



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: JULY 9, 2024

TO: HONORABLE BOARD OF SUPERVISORS

FROM: JULIA KROG, DIRECTOR

SUBJECT: LCP_2024-0003 CONSOLIDATED COASTAL DEVELOPMENT PERMIT REQUEST FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO SUBDIVIDE A PARCEL AT BLUES BEACH/CHADBOURNE GULCH IN ORDER TO MAINTAIN RIGHT OF WAY ACCESS WHILE TRANSFERRING THE MAJORITY OF THE PARCEL TO KAI POMA

SUMMARY OF PROJECT

The California Department of Transportation (Caltrans) is proposing to subdivide 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.

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. 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. 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.

Caltrans requests the processing of a Consolidated Coastal Development Permit to subdivide a Caltrans parcel at Blues Beach/Chadbourne Gulch on State Route 1 near Westport 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. The request does not require the processing of a subdivision application with the County as public agencies are exempt from the Subdivision Map Act. Despite this exemption from the Subdivision Map Act, the California Coastal Commission has determined that a Coastal Development Permit is required.

The proposed consolidation request by Caltrans would allow for streamlined processing of this project. The alternative would be the processing of multiple Coastal Development Permits by multiple jurisdictions, which would not allow analysis of the project as a whole. By authorizing the consolidation, the Board would allow the California Coastal Commission to process a Coastal Development Permit for the entirety of the project. Otherwise, a separate Coastal Development would be processed by both the California Coastal Commission and the County for the portion of the project within each jurisdiction. At the request of Caltrans, adoption of a resolution is being sought which would consolidate the permit review under the Coastal Commission for this specific project only and streamline the permit process. Consolidation of the Coastal Development Permit would not substantially impair public participation in review of the Coastal Development Permit because a public hearing will be held by the Coastal Commission and may be attended by interested parties and the participation opportunities are the same as would be provided if two permits were processed instead.

RECOMMENDATION

Adopt the Resolution authorizing the processing of a Consolidated Coastal Development Permit, LCP_2024-0003 (California Department of Transportation (Caltrans)), by the California Coastal Commission, for Caltrans to subdivide a parcel at Blues Beach/Chadbourne Gulch in order to maintain Right of Way and maintenance access while transferring the majority of the parcel to Kai Poma; and authorize Chair to sign same.

ATTACHMENTS:

- A. Resolution for Adoption
- B. Project Application, Description, Plans, and Maps