

# Staff Report 47

## **PARTY:**

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California State Lands Commission (Commission)

## **PROPOSED ACTION:**

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Solicit by appropriate procurement methods for consultant services, negotiate fair and reasonable prices, and award and execute agreements for the preparation of environmental documentation and real estate appraisal(s) for the Hollister Ranch Coastal Access Program in southwestern Santa Barbara County, and request delegation of authority to the Executive Officer or her designee to enter into an interagency agreement with the State Coastal Conservancy (SCC) to allow transfer of funds from SCC to the Commission in furtherance of such agreements.

## **BACKGROUND:**

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Hollister Ranch is a private 14,000-acre gated subdivision in Santa Barbara County, made up of 136 individually held parcels, which includes 8.5 miles of State-owned, public shoreline along the Gaviota Coast, including six sandy beaches. The 60-mile long Gaviota Coast is the least accessible shoreline in California, with less than 2 miles available for general public use. The Hollister Ranch Owners Association (HROA) owns and controls the guard gate, access road (Rancho Real), and much of the land between the road and the mean high tide line and does not allow land-based unsupervised public access to the beaches.

Pursuant to the California Coastal Act, individual property owners were granted coastal development permits in the late 1970s to construct homes, stables, and other associated development on the condition that the HROA must participate in a program that would provide managed public access through Hollister Ranch to the public beaches. The Coastal Commission approved the required Public Access Program in 1982, but the Program has never been implemented. The result today is that many of the private Hollister Ranch parcels have been developed with homes, but the public still does not have land-based access to any of the public tidelands.

To address this long-standing delay, AB 1680 (Limón; Chapter 692, Statutes of 2019) requires the California Coastal Commission (CCC), State Coastal Conservancy, State Lands Commission, and the California Department of Parks and Recreation (collectively the “Interagency Team”) to prepare an updated contemporary Public Access Program for the Hollister Ranch beaches that includes provisions for initial overland public access by April 1, 2022.

The draft Hollister Ranch Coastal Access Program (HRCAP) was developed through a robust public engagement and outreach process, beginning in December 2019 through November 2021. Despite COVID-related delays in 2020 and 2021, the CCC was on track to approve the final program by the legislative deadline. The Interagency Team anticipated incorporating CCC direction and public feedback into a final program for CCC approval in March 2022.

However, although the CCC’s certified regulatory program makes their review process equivalent under the California Environmental Quality Act (CEQA), in order to be responsive to stakeholder input over the applicability of CEQA to the CCC’s action to approve the HRCAP, the Interagency Team determined that preparing a Programmatic Environmental Impact Report (PEIR) would be the appropriate process to ensure environmental compliance and public input. As required by AB 1680, on February 28, 2022, the Interagency Team submitted a letter to the Legislature notifying it that the adoption and implementation of the program would be delayed in order to prepare the environmental analysis.

## **PROJECT DESCRIPTION:**

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The HRCAP seeks to implement safe, equitable, and inclusive overland public access to the six beaches along the Hollister Ranch coastline and provide experiences that meet the interests of a broad range of Californians, while minimizing impacts to coastal resources, including natural habitats, cultural resources, agricultural operations, and respecting private property rights. The HRCAP includes various forms of transportation to access the beaches, including guided and unguided shuttle buses, cars, bikes, hiking, and horseback riding, as well as infrastructure improvements to accommodate public access. Additionally, successful implementation of the HRCAP, when approved, would require the acquisition of property rights for public access from the private landowners at Hollister Ranch and the HROA, as well as the access rights to cross the Union Pacific Railroad tracks that run along the length of the coastline.

The 2021 State budget included \$10 million to support access at Hollister Ranch, most of which is expected to be used during the preparation phase of the HRCAP,

including for CEQA review and the real estate appraisal(s). These funds are held by the SCC. The State Lands Commission will manage the preparation of a PEIR on behalf of the lead agency, the CCC. Funds to support staff time and consultants to prepare the PEIR and the real estate appraisal(s) will be provided to the Commission through an interagency agreement with the SCC.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6106, 6216, and 6301; Government Code sections 4525 et seq. and 19130; Public Contract Code sections 6106 and 10335 et seq.; State Contracting Manual, vol. 1, ch. 11, A & E Contracts (rev. 04/22); California Code of Regulations, title 2, section 2980 et seq., and title 14, section 15045.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Staff recommends delegating authority to the Executive Officer or her designee to engage consultants for preparation of a PEIR and real estate appraisal(s) and to enter into an interagency agreement with the SCC to allow transfer of funds to the Commission in furtherance of developing the PEIR and appraisals. Consultant selection will be conducted pursuant to the requirements of the California Government Code and Public Contract Code and current State regulations, policies, and procedures, including those specified in the Commission's regulations and the State Contracting Manual, and will be based on demonstrated competence and professional qualifications necessary for the satisfactory performances of the services required.

Preparation of a PEIR for the HRCAP on behalf of the CCC is consistent with the Public Trust Doctrine and the State's best interests. The management, protection, and enhancement of sovereign lands and natural resources is entrusted by the State of California to the Commission, and guided by the common law Public Trust Doctrine, the California Constitution, and various laws and regulations specific to the Commission. One of the key principles of the common law Public Trust Doctrine is the people's right to access public tidelands and submerged lands along the California coast. The environmental analysis and real estate appraisal(s) of the required real property interests to implement the HRCAP is a necessary step in ensuring the public's right to access the State-owned beach areas along the shoreline of Hollister Ranch. If approved by the CCC, the HCRAP will result in nearly 8.5 miles of additional coastal beach area for public access and recreational use and enjoyment, which is currently inaccessible to the general public.

The CEQA analysis would evaluate potential impacts to sensitive habitats of state and federally listed species, aesthetics, cultural resources, marine biological resources, air quality, and all other potentially significant impacts from proposed Project activities. If the proposed Program would cause significant impacts that could not be avoided, the document would include proposed mitigation measures to reduce impacts to the extent feasible. Before considering the HRCAP, the CCC must certify the environmental document and adopt a mitigation monitoring plan pursuant to CEQA (Pub. Resources Code, § 21081.6) to ensure that any mitigation measures imposed to mitigate or avoid significant effects will be implemented. In addition, acting as a responsible agency, the State Lands Commission would independently consider the environmental document and adoption of the monitoring plan.

**CONCLUSION:**

For the reasons above, staff believes the proposed authority for the Executive Officer to (1) solicit through the appropriate procurement methods for consultant services, negotiate fair and reasonable prices, and award and execute agreements for the preparation of environmental documentation and real estate appraisal(s) for the Hollister Ranch Coastal Access Program and (2) enter into an interagency agreement with the SCC are in the State's best interests.

**OTHER PERTINENT INFORMATION:**

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1. Statutory Authority: Public Resources Code section 6106 (Delegation to execute written instruments); Government Code section 19130 (personal services contracts); Public Contract Code section 10335.5 (consulting services contracts).
2. Authorization to solicit proposals and to enter into an interagency agreement are not projects as defined by CEQA because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Approval of the recommended action by the Commission does not constitute approval of the Hollister Ranch Coastal Access Program; it only authorizes staff to enter into an interagency agreement with SCC and to solicit through the appropriate procurement methods for qualified consultants to prepare appraisals of the real property interests required for public access and an

environmental review of the impacts of proposed future activities associated with the Hollister Ranch Coastal Access Program.

4. This action is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," "Partnering with Sovereign Tribal Governments and Communities," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

1. Find that the services are highly specialized and intermittent in nature and hiring such industry-specific specialties would not be cost-effective, are not available in civil service classifications, are of limited duration and are of such urgent, temporary, and occasional nature that the delay in their implementation under civil service would frustrate their purpose as specified in Government Code section 19130, subdivisions (b)(3) and (10).
2. Find that the services contracted for are not available within civil service, cannot be performed satisfactorily by civil service employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the civil service system, as specified in Government Code section 19130, subdivision (b)(4).
3. Find that the selection of consultants under this process does not affect small businesses as defined in California Government Code section 14837, subdivision (d)(1)(B) because they will be accorded equal opportunity to submit statements of qualifications and performance data.
4. Find that the execution of an interagency agreement would benefit the Commission by specifying a framework for transfer of funds from the SCC to the Commission in furtherance of necessary environmental assessment and appraisal activities.

## **AUTHORIZATION:**

1. Authorize the Executive Officer or her designee to solicit by appropriate procurement methods for qualified consultant services, negotiate fair and reasonable prices, award and execute agreements, and take any other steps reasonably necessary to undertake public outreach, prepare a feasibility report, prepare the necessary environmental documentation and real estate

appraisal(s) that may be needed to facilitate the Hollister Ranch Coastal Access Program, pursuant to the requirements of the Public Contract Code and current State policies and procedures.

2. Authorize a delegation of authority to the Executive Officer or her designee to negotiate and execute an interagency agreement between the SCC and the California State Lands Commission to allow transfer of funds from the SCC to the Commission in furtherance of the aforementioned environmental documentation and real estate appraisal to facilitate the Hollister Ranch Coastal Access Program.