

COASTAL CONSERVANCY

Staff Recommendation
September 23, 2021

BODEGA BAY AND GLEASON BEACH PROPERTY TRANSFER

Project No. 21-009-01
Project Manager: Lisa Ames

RECOMMENDED ACTION: Authorization to transfer fee title to nine Conservancy-owned parcels in the Bodega Bay area to the County of Sonoma; approval of the implementation/disposition plans for the property transfer; and authorization to disburse up to \$34,000 to Sonoma County Regional Parks to prepare surveys and Phase 1 environmental site assessments of the parcels.

LOCATION: Smith Brothers Road and Scotty Creek, Bodega Bay, Sonoma County

EXHIBITS

Exhibit 1: [Project Location and Site Maps](#)

Exhibit 2: [Implementation/Disposition Plans](#)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby 1) authorizes a grant of an amount not to exceed thirty-four thousand dollars (\$34,000) to Sonoma County Regional Parks (“the grantee”) to prepare surveys and Phase 1 environmental site assessments of nine Conservancy-owned parcels in and near Bodega Bay, Sonoma County; 2) approves the transfer to County of Sonoma of fee title to the eight undeveloped parcels located on Smith Ranch Road in Bodega Bay (Sonoma County Assessor Parcel Numbers 100-110-012, 100-120-002, 100-120-003, 100-120-006, 100-120-008, 100-120-011, 100-120-020, 100-120-021) and one parcel located on Gleason Beach at Scotty Creek (Sonoma County Assessor Parcel Number 101-120-054); and 3) approves the implementation/disposition plans for the property transfer as shown in Exhibit 2 to the accompanying staff recommendation.

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. A plan for acknowledgement of Conservancy funding.

The property transferred under this authorization shall be managed and operated for purposes of natural resource protection, open space, public recreational use, and protection of cultural resources including ongoing tribal access for cultural practice purposes. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.

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 9 of Division 21 of the Public Resources Code, regarding public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The project serves greater than local public needs.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to \$34,000 to Sonoma County Regional Parks ("Regional Parks") to prepare surveys and Phase I environmental site assessments of nine Conservancy-owned parcels ("the property") in the Bodega Bay area and approve the transfer of the property to the County of Sonoma. Eight parcels of the subject property transfer lie between Smith Brothers Road and the harbor in the coastal town of Bodega Bay, and the remaining parcel is located six miles north on Gleason Beach adjacent to the mouth of Scotty Creek (see Exhibit 1).

The Conservancy acquired the property as part of a site reservation program that began in 1982 for the preservation of views and open space and the prevention of potentially hazardous development. The Sonoma County Local Coastal Program identified 73 parcels (including the nine subject parcels) along the Sonoma Coast for acquisition as part of the Conservancy's Sea Ranch Transfer Program. The purpose of the Transfer Program was to transfer development from areas unable to accommodate new residential development because of erosion, sensitive resources, or impact to surrounding properties (i.e., in and around Bodega Bay) to another area with adequate public services and where it would not have a significant adverse effect on coastal resources (i.e., Sea Ranch). The Conservancy had accepted dedication of 30 acres at Sea Ranch in 1982 to act as a transfer site. The Transfer Program was designed so that sale of the

Sea Ranch transfer site would generate enough income to cover the costs of the Sonoma coast acquisitions. The Conservancy acquired the eight Bodega Bay parcels between 1984 and 1985 and the Gleason Beach parcel in 1989, anticipating subsequent conveyance at no fee to an appropriate public agency or non-profit within five years for each group of acquisitions. The Sea Ranch transfer site was sold in 1993. The site was subdivided into seven developable lots, with the Conservancy retaining a conservation easement over the eighth large remainder lot for the purposes of “wetland conservation, the preservation of sensitive plant habitats and the preservation of an archeological site.”

The Conservancy is not well-equipped to manage land, nor is this one of its primary legislated functions. The nine parcels require more management than is practical for the Conservancy to provide: Gleason Beach is heavily used for informal beach access with visitors parking along the narrow Highway 1 shoulder and leaving trash, a portion of one of the Bodega Bay parcels has been used without authorization by the adjacent landowner to store fishing equipment, and all the parcels require vegetation management. The proposed transfer of Conservancy-owned property to Sonoma County will relieve the Conservancy of the responsibilities associated with owning and maintaining the property, while ensuring the land is protected and maintained for resource protection, open space and public access purposes. Although it has taken significantly more time for Conservancy staff to identify an appropriate transferee than originally anticipated, Regional Parks is clearly the best entity to own and manage the property for the long-term because of its demonstrated capability in planning for, developing and managing public recreational areas to the north and south of the property, and it has indicated its willingness to take on the properties.

As required by the Conservancy’s enabling legislation pertaining to the acquisition and transfer of real estate interests, staff has prepared implementation/disposition plans for the property transfer for the Conservancy’s approval (see Exhibit 2). The plans outline the request to the Department of General Services to convey the property to the County of Sonoma, the property background, and the purpose for the transfer.

The eight parcels sited along Smith Brothers Road are included in the planning area of the Bodega Bay Coastal Trail project that was initiated by the community seeking a safe path for pedestrians and bicyclists traveling along the narrow Highway 1 corridor in Bodega Bay. Regional Parks has led the effort to realize the Coastal Trail along this stretch of the Sonoma coast. The Conservancy participated in funding both the “Bodega Bay Trail Feasibility Study and Conceptual Improvement Plan” and an associated environmental study - “Bodega Bay Trails Environmental Documents Project” for the entire transportation corridor between Salmon Creek in the north to the southern edge of Bodega Bay; both studies were completed by Regional Parks. Most recently, the Conservancy also helped fund Regional Park’s design of the 0.32-mile Coastal North Harbor Trail segment of the Bodega Bay Coastal Trail.

The remaining Gleason Beach parcel located north of the town of Bodega Bay provides a unique opportunity along the Sonoma coast for those with physical disabilities to access the beach. The parcel is adjacent to a dip in Highway 1 where Scotty Creek flows into the ocean and is a popular coastal access spot for families. Because this section of the coast is rapidly eroding and threatens the structural integrity of Highway 1 along the bluffs to the north and south of

Gleason Beach, Caltrans has been engaged in a multi-year road relocation planning project for the area. Caltrans is in the final permitting stages of the relocation project which will include decommissioning a section of Highway 1, using the decommissioned highway section as coastal trail, providing parking areas, removing the box culvert to enhance Scotty Creek and replacing the bridge over the creek with a site-appropriate pedestrian bridge. Regional Parks has agreed to manage the public access components of the project and has recently taken title to the parcel immediately south of and adjacent to the Conservancy's Gleason Beach parcel.

In accordance with the Conservancy's tribal consultation policy, staff contacted Sonoma County tribes to provide information about the proposed project. In response, both the Kashia Band of Pomo Indians and the Federated Indians of Graton Rancheria responded that the Gleason Beach parcel lies within their respective ancestral territories and that they remain interested in the property. The Kashia expressed an interest in possible co-ownership or co-management of the Gleason Beach parcel and the Graton Rancheria would like to be kept apprised of any future actions on the site. Regional Parks has committed to continue to coordinate with the Kashia and Graton Rancheria regarding the potential for involvement by both tribes with Gleason Beach. In addition, to address tribal concerns about cultural sites on the property, staff recommends that the restricted future uses of the property include protection of cultural resources including ongoing tribal access for cultural practice purposes. At this time, staff recommends the Conservancy proceed with the project as proposed, so as not to lose the opportunity to transfer ownership and management of the property to a capable local public entity.

As part of its due diligence for the property transfer, Regional Parks will prepare surveys and Phase 1 environmental site assessments of the nine Conservancy-owned parcels prior to the transaction.

Site Description: Eight parcels of the property (totaling 2.17 acres) are found along Smith Brothers Road in the town of Bodega Bay and lie between Highway 1 and Bodega Bay harbor south of the community center of Bodega Bay. All eight parcels are vacant but are located between improved residential and commercial properties along $\frac{1}{4}$ of a mile of harbor frontage. The parcels generally extend in a few feet from the road, then drop straight down the bluff to either small beaches, mudflats or the harbor.

The 2.9-acre Gleason Beach parcel is six miles north of the town of Bodega Bay. The vacant parcel is primarily a level sandy beach and small bluff west of Highway 1 bisected by the mouth of Scotty Creek, an impaired, anadromous fish stream. Unlike most of Sonoma County beaches characterized by high bluffs and equipped with steep access stairways, the gentle gradient at Gleason Beach provides the potential for easy access for persons with physical disabilities. The parcel is nestled within a $\frac{1}{2}$ mile stretch of coastline subject to heavy erosion and powerful wave action; these natural forces have undermined Highway 1 and caused several houses to collapse into the ocean.

Grant Applicant Qualifications: Regional Parks successfully operates a network of parks with camping facilities and public access trails throughout Sonoma County. Recently, Regional Parks received Conservancy funding to prepare a master plan addressing resource protection and

public use, including a segment of the California Coastal Trail and lower-cost accommodations for the Carrington Coast Ranch. Regional Parks has completed numerous coastal planning and implementation projects with public input and Conservancy support, and currently manages coastal regional parks and accessways from Bodega Bay to Gualala Point, including Doran Beach, Pinnacle and ShortTail Gulches, Stillwater Cove, Sea Ranch coastal access trails and Gualala Point.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section below.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section below.
3. **Promotion and implementation of state plans and policies:** Transfer of the property to Regional Parks could facilitate future new Coastal Trail development and thus implement a priority of the Coastal Conservancy's *Completing the California Coastal Trail Plan*.

In addition, the potential future public access improvements resulting from this project are supported by multiple County and Regional Plans:

The *Sonoma County General Plan 2020*, adopted September 23, 2008, includes the Bodega Bay Trail as a Class 1 Bikeway.

The Bodega Bay Trail is ranked as a high priority in the *2010 Sonoma County Bicycle and Pedestrian Plan*, adopted August 25, 2010.

The Coastal Zone in Sonoma County, which includes Bodega Bay and Gleason Beach, is identified as SN11 Coastal Access and Resource Protection. This is a Priority Conservation Area, adopted by the Association of Bay Area Governments, September 17, 2015.

The Bodega Bay Trail is designated as a high priority regional project in the *2009 Comprehensive Transportation Plan for Sonoma County*, by the Sonoma County Transportation Authority (SCTA). SCTA acts as the countywide planning and programming agency for transportation related issues.

4. **Support of the public:** Transfer of the property for management by Regional Parks could facilitate new public access in the Bodega Bay area. County and Regional Plans (as outlined above) for expanding public access in and around Bodega Bay have received wide public support.
5. **Location:** See the "Project Summary" above.

6. **Need:** Conservancy funding will assist Regional Parks in conducting the due diligence site assessment required before it can accept the transfer of property for long term ownership and management.
7. **Greater-than-local interest:** The project area provides non-vehicular access in a highly congested and dangerous segment of Highway 1 used by those seeking recreation through bird watching, hiking, biking, beach visits and site-seeing in the harbor area of this Sonoma County coastal community. Bodega Bay as a whole, including its natural resources and fishing town character, attracts local families and visitors as well as regional and international tourists. Improvement of the Gleason Beach area could expand opportunities for ADA-compliant access in the region.
8. **Sea level rise vulnerability:** Both Gleason Beach and Smith Brothers Road are vulnerable to sea level rise. Future public access improvements would be sited and designed to avoid significant adverse impacts from sea level rise and shoreline flooding. Any trails will be designed as a perpetual non-motorized trail corridor with consideration of its adaptive capacity.

Additional Criteria

9. **Resolution of more than one issue:** The Conservancy is not a land management agency and has no staff to maintain Conservancy -owned property for any length of time. Transfer of the property to Regional Parks, a local recreational management entity, will resolve this issue and could facilitate future public access improvements in the Bodega Bay area.
10. **Realization of prior Conservancy goals:** See “Project Summary” above.
11. **Minimization of greenhouse gas emissions:** The property transfer may lead to future coastal trail development, minimizing motor vehicle trips in the area.

PROJECT FINANCING

Coastal Conservancy	\$34,000
Project Total	\$34,000

The anticipated source for the Conservancy funds for this project is an appropriation from the Conservancy’s Coastal Access Account, which derives from coastal development permit application fees required by the California Coastal Commission (Public Resources Code Section 30620.2). Coastal Access Account funds may be used for grants to public agencies and nonprofit organizations for the development, maintenance, and operation of new or existing facilities that provide public access to the coast, excluding San Francisco Bay. Use of Coastal Access Account funds is appropriate for this project because it may lead to the development of facilities that will provide access to the coast.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state's coastline. Through the proposed project, the Conservancy will help facilitate potential further development of the future California Coastal Trail and thereby further access to and enjoyment of coastal resources along the Sonoma coast.

Section 31400.1 allows the Conservancy to award grants to a public agency to develop, operate, or manage lands for access to and along the coast that serve more than local public needs.

With its location on Bodega Bay and Gleason Beach, the proposed project could enhance access along the coast for visitors from throughout the region and beyond.

Section 31400.3 authorizes the Conservancy to assist public agencies in developing and implementing a system of public accessways to and along the state's coastline. The proposed project will further these goals by allowing the enhancement of public access in a heavily visited coastal region.

The proposed project is further consistent with the Conservancy's authority to acquire and transfer real estate interests. Section 31107 states that the Department of General Services, when requested by the Conservancy, shall transfer land owned by the Conservancy pursuant to an implementation/disposition plan approved by the Conservancy.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective E**, by transferring the property to Sonoma County Regional Parks, the Conservancy will assist with a project that secures real property interests to facilitate the development of the California Coastal Trail.

Consistent with **Goal 2, Objective B**, the proposed project will transfer property to a local recreation management entity and thereby allow that entity to open new coastal access areas to the public.

CEQA COMPLIANCE:

The proposed preparation of surveys and Phase I environmental assessments for the Bodega Bay area parcels is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15306, which exempts basic data collection and resource evaluation activities that will not result in serious or major disturbance to an environmental resource.

Transfer of the Conservancy parcels to Sonoma County is categorically exempt from CEQA under Section 15316 which exempts the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and the management plan for the park has not yet been prepared. Sonoma County has not developed a management plan for the Conservancy parcels that will be added to Sonoma County Regional Park.

Upon Conservancy approval of the project, staff will file a Notice of Exemption for this project.