

DEPARTMENT OF TRANSPORTATION

NORTH REGION ENVIRONMENTAL

1656 Union Street
Eureka, CA 95501
(707) 382-2889
www.dot.ca.gov
TTY 711



Making Conservation
a California Way of Life.

May 10, 2024

Mendocino County Department of Planning and Building Services
Ms. Julia Krog, Director
860 N Bush Street
Ukiah, CA 95482

Dear Ms. Krog:

The California Department of Transportation (Caltrans) is proposing to divide 172 acres of property under its ownership located in Mendocino County on State Route 1 between Post Miles 73.65 to 75.62, and to transfer 136 acres to Kai Poma, a 501(c)(3) non-profit corporation composed of members of the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, and the Coyote Valley Band of Pomo Indians. The proposed project also includes the implementation of a public access management plan by Kai Poma (upon receiving the property) to provide for continued public access to and across the property as well as preservation of sensitive natural and cultural resources, pursuant to the requirements of Streets and Highways Code (SHC) Section 118.9. The plan will include implementation of management measures codified in SHC Section 118.9 as well as future development designed to provide continued public access while protecting sensitive natural and cultural resources.

Caltrans has been coordinating closely with California Coastal Commission staff to identify the steps necessary to ensure that the property transfer authorized by SHC Section 118.9 occurs consistent with the policies and requirements of the California Coastal Act. Coastal Commission staff have informed Caltrans that the proposed land division for transfer to Kai Poma, pursuant to SHC Section 118.9, and implementation of a public access management plan qualifies as “development” under Public Resources Code Section 30106, and therefore requires a coastal development permit (CDP).

On April 22, 2024, Coastal Commission staff provided Caltrans with a jurisdictional boundary determination (enclosed) that includes a map and narrative description of the coastal permitting jurisdiction of the proposed transfer property. In this determination, Commission staff concluded that the property is located partially within the Coastal Commission’s retained permit jurisdiction and partially within Mendocino County’s Local Coastal Plan jurisdiction. On this basis,

“Provide a safe and reliable transportation network that serves all people and respects the environment”

California Department of Transportation — North Region Environmental

District 1
1656 Union Street, Eureka, CA 95501

District 2
1657 Riverside Drive, Redding, CA 96001 (DO)
1031 Butte Street, Redding, CA 96001 (W. Venture)

District 3
703 B Street, Marysville, CA 95901

Julia Krog, Director, Mendocino County Planning and Building Department
Re: Blues Beach Land Division, Transfer, and Management Project
EA: 01-0H850
May 10, 2024
Page 2

Commission staff concluded that the proposed project is eligible for a consolidated CDP pursuant to Public Resources Code Section 30601.3.

With this submittal, Caltrans requests agreement from Mendocino County for the Coastal Commission to process a consolidated CDP application for the proposed project.

The following items are enclosed for your review:

- LCP Application Form
- Project Description with a Caltrans map of property area and proposed transfer property boundary
- Coastal Commission Jurisdictional Boundary Determination

A check in the amount of \$2,481.00 is being mailed separately to your department from Caltrans Accounting Division in Sacramento.

We appreciate your assistance in processing this request and scheduling it for the earliest available hearing of the County Board of Supervisors. If you have questions or need additional information, please contact me at (707) 382-2889 or stephen.umbertis@dot.ca.gov.

Sincerely,

Stephen Umbertis

Stephen Umbertis
Environmental Scientist

copy: Sean Drake, Legislative Manager, Coastal Commission
Melissa Kraemer, North Coast District Manager, Coastal Commission
Peter Allen, Statewide Transportation Program Manager, Coastal Commission

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**COUNTY OF MENDOCINO
DEPT. OF PLANNING & BUILDING SERVICES**

**120 WEST FIR STREET
FORT BRAGG, CA 95437
Telephone: (707)-964-5379**

Case No(s) _____
Date Filed _____
Fee \$ _____
Receipt No. _____
Received by _____

Office Use Only

LCP CONSISTENCY REVIEW APPLICATION FORM

Name of Applicant California Department of Transportation (Caltrans)	Name of Owner(s) Caltrans	Name of Agent Jaime Matteoli
Mailing Address 1656 Union Street Eureka CA 95501	Mailing Address Same as Applicant	Mailing Address Same as Applicant
Telephone Number (707) 445-6600	Telephone Number Same as Applicant	Telephone Number (707) 498-0961

Project Description:
An application to divide a Caltrans parcel at Blues Beach/ Chadbourne Gulch on State Route 1 in order to maintain Right of Way and maintenance access at Blues Beach while transferring the majority of the Parcel to Kai Poma, a 501(c)(3) non-profit made up of three federally recognized local Tribes to manage the property for Public Access, Natural Resources Management, and Cultural Resource Protection. See attached project description for more details.

Driving Directions
The site is located on the W (N/S/E/W) side of State Route 1 (name road) approximately 11 (feet/miles) miles (N/S/E/W) of its intersection with Highway 20 (provide nearest major intersection).

Assessor's Parcel Number(s)
Portions of 015-370-04, 015-370-03, 015-010-31

Parcel Size
172 Square Feet Acres

Street Address of Project
N/A. Project located at Post Mile 73.6 - 75.62
Please note: Before submittal, please verify correct street address with the Planning Division in Ukiah.

Blues Beach Land Division, Transfer, and Management Project Description

The California Department of Transportation (Caltrans) is proposing to divide 172 acres of property under its ownership located in Mendocino County on State Route (SR) 1 between Post Miles (PM) 73.65 to 75.62, and to transfer 136 acres (the “Blues Beach Property” or “Property”) to a 501(c)(3) non-profit corporation composed of three federally recognized Tribes for resource preservation and implementation of a public access management plan. (See the enclosed Caltrans map for a depiction of the existing property boundary and proposed land division.)

The Blues Beach Property contains approximately 136 acres along about 2 linear miles of coast in Mendocino County. The Property is located approximately 10 miles upcoast of the City of Fort Bragg and approximately 1.5 miles downcoast of the unincorporated community of Westport. The western property boundary at the mean high tide line consists of predominantly sandy and rocky coastline. Much of the Property is characterized by a long coastal terrace punctuated by several gulches. Toward the southern end of the Property is Bruhel Point, where Caltrans maintains a popular highway vista point that includes a parking lot and public access accommodations including interpretive signage, two paved pedestrian trails, and several benches.¹ At the northern end of the Property is the namesake long, sandy beach colloquially known as Blues Beach. Blues Beach is accessed via an informal access road proceeding seaward from the highway down what is known as Chadbourne Gulch. The public predominantly accesses the Property via the vista point and the Blues Beach access road, as well as at other locations, to walk along the bluff or beach, fish, as well as other activities.

In 2021, the Legislature passed and Governor Newsom signed Senate Bill 231, which added Section 118.9 to the Streets and Highways Code (“SHC”), authorizing Caltrans to transfer the Blues Beach Property at no cost to a tax-exempt nonprofit organized by the Tribes for environmental and cultural protection.

SHC Section 118.9 requires the Property to be **“maintained as a natural habitat and for protection of Native American cultural resources,”** and limits the **“use of the property to public access, natural habitat, and the protection of Native American cultural resources.”** SHC Section 118.9 specifies that the non-profit organization that receives ownership of the land shall not use the property for any other purpose, and may not charge monetary fees for public access to the property.

SHC Section 118.9 further establishes that the qualified non-profit transferee:

“shall allow public access to the Blues Beach property 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 property 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,

¹ Caltrans was required to construct the vista point by CDP #1-97-078, which was approved by the California Coastal Commission in 2004.

including, but not limited to, conducting cultural activities, harvesting native plants, and fishing.” (SHC Section 118.9(i).)

This proposed project represents Caltrans’ fulfillment of the Legislature’s intention in enacting SHC Section 118.9. Specifically, Caltrans proposes to divide its property in the vicinity of Blues Beach, and to transfer 136 acres to Kai Poma, a 501(c)(3) non-profit corporation composed of members of the Sherwood Valley Band of Pomo Indians, the Round Valley Indian Tribes, and the Coyote Valley Band of Pomo Indians. The project also includes authorization of a public access management plan, which will be implemented by Kai Poma to provide for continued public access to and across the property as well as preservation of sensitive natural and cultural resources. The plan will include implementation of management measures codified in SHC Section 118.9, including the nighttime access restriction, as well as future development designed to provide continued public access while protecting sensitive natural and cultural resources.

Caltrans will retain portions of property adjacent to SR 1 for the purpose of maintaining the roadway and associated infrastructure within the highway right-of-way, including drainage facilities and the highway vista point parking lot. Caltrans will also retain an easement over the beach access road at Blues Beach within the Blues Beach Property, which will allow Caltrans to continue to use the road to access the beach area north of the Property for construction activities necessary for maintaining the highway upcoast. (See the enclosed Coastal Commission Jurisdictional Boundary Determination for a depiction of the proposed easement.)

Caltrans has been coordinating closely with California Coastal Commission staff to identify the steps necessary to ensure that the property transfer authorized by SHC Section 118.9 occurs consistent with the policies and requirements of the California Coastal Act. Coastal Commission staff have informed Caltrans that the proposed land division for transfer to Kai Poma, pursuant to SHC Section 118.9, and implementation of a public access management plan qualifies as “development” under Public Resources Code Section 30106, and therefore requires a CDP. On April 22, 2024, Coastal Commission staff provided Caltrans with a jurisdictional boundary determination (enclosed) that includes a map and narrative description of the coastal permitting jurisdiction of the Blues Beach Property. In this determination, Commission staff concluded that the Blues Beach Property is located partially within the Coastal Commission’s retained permitting jurisdiction and partially within Mendocino County’s Local Coastal Plan (LCP) jurisdiction. On this basis, Commission staff concluded that the proposed project is eligible for a consolidated CDP pursuant to Public Resources Code Section 30601.3.

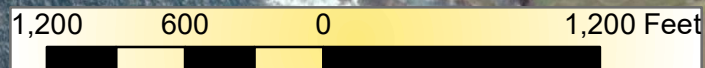
Based on this determination, Caltrans is requesting agreement from Mendocino County for the Coastal Commission to process a consolidated CDP application for the proposed project as described above. The standard of review for a consolidated CDP is the Coastal Act, with the County’s LCP to be used as guidance. The proposed project would allow for enhanced management and stewardship of the property for natural resource protection, cultural resource preservation, and public access, while preserving Caltrans’ use of the Blues Beach access road for construction activities necessary for maintaining the highway. Because the subject property is within both the Coastal Commission’s retained jurisdiction and the County’s Local Coastal Plan jurisdiction, Caltrans is requesting that the CDP for the proposed project be processed as a consolidated CDP.

Blues Beach Property Transfer Kai Poma Proposed Parcel and Caltrans Easement Area*

* The area between State Route 1 and the Kai Poma Parcel
would be retained by Caltrans as Right of Way area

Legend

- State Route 1
- ▨ Proposed Caltrans Retained Easement
- ▩ Proposed Kai Poma Transfer Parcel



CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
FAX (415) 904-5400

**Memorandum**

April 22, 2024

To: Melissa Kraemer, North Coast District Office Manager

From: Darryl Rance, GIS/Mapping Program

Cc: Jaime Matteoli, Caltrans Project Manager

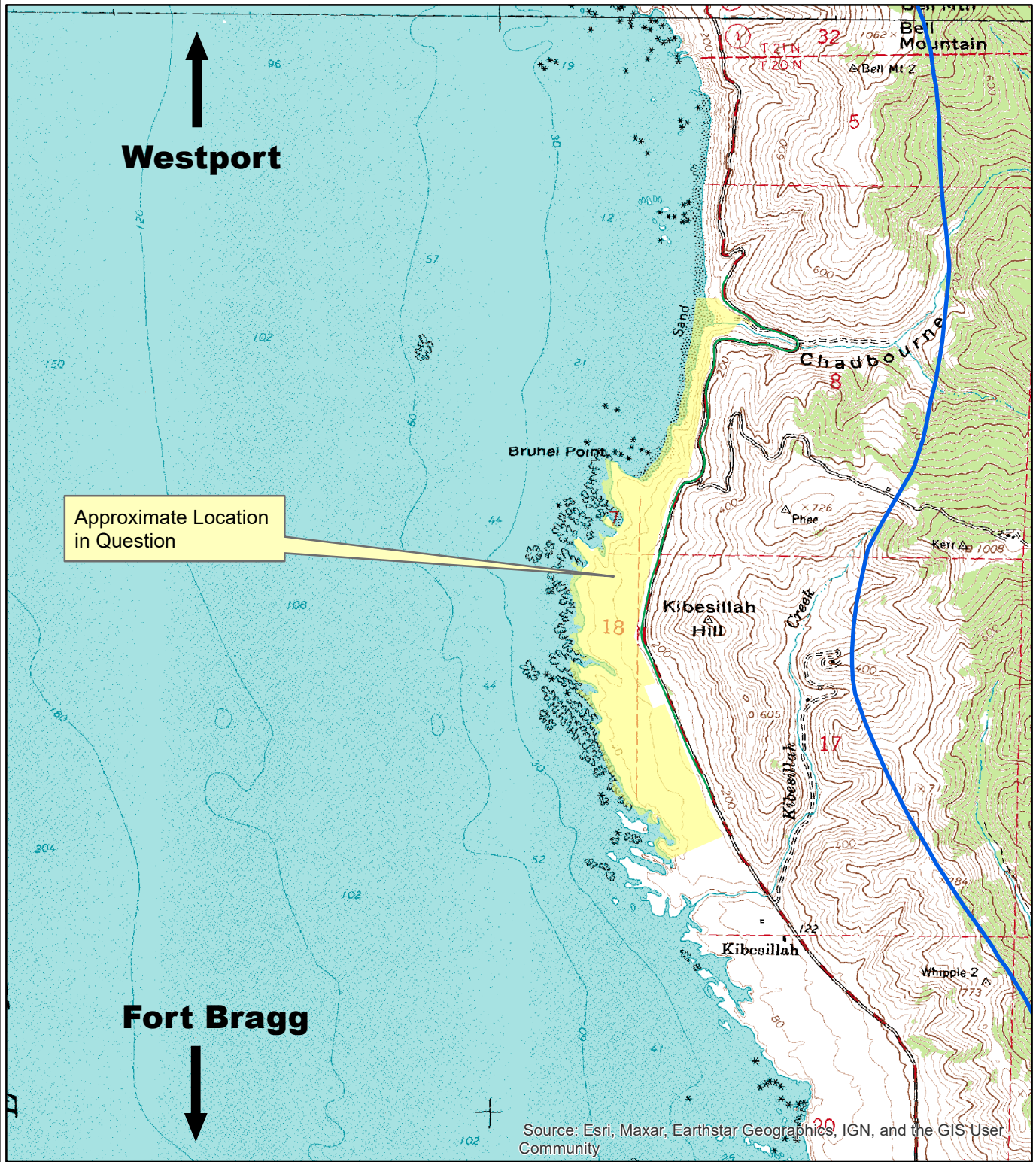
Subject: Blues Beach Project Permit Jurisdiction Determination

A boundary determination has been requested for the Blues Beach Project in the Westport area of Mendocino County. Attached is a copy of a portion of USGS 7.5 Minute Inglenook Quadrangle with the Coastal Zone Boundary added and the approximate location of the Blues Beach Project indicated. See Exhibit 1. Also included are aerial photograph map-based exhibits with the Blues Beach Project details added. See Exhibit 2a and 2b.

The Blues Beach Project includes the subdivision of property currently owned by the California Department of Transportation for the purpose of transfer pursuant to Streets and Highways Code Section 118.9. Based on the information provided and available in our office, it appears that the area proposed to be subdivided as part of the Blues Beach Project, as shown on Exhibits 2a and 2b, is located partially within Mendocino County coastal development permit jurisdiction and partially within Coastal Commission retained permit jurisdiction. The Blues Beach Project is eligible for a consolidated permit application process.

Please contact Darryl Rance of the GIS/Mapping Program at Darryl.Rance@Coastal.ca.gov if you have questions regarding this determination.

Attachments



**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**

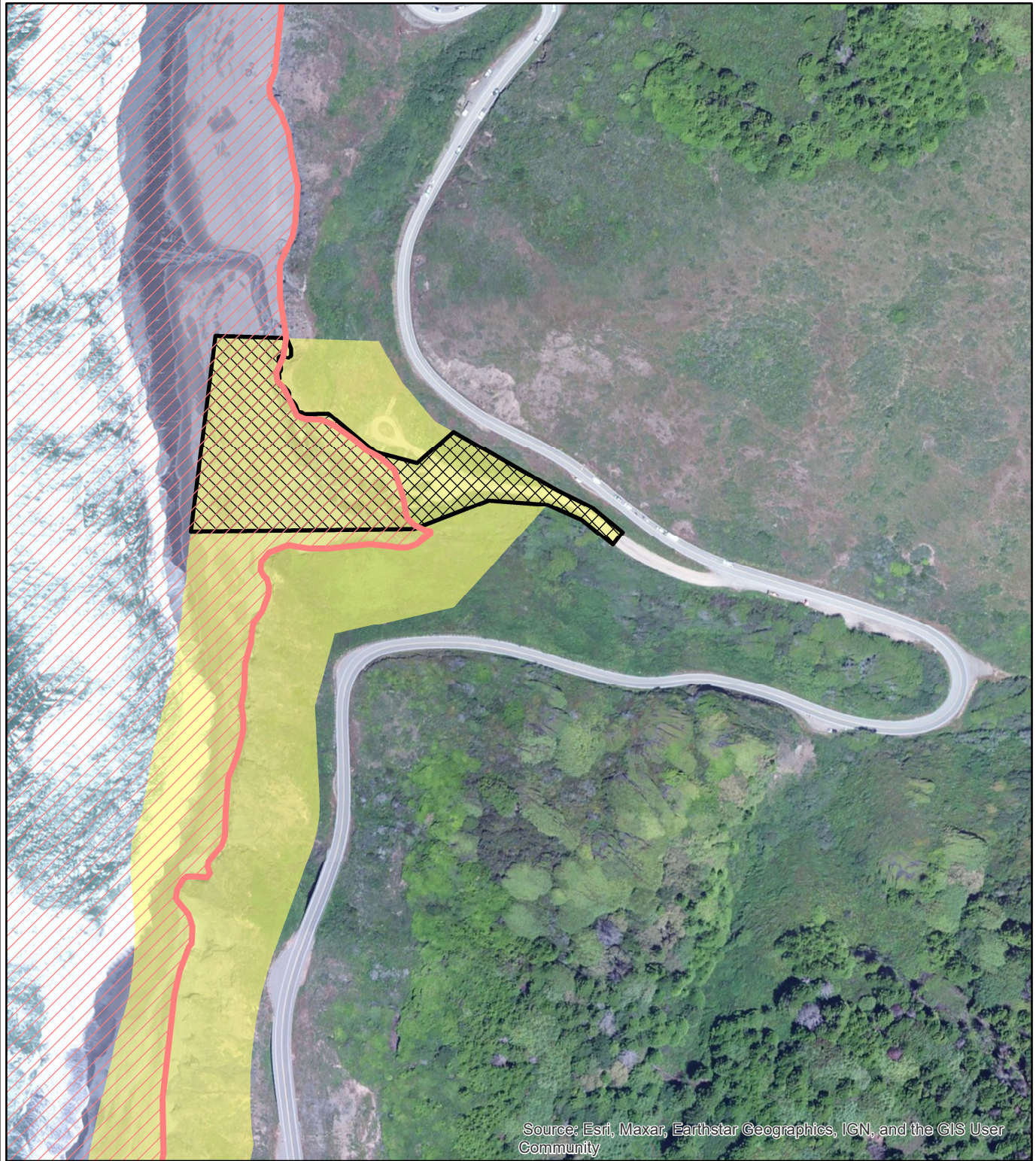
 **Proposed Transfer Area**



Exhibit 2a

For illustrative purposes only.

DR 04/2024



**Blues Beach Project
Mendocino County**



 **Coastal Commission Permit Jurisdiction**

 **Proposed Caltrans Easement**

 **Proposed Transfer Area**



Exhibit 2b

For illustrative purposes only.

DR 04/2024