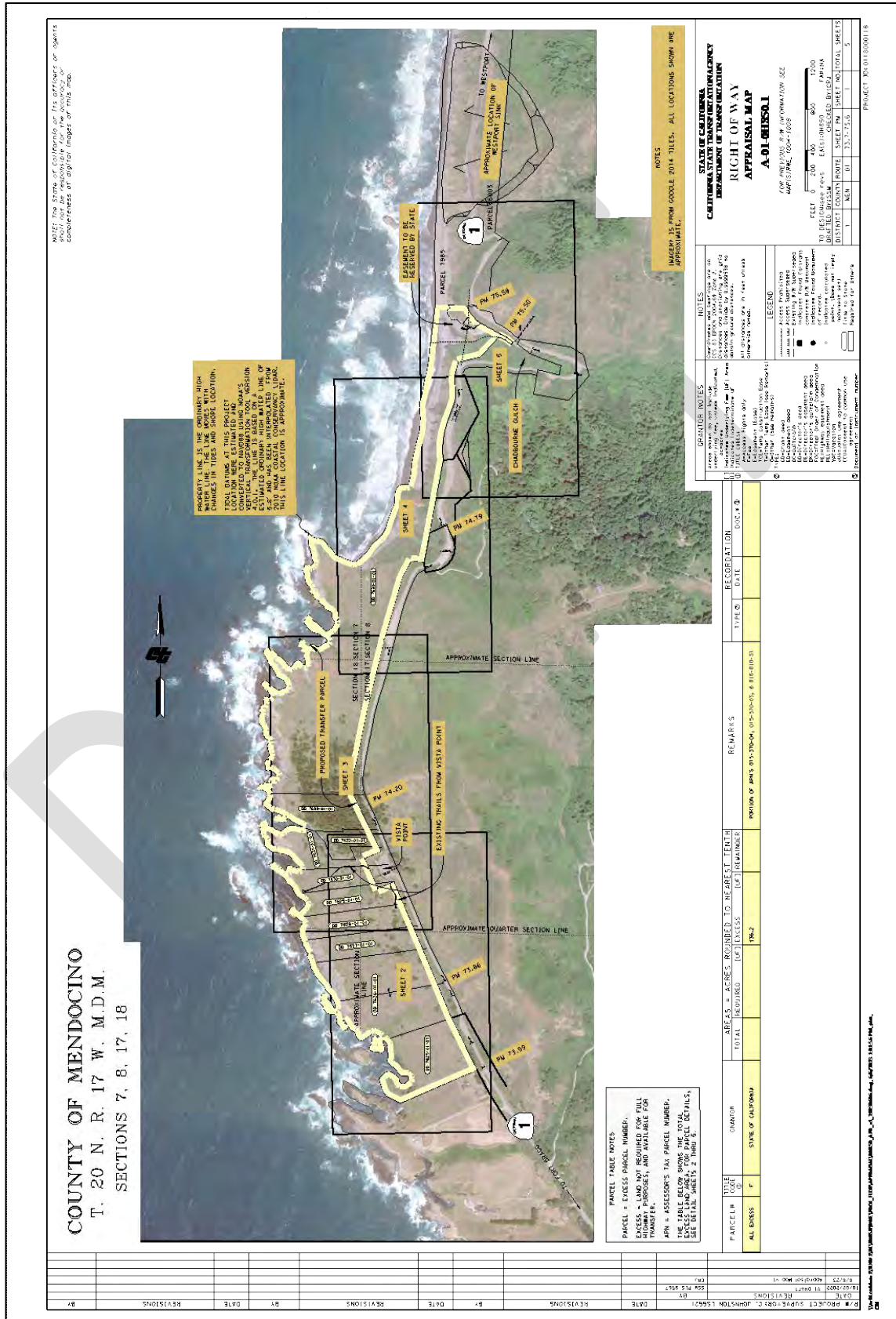
Signatures:

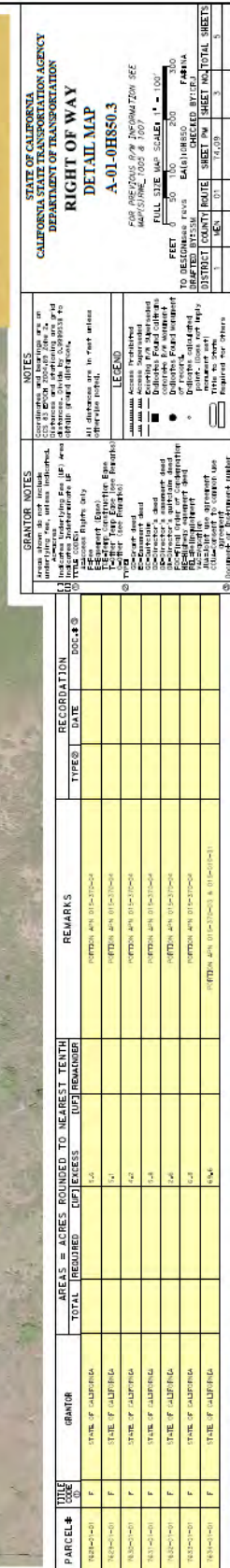
Eddie Knight, Chair
Kai Poma

Date

Dr. Kate Huckelbridge, Executive Director
California Coastal Commission

Date

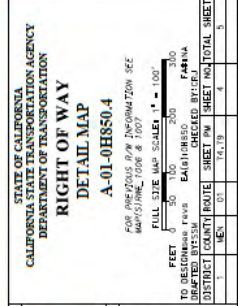


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STATE OF CALIFORNIA CALIFORNIA STATE TRANSPORTATION AGENCY DEPARTMENT OF TRANSPORTATION		RIGHT OF WAY DETAIL MAP		MAP NUMBER: <i>97-100-200-200</i> SEE DISTRICT MAP NO. <i>100-200</i> MAP SHEET NO. <i>100-200</i>	
TO DESIGNATE REVS		FULL SIZE MAP SCALE: 1" = 100'		SHEET NO. <i>200</i> SHEET TOTALS: <i>200</i>	
UNPAID BYTES		SHEET NO. <i>200</i>		SHEET TOTALS: <i>200</i>	
DISTRICT	COUNTY	ROUTE	SHEET	CHECKED BY/PS	DATE
1	45	1	200	3	5

[illegible][illegible]

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or

[illegible]

SECTION 8



DRAFTED BY:SSM		CHECKED BY:CRJ			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
1	MEN	01	75.5	5	5

Unauthenticated Downloaded from <https://www.cambridge.org/core>. University of Cambridge, on 10 Apr 2023 at 10:10:10, subject to the Cambridge Core terms of use, available at <https://www.cambridge.org/core/terms>. <https://doi.org/10.1017/S0022292223000046>

Exhibit 2 – Public Access Agreement between Kai Poma and State Coastal Conservancy pursuant to Cal. Gov. Code section 831.5 (exhibits not included)

**AGREEMENT TO PROVIDE PUBLIC ACCESS
AND TO QUALIFY NONPROFIT ORGANIZATION
FOR LIMITED PUBLIC ENTITY TORT IMMUNITY**

Blues Beach Property, Mendocino County

This agreement is entered into between the State Coastal Conservancy ("Conservancy"), an agency of the State of California, and Kai Poma, a Tribally-incorporated Public Benefit Nonprofit Corporation tax-exempt under IRS Code Section 501(c)(3).

PERTINENT FACTS

- A. The Conservancy is charged under Division 21 of the California Public Resources Code with protecting and enhancing the California coast and providing public access to it.
- B. Kai Poma is a Tribally-incorporated Public Benefit Nonprofit Corporation tax-exempt under § 501(c) of the United States Internal Revenue Code. Kai Poma's purposes, as set forth in its articles of incorporation, are (1) to engage in environmental, cultural, and historic protection, conservation, preservation, and education on lands that are within the historic territorial area of Native American tribes in and around what is present-day Mendocino County; (2) to promote the cultural autonomy, self-governance, and sovereignty of Native American tribes in and around what is present-day Mendocino County; and (3) to conserve land for public access, agricultural, scientific, historical, educational, recreational, scenic, or open-space opportunities.
- C. California Government Code Section 831.5 affords to certain nonprofit organizations "public entity" status under Government Code Sections 831.2, 831.25, 831.4 and 831.7 to reduce their tort liability with respect to designated real property.
- D. To secure these benefits from the Conservancy with respect to a particular property, a nonprofit organization must (in addition to satisfying other conditions) enter into an agreement with the Conservancy under Government Code § 831.5(b)(3). That section requires the participating organization "to hold the lands or, where appropriate, provide nondiscriminatory public access consistent with the protection and conservation of either coastal or other natural resources or both."
- E. This agreement concerns real property colloquially known as Blues Beach ("real property") located in Mendocino County, as shown on Exhibit A. The real property is approximately 136 acres of undeveloped land that is characterized by tidepool areas and rock peninsula with rocks offshore that form a natural arch on the north end of the beach. Pine forests are present in the area north of the vista point pullout and adjacent parking lot.

Public Access Agreement (Cal. Gov. Code § 831.5)
(Blues Beach Property, Mendocino County)

- F. The current owner of the real property is the California Department of Transportation (Caltrans). Caltrans intends to transfer the real property to Kai Poma upon the execution of this agreement.
- G. SB 231 (2021) added Section 118.9 to the California Streets and Highways Code. This statute sets forth the terms of the transfer of the real property from Caltrans to Kai Poma, including that the transfer must be consistent with Section 30609.5 of the Public Resources Code.
- H. Section 30609.5 of the Public Resources Code allows state land that is located between the first public road and the sea, with an existing or potential public accessway to or from the sea, to be transferred or sold by the state to a nonprofit organization that exists for the purposes of preserving lands for public use and enjoyment and meets the requirements of subdivision (b) of Section 831.5 of the Government Code.
- I. Section 831.5(b)(3) of the Government Code pertains to a public land trust that has entered into an agreement with the State Coastal Conservancy for lands located within the coastal zone, as defined in Section 31006 of the Public Resources Code, on such terms and conditions as are mutually agreeable, requiring the public land trust to hold the lands or, where appropriate, to provide nondiscriminatory public access consistent with the protection and conservation of either coastal or other natural resources, or both. The Conservancy shall periodically review the agreement and determine whether the public land trust is in compliance with the terms and conditions. If, after following the dispute resolution and termination procedures outlined in this Agreement, the Conservancy determines that the public land trust is not in substantial compliance with the agreement, the Conservancy shall cancel the agreement, and the provisions of Sections 831.2, 831.25, 831.4, and 831.7 shall no longer apply with regard to that public land trust.
- J. The parties intend this agreement to fulfill the above-described statutory scheme such that Caltrans may transfer the real property to Kai Poma.

Public Access Agreement (Cal. Gov. Code § 831.5)
(Blues Beach Property, Mendocino County)

In light of the Pertinent Facts, above, THE PARTIES AGREE AS FOLLOWS:

A. PURPOSE

The purpose of this agreement is to secure public access to and preserve open space on real property identified below; to afford to Kai Poma corresponding limited tort liability in accordance with Government Code § 831.5; and to facilitate the transfer of the real property to Kai Poma in accordance with applicable law.

B. OBLIGATIONS OF KAI POMA

1. Kai Poma shall preserve the real property for public access, natural habitat, and the protection of Native American cultural resources consistent with Section 118.9 of the Streets and Highways Code.
2. Kai Poma shall provide nondiscriminatory public access over the real property consistent with section 118.9 of the Streets and Highways Code.
3. Kai Poma and Coastal Commission staff shall work collaboratively to design signage notifying the public regarding public access and informing the public about the sunset to sunrise public access restrictions and any other relevant information related to management and access to the Property, and to identify locations for the signs. Subject to Kai Poma's best efforts to secure adequate funding, Kai Poma shall install the agreed-upon signs and repair or replace signs as needed.

C. GRANT OF LIMITED TORT IMMUNITY

In consideration for providing access and preserving open space as required above, pursuant to Government Code Section 831.5, Kai Poma is a public entity for purposes of statutory immunity under Government Code Sections 831.2, 831.25, 831.4 and 831.7 from tort liability related to the Property.

D. TERM OF AGREEMENT

This agreement will take effect when signed by all parties and will remain effective until and unless terminated by either party in accordance with Paragraph E of this Agreement.

Public Access Agreement (Cal. Gov. Code § 831.5)
(Blues Beach Property, Mendocino County)

E. TERMINATION

1. If, after following the process outlined in Section H – DISPUTE RESOLUTION and after compliance with subsection 5, below, the Conservancy finds, by a majority vote at a duly noticed public hearing, that Kai Poma has failed to meet its obligations under this Agreement, the Conservancy may terminate this Agreement by providing written notice to Kai Poma.
2. After following the process outlined in Section H – DISPUTE RESOLUTION and after compliance with subsection 5, below, Kai Poma may terminate this Agreement by providing written notice to the Conservancy.
3. This Agreement will terminate on the date Kai Poma's interest in the real property terminates.
4. Termination of this agreement does not relieve Kai Poma of any obligation pursuant to any other agreement, Conservancy grant agreement, or any other legal instrument entered into by Kai Poma.
5. Prior to termination by either party, the parties shall provide a state agency with a permanent property interest in the Property adequate to provide public access as required under Section 30609.5 of the Public Resources Code.

F. INSPECTION

Kai Poma hereby grants to the Conservancy, its officials, employees, representatives, contractors, and agents the right to visit the real property at reasonable times to determine compliance with this Agreement.

G. NOTICE

Notices provided pursuant to this Agreement shall be in writing and either: a) personally delivered, b) sent by first-class mail, postage prepaid and return receipt requested, c) sent by overnight courier service, addressed to the following addresses (or to a subsequent address of which notice has been provided in writing), or d) sent by e-mail:

State Coastal Conservancy
1515 Clay Street, 10th floor
Oakland, CA 94612
Email: Amy.Hutzel@scc.ca.gov AND Joel.Gerwein@scc.ca.gov

Public Access Agreement (Cal. Gov. Code § 831.5)
(Blues Beach Property, Mendocino County)

Kai Poma
PO Box 179
Redwood Valley, CA 95470
Email: admin@kaipoma.org

A notice provided pursuant to this Agreement shall be deemed to have been provided on: a) the date of delivery if by provided by personal delivery, b) 48 hours after deposit with the US mail, or c) one business day after the date of deposit with an overnight courier service.

H. DISPUTE RESOLUTION

All disputes related to this Agreement shall be addressed and resolved through the processes described in this section.

If any Party hereto disagrees on the interpretation or performance of this Agreement, they shall first make every reasonable effort to meet to resolve the dispute with the other Party(ies) amicably and in good faith between each other.

If informal attempts to resolve the matter are unsuccessful, the disputing Party(ies) shall provide written notice specifying the concern regarding management of the Real Property subject to this agreement and a request to meet to all other Parties. Notices shall be sent in accordance to Section G.

A copy of this notice shall also be sent to the California Coastal Commission Native American Liaison, if this position has been designated within the agency. Contact information for this individual, if known, is listed below as of the initial execution of this Plan and will be updated regularly as needed:

California Coastal Commission Native American Liaison:
Dr. Kate Huckelbridge
Executive Director
California Coastal Commission
455 Market St., Suite 300
San Francisco, California 94105
Kate.Huckelbridge@coastal.ca.gov
(415) 904-5202

Each Party will make every good faith and reasonable effort to ensure the appropriate individuals are provided adequate notice and are afforded the opportunity to be included in the meeting, and to maintain the contact information for their authorized

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(Blues Beach Property, Mendocino County)

representative(s) current with all other Parties.

If a meeting cannot be scheduled within sixty (60) days of notice or the Parties are still unable to reach agreement, the Parties shall arrange a facilitated dispute resolution meeting with a mutually agreed upon alternative dispute resolution provider in a good faith attempt to resolve their differences. The Parties agree to prioritize seeking a reputable mediator with significant experience working with California Tribes or Tribal entities. If the Parties are unable to resolve their differences through this facilitated dispute resolution process within one hundred and twenty (120) days, then any Party may appeal to any court of competent jurisdiction.

In no event shall any steps be taken towards termination of this Agreement until the above processes in this section have been followed.

Public Access Agreement (Cal. Gov. Code § 831.5)
(Blues Beach Property, Mendocino County)

This Agreement is executed as follows:

STATE COASTAL CONSERVANCY

Amy Hutzell
Amy Hutzell
Executive Officer

8/16/2024
Date

KAI POMA (the nonprofit organization)

Eddie Knight
Authorized signature

8/22/2024
Date

Eddie Knight
Print name

Chairman
Title