



SANTA BARBARA COUNTY
Trails Council

California Coastal Commission
45 Fremont Street
San Francisco, CA 94105
Hollister@coastal.ca.gov

RE: Hollister Ranch; 7/13/18 Meeting Agenda Item #5

Honorable Coastal Commissioners,

This letter is submitted on behalf of the Gaviota Coast Conservancy (GCC), California Coastal Protection Network (CCPN), the Los Padres Chapter of the Sierra Club, Coastwalk/California Coastal Trail Association, and the Santa Barbara County Trails Council (SBCTC). Together we are committed to effectuating a continuous Coastal Trail from Gaviota State Park to Jalama Beach County Park, including appropriate vertical access to the ocean.

The public's right to access the ocean is guaranteed by the California Constitution¹, and the California Coastal Commission (CCC) is charged by the Coastal Act to maximize public access to and along the coast². However, 36 years since the legislature specifically directed the State Coastal Conservancy (SCC) "to implement, as expeditiously as possible, the public access policies and provisions of [the Coastal Act] at the Hollister Ranch"³, there is still no public access whatsoever to any portion of the 8.5 miles of beach fronting Hollister Ranch.

The YMCA OTD (Offer to Dedicate) is, to our knowledge, the only OTD that exists that could be used to provide public access anywhere at Hollister Ranch. The YMCA OTD is admittedly limited in scope, but if effectuated would allow up to 50 members of the public to access the Cuarta Canyon Beach at Hollister Ranch over land per day. The ability to access this beach over land is especially important. First, the public already has the legal right to access the beach from the ocean up to the mean high tide line. The small amount of dry sand opened to the public at Cuarta Canyon Beach will disappear as sea level rises, so the only permanent public benefit that can be gained from the YMCA OTD is access by land. Second, ocean-only access can be extremely dangerous and available only to the most able-bodied and experienced individuals, not to the public at large.

The Settlement Agreement requires the CCC and SCC to permanently relinquish the public's right to access Cuarta Canyon Beach over-land, conveyed by the OTD, without providing any substitute access for the general public. The Managed Access Program provided for in the Settlement Agreement is extremely limited both in the number of individuals that could access Hollister Ranch (maximum 880/year as opposed to 18,250/year that are allowed under the OTD), and in the narrow category of individuals that qualify for the Program (school children as part of the Tidepools program, disabled individuals, children, and individuals from underserved communities to the extent they are chaperoned by an approved non-profit). Moreover, while the Hollister Ranch Owners' Association (HROA) currently funds a similar managed access program,

¹ Art. X, § 4

² Public Resources Code § 30001.5

³ Public Resources Code § 30610.8

the Settlement Agreement shifts the burden of funding the program to the State by diverting “in-lieu access fees” collected from individual development permits at Hollister Ranch that were intended to fund a public access plan required by the Legislature in 1982. Once depleted, the approximately \$295,000 of in-lieu access fees currently in hand will no longer be available for public acquisition of public access easements at Hollister Ranch, denying critical funding for easements to complete the California Coastal Trail, which significantly could include portions of the Rancho Real Road easement relinquished by the Settlement Agreement.

The HROA would have us believe that the OTD conveys no public rights, but we have independently evaluated the issues and evidence relevant to the HROA litigation over the YMCA OTD, and agree with Judge Sterne that there are material factual issues that are yet to be resolved. Judge Sterne has previously ruled that while the easement contemplated by the OTD may not itself be enforceable, there exists an “irrevocable implied license” for the public to access and enjoy Cuarta Canyon Beach. This important ruling should not be abandoned in exchange for, at best, temporary public use of a sliver of dry sand and an invitation for the HROA to exhaust the Hollister Ranch-specific in-lieu access fee funds. Given the importance of the potential public access rights at issue, it is critical that the public have an opportunity to weigh in in a substantive way regarding what constitutes safe and appropriate public access to Cuarta Canyon Beach.

Accordingly, we ask that the Coastal Commission first, not oppose intervention by the public in the *Pappas v. State Coastal Conservancy, et al.* litigation; second, direct its attorneys to withdraw from the Settlement Agreement; and third, direct its staff to immediately develop and implement an action program for the completion of the Coastal Trail across Hollister Ranch.

Respectfully submitted,



Phil McKenna, Land Use Committee Chair
Gaviota Coast Conservancy



James Hines, Chair
Sierra Club, Los Padres Chapter



Susan Jordan, Executive Director
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