

Staff Report 62

PARTIES:

California State Lands Commission
California Coastal Commission
California State Coastal Conservancy
California Department of Parks and Recreation

PROPOSED ACTION:

Consider authorizing the Executive Officer, or her designee, to execute a Memorandum of Agreement among the California State Lands Commission, the California Coastal Commission, the California State Coastal Conservancy, and the California Department of Parks and Recreation Regarding the Interagency Coordinated Review and Preparation of Environmental Review Documents for the Hollister Ranch Coastal Access Program

BACKGROUND:

The State has engaged in a decades-long effort to provide public access to the shoreline adjacent to Hollister Ranch, a 14,000-acre subdivision that includes 8.5 miles of shoreline along the Gaviota Coast. This is the least accessible stretch of coast in California, containing less than 2 miles of publicly accessible shoreline along over 60 miles of coastal property. Pursuant to the Coastal Act, individual Hollister Ranch property owners were granted coastal development permits starting in the late 1970s to construct homes, stables, and associated development with the requirement that the Hollister Ranch Owners' Association (Owners' Association) participate in a program for managed public access through the Ranch to the public beach areas. This public access has been the subject of a decades-long dispute with the Ranch owners, including periods of litigation.

To address this long-standing delay, AB 1680 (Limón; Chapter 692, Statutes of 2019) requires the California Coastal Commission (Coastal Commission), State Coastal Conservancy (Conservancy), State Lands Commission (Commission), and the

California Department of Parks and Recreation (collectively, "agencies") to prepare a contemporary Public Access Program for the Hollister Ranch shoreline. In March 2019, the agencies entered into an [agreement](#) to collaboratively develop and implement the Hollister Ranch Coastal Access Program (HRCAP). The HRCAP was developed through a robust public engagement and outreach process involving a broad range of stakeholders, beginning in December 2019 through November 2021. Despite COVID-related delays in 2020 and 2021, the Coastal Commission was on track to approve the final program by the legislative deadline of April 1, 2022.

In November 2021, Coastal Commission held a day-long public workshop on the [Draft HRCAP](#). Following that workshop, the agencies' staffs determined next steps for the process: 1) revise the HRCAP based on input from the Coastal Commissioners; 2) prepare a tribal and cultural resource survey of the beach access points; 3) prepare a programmatic environmental impact report (PEIR); and 4) prepare an appraisal of the property rights that would need to be acquired to carry out the program.

The agencies' staffs' decision for the Coastal Commission to prepare a PEIR at this time and delay the approval of the HRCAP was taken in part due to an October 8, 2021 correspondence from the Hollister Ranch Owners' Association asserting that the California Environmental Quality Act (CEQA) requires environmental review of the HRCAP prior to Coastal Commission adoption (letter attached as Exhibit A). Given the near certainty of litigation if the Coastal Commission adopted the HRCAP prior to CEQA review, the agencies staffs determined that preparing a PEIR now is the most prudent and efficient course. As required by AB 1680 and Public Resources Code section 30610.81, subdivision (c), the four agencies notified the Legislature of the delay in implementing the HRCAP by the deadline of April 1, 2022, as required by Public Resources Code section 30610.81, subdivision (a)(3)(C) (letter attached as Exhibit B).

The Coastal Commission will act as lead agency, with the State Lands Commission staff managing preparation of the PEIR based on its extensive CEQA experience, and with funding provided to the Commission from the \$10 million appropriated to the Conservancy for Hollister Ranch public access in the fiscal year 2021 budget. In June of this year, the Commission authorized staff to, among other actions, solicit and contract for qualified consultant services for preparation of the PEIR, as well as enter into an interagency agreement between the Conservancy and the Commission for the funds transfer from the Conservancy ([Item 47, June 23, 2022](#)).

To facilitate preparation of the PEIR, the agencies' staff have drafted a Memorandum of Agreement (MOA; draft attached as Exhibit C). The MOA would

form a Joint Review Panel for development of the PEIR, articulate respective agency roles, and allow for confidential consultation among the four agencies during the CEQA process, as well as exchange information and provide for common defense in the event of litigation. Staff is requesting Commission authorization for the Executive Officer or her designee to execute the MOA.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6106, 6216, and 6301.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Commission staff believes that Commission's execution of the MOA is consistent with the common law Public Trust Doctrine and is in the best interests of the State because:

1. The MOA would facilitate the process of establishing public access to currently inaccessible Public Trust lands and shoreline resources.
2. The MOA would streamline and facilitate CEQA document preparation by articulating roles, creating a Joint Review Panel among the four agencies for coordinated CEQA review, and providing for confidential consultation during the CEQA process.
3. The MOA would place the Commission, the agencies, and the State in a stronger position for anticipated litigation by providing for common defense efforts and for some confidentiality in the exchange of information related to development of the PEIR.

CONCLUSION:

For the reasons stated above, staff believes the Commission's execution of and participation in the MOA will have positive impacts on the Commission's management of the Public Trust lands and resources and is in the best interests of the State. Therefore, Commission staff recommends the Commission authorize the Executive Officer or her designee to execute the MOA.

OTHER PERTINENT INFORMATION:

1. Authorizing the proposed MOA is consistent with the "Prioritizing Social, Economic, and Environmental Justice," "Meeting Evolving Public Trust Needs,"

and “Committing to Collaborative Leadership” Strategic Focus Areas of the Commission’s 2021-2025 Strategic Plan.

2. Authorization to execute a memorandum of agreement is not a project as defined by CEQA because it is an administrative action 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).

EXHIBITS:

- A. October 8, 2021 letter from the Hollister Ranch Owners' Association
- B. February 28, 2022 letter to the Legislature from the California Coastal Commission, the California State Lands Commission, the California State Coastal Conservancy, and the California Department of Parks and Recreation
- C. Draft Memorandum of Agreement among the California Coastal Commission, the California State Lands Commission, the California State Coastal Conservancy, and the California Department of Parks and Recreation Regarding the Interagency Coordinated Review and Preparation of Environmental Review Documents for the Hollister Ranch Coastal Access Program

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE’S BEST INTERESTS:

Find that execution of the proposed Memorandum of Agreement is consistent with the Public Trust needs and values at this location, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize the Executive Officer or her designee to execute the Memorandum of Agreement among the California Coastal Commission, the California State Lands Commission, the California State Coastal Conservancy, and the California Department of Parks and Recreation Regarding the Interagency Coordinated Review and Preparation of Environmental Review Documents for the Hollister Ranch Coastal Access Program, substantially in the form as set forth in Exhibit C.

Exhibit A



Via Electronic Mail

Steve Padilla, Chair
California Coastal Commission
455 Market Street, Ste. 300
San Francisco CA 94105
Email: Hollister@coastal.ca.gov

October 8, 2021

Re: Draft Hollister Ranch Coastal Access Program (HRCAP)
Coastal Commission October 14 Virtual Workshop

Dear Chairman Padilla & Commissioners,

As Chair of The Hollister Ranch Owner's Association (HROA), I write on behalf of the Board of Directors. The HROA is a nonprofit organization made up of residents and property owners of the Hollister Ranch (HR), a 14,000-acre agricultural preserve and cattle ranch in Santa Barbara County, California. HROA works to ensure protection of the very significant cultural and agricultural resources and of a myriad of environmentally sensitive and endangered coastal natural resources along this 8.5-miles of coastline.

Having been a diligent stakeholder in the two-year process so far under AB 1680, HROA has reviewed the Draft Hollister Ranch Coastal Access Program (Draft HRCAP), dated September 24, 2021. As an initial matter, HR generally supports several important points in the Draft HRCAP, including the observations that:

-- "The overwhelming sentiment is to balance public access along the Hollister Ranch coastline with protections against impacting the Ranch's resources or substantially diminishing the rugged, mostly undeveloped characteristics of the area." Draft HRCAP at p. 8.

-- **"agreement on the need to prevent damage to existing private properties, ranch operations, coastal experiences and the natural and cultural resources is a generally agreed upon priority."** (Emphasis Added). Draft HRCAP at p. 21

-- **"Stakeholders recognize that providing public access through private property with little existing public use infrastructure, an active rail line and a cattle operation requires careful planning...."** (Emphasis added) Draft HRCAP at p. 21.

-- "limited access...along the Hollister Ranch coastline over the past half century has preserved...coastal resources in a relatively undeveloped state" and that "human impacts from increased public access are a primary concern of most stakeholders..." Draft HRCAP at p. 20.

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Unfortunately, the plan offers these universally supported guiding principles but then proceeds to completely ignore them, proposing instead an approach that would *impede* efforts to protect Chumash cultural resources; *displace* threatened and endangered species that have safely called this coastal area their home for centuries; and potentially do *irreversible damage* to one of the few truly wild coastal areas left in southern and central California. Indeed, the HRCAP offers no analysis to support the plan and no path for assuring that analysis before seeking to implement that plan, an approach that flies in the face of how any state agency would approach a public project with such significant adverse impacts.

Balancing Access with Protection of Sensitive Coastal Resources

Biologists, geologists, archaeologists, and other scientists have studied HR's unique 8.5-mile stretch of coastline for many years, identifying an abundance of wildlife, including many species listed as endangered or threatened under state and federal law.¹ As the Draft HRCAP acknowledges and documents, protecting those resources is no small task.

Just as important are cultural resources: the beaches and estuaries west of Gaviota State Park contain numerous sites of spiritual significance to the Chumash.² Without state involvement, the Santa Ynez Band of Chumash Indians (SYBCI) and the Hollister Ranch have established an enduring partnership to ensure Native American access to this special part of coastline and to protect and preserve known and unknown cultural resources. Within the AB 1680 public access working groups and in other communications, it is our understanding that the Chumash have requested that increased public access not be implemented until after appropriate archaeological surveys have been completed to identify and document sensitive cultural resources along the coastline.

For the past two years in the context of the AB 1680 process, we do not recall seeing any group or individual asking or advocating for 100 members of the public initially, and as many as 500 visitors per day later. We have no idea when and how these numbers became a goal under AB 1680. We also do not recall seeing those numbers suggested by any of the state agency participants until the June 2021 Draft HRCAP was released. And there was significant public push back on those numbers at the June 16, 2021, public hearing Zoom call arranged by the public agencies to discuss that draft.

To our knowledge there has been no analysis by any of the four state agencies (or anyone else) regarding the current or maximum carrying capacity of the HR coastline, much less any evaluation of the existing baseline or impacts related to an additional 100 to 500 people per day, as now suggested by the State Agency Team. If these numbers were simply cut and pasted from the 1981 HRCAP then it is worth recalling that they were not based on any scientific or baseline consideration that was done at that time. In fact, the only specific alternative advisory since the Coastal Commission's 1981 proposal for 100 to

¹ Attached here as Exhibit A is that "Summary of Biological Study on the Coastal Portion of the Hollister Ranch" prepared by Channel Islands Restoration (CIR), dated September 24, 2020, a synopsis of CIR's much larger multi-year biologic assessment of HR entitled "Plants and Animals on the Coast of The Hollister Ranch, Santa Barbara County, California, dated February 2021. These and other biologic documents, including the Coastal Commission's own ESHA assessment by Coastal Commission Senior Ecologist Jonna D. Engel, Ph.D., entitled "ESHA Determination for the Gaviota Coast Coastal Zone dated April 24, 2018, have been provided to the State Agency Team and are known by them, but for some reason are either not included or acknowledged in the September 24, 2021, Draft HRCAP report, or referenced in Section 9 at p. 96 but not evaluated or otherwise measured against likely impacts from the HRCAP's development recommendations.

² Attached here as Exhibit B is that "Summary of Cultural Resources Study, Hollister Ranch, Santa Barbara County, California" prepared by Applied EarthWorks Inc., dated November 3, 2020.

500 additional people per day that we are aware of came from consultations between HR and SYBCI and focused on providing less impactful access opportunities to underserved communities and use of Native American docents.³

Moreover, 100 to 500 additional visitors per day in the remote Pt. Conception area represents 10 to 20 times the existing daily visitors who have historically been found on the beaches adjacent to the Hollister Ranch. This historically low intensity of visitation has been, and is, a fundamental principle of good stewardship, and is directly responsible for the abundant levels of biodiversity and wildlife not seen in the rest of Southern California. If this area is to remain wild and undeveloped for future generations, carefully managed access and stewardship should not simply be abandoned and should continue to be a guiding principle. As Aldo Leopold famously said in *A Sand County Almanac*, “A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.”

Implementing such an audacious development plan as envisioned by the Draft HRCAP, without a detailed study of the adverse impacts resulting from such a dramatically increased human presence, primarily for recreational (not environmental) activity, raises many complex and unresolved legal, financial, physical and safety challenges associated with this rugged and unspoiled terrain.

Importance of Early Environmental Review

Hollister Ranch appreciates that the Draft HRCAP at least superficially acknowledges the challenges associated with its ambitious development plans. The Draft HRCAP, however, fails to recognize and follow the Coastal Commission’s obligations under the California Environmental Quality Act (CEQA) in connection with its adoption of the HRCAP and how it intends to comply with those obligations. For example, in the Draft HRCAP section entitled “Design, CEQA Review, Permits and Install Additional Infrastructure”, the plan does not actually address CEQA or CEQA compliance. Draft HRCAP at p. 82. Rather, the Draft HRCAP appears to suggest that the Commission will develop access programs and infrastructure *first* and account for impacts and make adjustments *later, if ever*. Draft HRCAP at p. 10 & Sec. 7.0, pages 79-90.

Respectfully, the Commission cannot skip CEQA and defer important environmental review and public disclosure mandates to later stages by other agencies. The HRCAP is a “project” under CEQA, because it requires discretionary approval by the Commission and would cause a direct or reasonably foreseeable indirect physical change in the environment. CEQA review must be completed as early as feasible in the planning process (CEQA Guidelines § 15004(b).) The “approval” triggering CEQA review is the earliest decision – in this case, the HRCAP – that commits the agencies to a definite course of action. (CEQA Guidelines § 15352(a).)

AB 1680 mandates that the agencies prepare the HRCAP and leaves substantial discretion to the agencies to determine the HRCAP’s final requirements. The plan that AB 1680 requires is not a mere feasibility or planning study for possible future actions. Rather, it will have a legally binding effect on later implementation activities. (See CEQA Guidelines § 15262.) Among other things, AB 1680 requires the HRCAP to include a specified list of public access options, provisions to protect and preserve sensitive natural, cultural, and historical resources, an implementation strategy, and a program to implement the first phase of public access to the beach. Each of these would, at minimum, limit the

³ Attached here as Exhibit C is SYBCI and HR correspondence to the State Agency Team, dated June 2, 2021.

choice of future alternatives or mitigation measures and importantly the number of additional visitors that the coastline could absorb. (See CEQA Guidelines § 15004(b)(2).) Other public agencies have regularly complied with CEQA when preparing similar public access plans.

The HRCAP is a discretionary approval with legally binding effect that will constrain future alternatives and mitigation measures. It is insufficient to say that specific implementation activities will be subject to future CEQA review. The full scope of the HRCAP's environmental impacts also cannot be concealed by separately focusing on isolated parts, deferring to some future vaguely described "management entity(ies)" and overlooking the effect of the whole action in its entirety. Draft HRCAP at p. 9. Especially considering the delicately balanced, interrelated ecosystems at Hollister Ranch, the agencies cannot piecemeal CEQA review of the HRCAP's individual implementation actions, and instead must study the impacts of HRCAP as a whole.

Focus on Cooperative Efforts to Establish Access

Significantly, the Draft HRCAP mentions that "before any aspect of the HRCAP can be implemented, the necessary property rights for public access across private property including the inland beach areas must be negotiated with and acquired from the HROA and/or Hollister Ranch private property owners, and possibly from the Union Pacific Railroad." Draft HRCAP at p. 9.

Recognizing that the state's negotiations with the Hollister Ranch could be years-long and expensive, the Draft HRCAP report states in Section 7.1 the California State Lands Commission will "negotiate and acquire public access property rights." Draft HRCAP at p. 79. The apparent expressed intent by the State Agency Team to engage in condemnation litigation is something that HR believes is counterproductive, and we urge the State to avoid the expense, conflict and likely unproductive outcome that would result from such a combative approach.

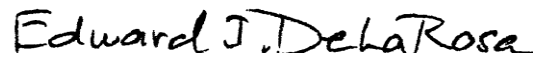
Instead, HR encourages the State to focus on the hopeful tone presented in other portions of the Draft HRCAP regarding the potential for cooperation in planning that has been offered by the Hollister Ranch: "the State Agency Team is working with the HROA to be able to provide interim public access to the Ranch, prior to acquisition of public access rights and completion of the preparation phase. This interim public access would be voluntarily granted by the HROA and is not a guaranteed part of the HRCAP." Draft HRCAP at p. 79.

While Hollister Ranch property owners would need to approve any expanded access plans, these programs could expand upon the Hollister Ranch's decades-long history of hosting public visitors. These existing programs include docent-led events for organizations such as the Tidepool School, the Lompoc Historical Society, the Audubon Society, Operation Surf, a nonprofit organization for military veterans, NatureTrack, MeWater Foundation and for numerous scientists from UCSB and other institutions. HR has a proven track record of providing both public access *and* protection of natural and cultural resources in a remote, rural location, has made clear for the past two years in both written submissions and in discussions with the State Agency Team implementing AB 1680 that we are willing to expand those programs.

Whatever the outcome, it is important to recognize how unique and special this part of California's coast is, and to ensure it is preserved and protected for future generations. As a visiting scientist to the Ranch, award-winning biologist Dr. Kenneth Nealson recently observed, "Hollister Ranch is one of the most biologically diverse ecosystems in the world. It's important, fragile, and irreplaceable" and "Hollister

Ranch should be a living laboratory where scientific research and education can flourish, because education is the path to conservation and preservation.” Anyone interested in the preservation of wild natural resources for future generations should be guided by Neilson’s wisdom.

Sincerely,

A handwritten signature in black ink that reads "Edward J. De La Rosa". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Edward J De La Rosa
The Hollister Ranch Owners’ Association



Summary of Biological Study on the Coastal Portion of the Hollister Ranch
September 24, 2020
Elihu Gevirtz
Senior Ecologist

Channel Islands Restoration (CIR) has prepared a biological resources inventory documenting the vegetation, plants and wildlife species occurring within the coastal portion of Hollister Ranch between Cañada del Agua Caliente and Arroyo San Augustine, between the railroad tracks and the ocean (the Project Area). CIR's team of botanists and biologists consisting of myself, Steve Junak, Peter Gaede, and Vince Semonsen have been engaged in comprehensive field studies within the Project Area since October 2019 and our work is ongoing. CIR's inventory, when completed, will establish a comprehensive biological baseline of the plants and animals occurring within the Project Area that can inform coastal access programs, resource management and ecological restoration opportunities. This letter summarizes the results and general conclusions of the biological surveys that we conducted between October 2019 and August 2020.

Our field studies documented 210 botanical species in the Project Area, more than half of which are native species, including four special-status plant species: sticky sand verbena, cliff aster, Hoffmann's nightshade, and meadow barley. We mapped coastal scrub, coastal sage scrub, coastal bluff scrub, native and non-native grasslands, lagoons, estuaries, sandy beaches, and rocky intertidal zones. With respect to wildlife species, we documented 130 birds, 16 mammals, 32 intertidal animals, 3 amphibians, 7 reptiles, 5 fish and additional fish that were not identified

Importantly, we observed four Federally threatened or endangered species including tidewater goby, California red-legged frog, western snowy plover, and southern sea otter in the Project Area (Figures 1 - 13 and Table 1). Tidewater gobies are in the lagoons at Agua Caliente, Santa Anita, Agujas, and Bulito. Red-legged frogs are in the lagoons at Agua Caliente, Bulito, Panochas and Santa Anita, and in the Cuarta culvert under the railroad tracks. Snowy plovers occur on the beaches at Santa Anita (Little Drake's) and at Bulito. Southern sea otters are in the nearshore waters. A breeding pair of snowy plovers and an adult with chicks were observed at Little Drake's in the Spring of 2020. Steelhead surveys were not conducted; but we know, based on historical records, that steelhead may inhabit some of the lagoons and streams. Four California Species of Special Concern: southwestern pond turtle, two-striped garter snake, rufous-crowned sparrow, and signs of American badger were also observed (Figures 1 – 13 and Table 1).

The Project Area contains sandy beaches, rocky intertidal zones, sandy intertidal areas, wetlands, native purple needlegrass grasslands, giant coreopsis scrub, creeping ryegrass turf, coastal bluff

scrub, coastal scrub, coastal strand, sandy beaches and kelp beds (Figures 2 – 13). These habitats support a diverse suite of both common and rare species as well as ecosystem processes. Some of these habitats are considered Environmentally Sensitive Habitat Areas as discussed in Santa Barbara County's Gaviota Coast Plan (the coastal portion certified by the California Coastal Commission in November 2018) and associated documents including a letter from Coastal Commission staff to the Coastal Commission (Hudson, Carey, Christensen, and Kubran, April 24, 2018), and a memorandum by Coastal Commission senior ecologist, Dr. Jonna Engel, April 24, 2018 (Exhibit 7 to Coastal Commission letter of the same date). The California Coastal Act, Section 30107.5 provides the following definition: "Environmentally sensitive area means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

Based on our studies to date, we find that the Project Area supports high species diversity, an abundant plant and animal community and ecosystem processes. We observed low numbers of people on the beaches and other parts of the Project Area compared to beaches in more populated areas such as Goleta, Santa Barbara, Montecito and Carpinteria. During our many survey days the most people that we encountered in the Project Area on a single day was approximately two to three dozen spread throughout several miles of beach. The low level of human disturbance and activity may contribute to the biodiversity and abundance of plants and animals and to breeding success of a number of these animals. It is also relevant to future analysis of public access alternatives.

Based on the results of our surveys, we conclude that the Project Area supports biological resources that are significant in the context of the region and in the context of the state. We urge protection of native species, habitats, and ecosystem processes during planning and implementation of coastal access. To protect the unique character of the Project Area, we recommend that continuing careful analysis of biological resources be undertaken, and that future coastal access, recreation and intensity of use include on-going mechanisms to manage and protect the diversity and abundance of native plants and animals.

Attachments

Table 1 Special Status Species
Figures 1 – 13 Maps of Biological Resources

Special Status Species Observed in the Hollister Ranch Project Area in 2020							
Between Agua Caliente and San Augustine from the Railroad Tracks to the Near-Shore Ocean							
Species		Status			Locations Observed in 2020		Observation of Breeding in 2020
Common Name	Scientific Name	Federal	State	California Native Plant Society			
Sticky Sand Verbena	Abronia maritima	-	-	4.2	Limited geographic distribution in California; 20 to 80 percent of its occurrences are threatened.	Coastal Strand on elevated sandy beaches	
Cliff Aster	Malacothrix saxatilis var. saxatilis	-	-	4.2	Limited geographic distribution in California; 20 to 80 percent of its occurrences are threatened.	Coastal Bluffs and steep canyon walls	
Hoffmann's Nightshade	Solanum xanti var. hoffmannii	-	-	-	Regional endemic	Coastal Scrub	
Meadow Barley	Hordeum brachyantherum subsp. brachyantherum	-	-	-	Local interest	Wetland Swales in grassland in Drake's pasture and next to road at San Augustine	
Tidewater Goby	Eucyclogobius newberryi	Endangered	Species of Special Concern			Agua Caliente, Santa Anita, Aguas, and Bulito Lagoons	Evidence of Breeding
California Red-Legged Frog	Rana draytonii	Threatened	Species of Special Concern			Agua Caliente, Santa Anita, Bulito, and Panochas Lagoons; and Cuarta Culvert	
Southwestern Pond Turtle	Emys marmorata pallida	-	Species of Special Concern			Alegria and Agua Caliente Wetlands	Evidence of Breeding
Two-Striped Garter Snake	Thamnophis hammondi	-	Species of Special Concern			Santa Anita Grassland	
Western Snowy Plover	Charadrius nivosus nivosus	Threatened	Species of Special Concern			Santa Anita and Bulito Sandy Beaches	Evidence of Breeding at Santa Anita
Rufous-Crowned Sparrow	Aimophila ruficeps	-	Species of Special Concern			Steep, Dry Canyon Walls	
Southern Sea Otter	Enhydra lutris nereis	Threatened	Species of Special Concern			Off-Shore Kelp Beds near San Augustine and Bulito	



Figure 1: Sensitive Species and Habitats
Plants and Animals on the Coast of the Hollister Ranch
September 2020

- | | | |
|------------------------------|----------------------------|----------------------------|
| ★ American Badger | ☆ Southern Sea Otter | ⦿ Brandt's Cormorant Roost |
| ★ California Red-Legged Frog | ★ Tidewater Goby | ● Native Grassland |
| ★ Hoffmann's Nightshade | ★ Two-Striped Garter Snake | ● Wetland |
| ★ Red Sand Verbena | ★ Southwestern Pond Turtle | ■ Sandy Beach |
| ★ Rufous-Crowned Sparrow | ☆ Western Snowy Plover | ■ Rocky Intertidal |

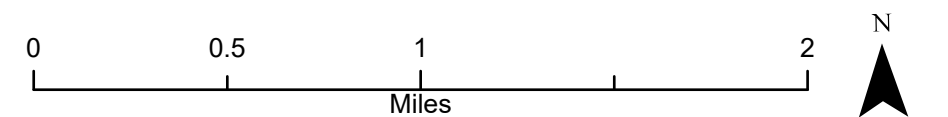














Figure 2: Habitat Areas
Cañada del Agua Caliente to Cañada de Alegria East Half
September 2020

Habitat Areas

	Coastal Bluff Scrub		Road
	Coastal Scrub		Ruderal
	Coastal Strand		Sandy Beach
	Giant Coreopsis Scrub		Unvegetated Bluff
	Rocky Intertidal		Wetland





Special Status Species

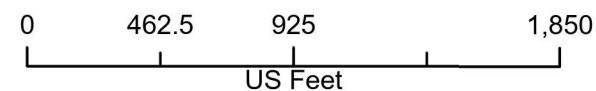
	California Red-Legged Frog
	Red Sand Verbena
	Rufous-Crowned Sparrow
	Tidewater Goby
	Southwestern Pond Turtle

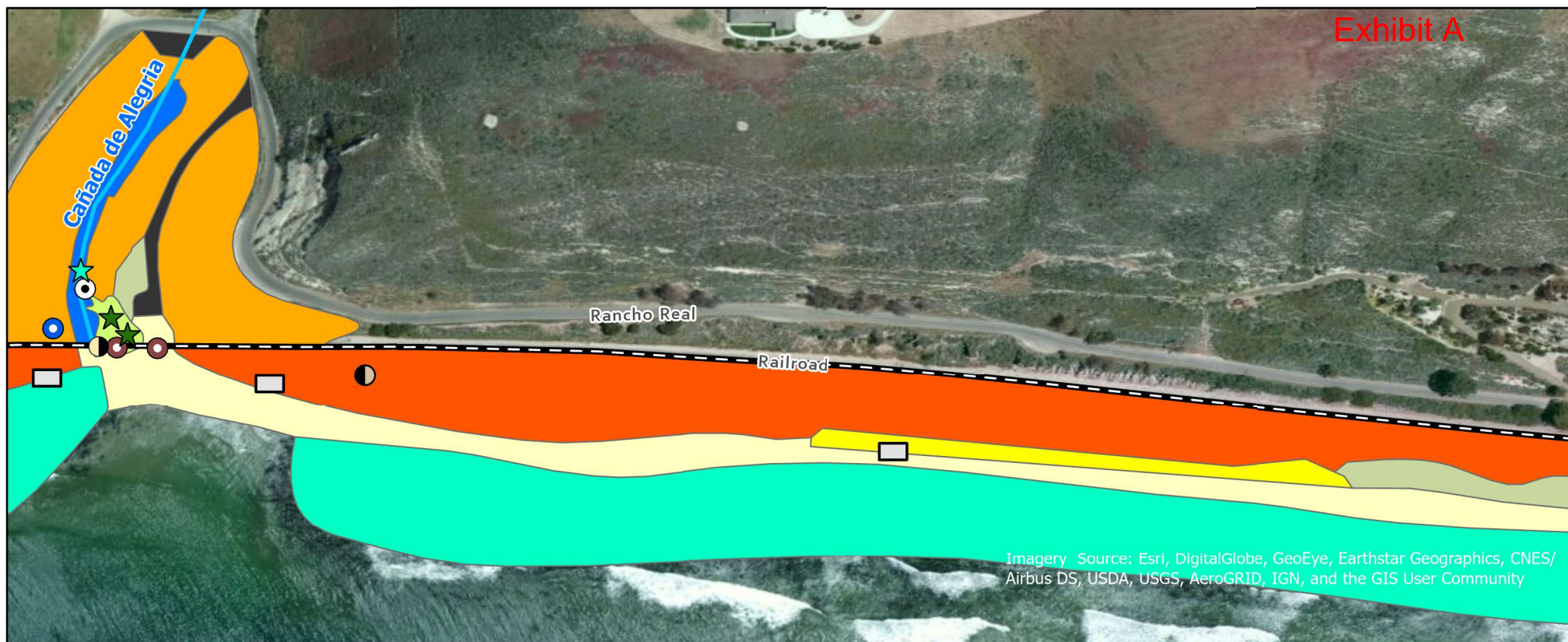
Breeding Animals

	Tidewater Goby
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Geographic Features

	Brandt's Cormorant Roost
	Sea wall
	Canyon
	Railroad





Imagery Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Figure 3: Habitat Areas
Cañada del Agua Caliente to Cañada de Alegria West Half
September 2020

Habitat Areas

- | | |
|-----------------------|-------------|
| Coastal Bluff Scrub | Road |
| Coastal Scrub | Ruderal |
| Coastal Strand | Sandy Beach |
| Giant Coreopsis Scrub | Wetland |
| Rocky Intertidal | |

Special Status Species

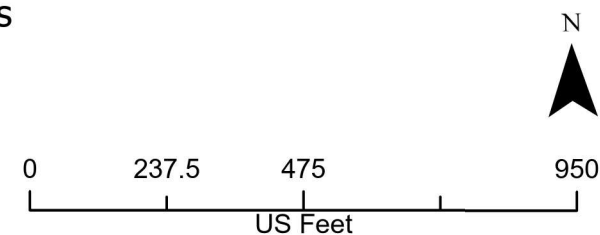
- Red Sand Verbena
- Southwestern Pond Turtle

Breeding Animals

- Killdeer
- Cliff Swallow
- House Finch
- White-Throated Swift
- California Scrub-Jay

Geographic Features

- Sea wall
- Canyon
- Railroad



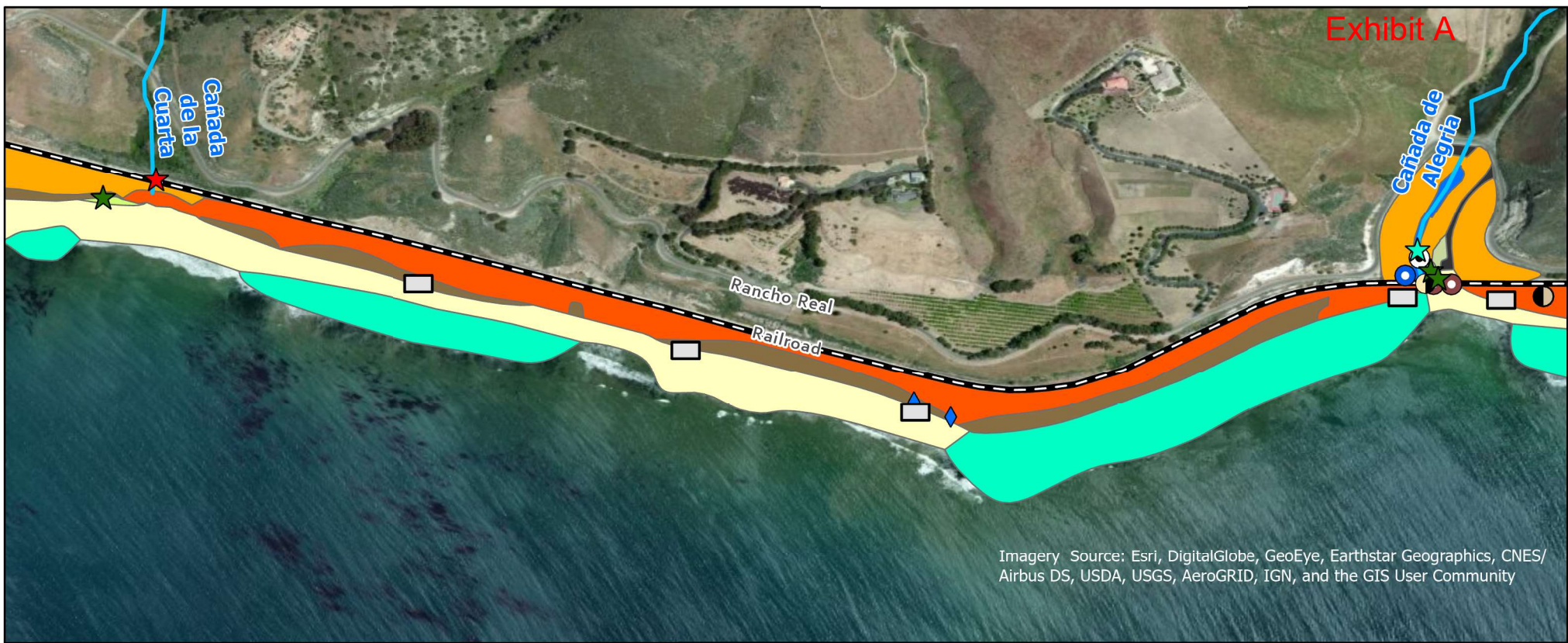


Figure 4: Habitat Areas
Cañada de Alegria to Cañada de la Cuarta
 September 2020

Habitat Areas

- | | |
|---------------------|-------------------|
| Coastal Bluff Scrub | Ruderal |
| Coastal Scrub | Sandy Beach |
| Coastal Strand | Unvegetated Bluff |
| Rocky Intertidal | Wetland |
| Road | |

Special Status Species

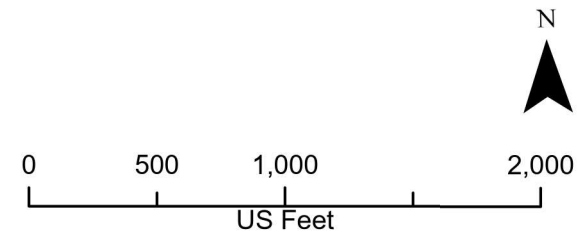
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|--|----------------------------|
| | California Red-Legged Frog |
| | Red Sand Verbena |
| | Southwestern Pond Turtle |

Breeding Animals

- | | |
|--|----------------------|
| | Killdeer |
| | Cliff Swallow |
| | House Finch |
| | White-Throated Swift |
| | California Scrub-Jay |

Geographic Features

- | | |
|--|----------|
| | Seep |
| | Sea wall |
| | Canyon |
| | Railroad |



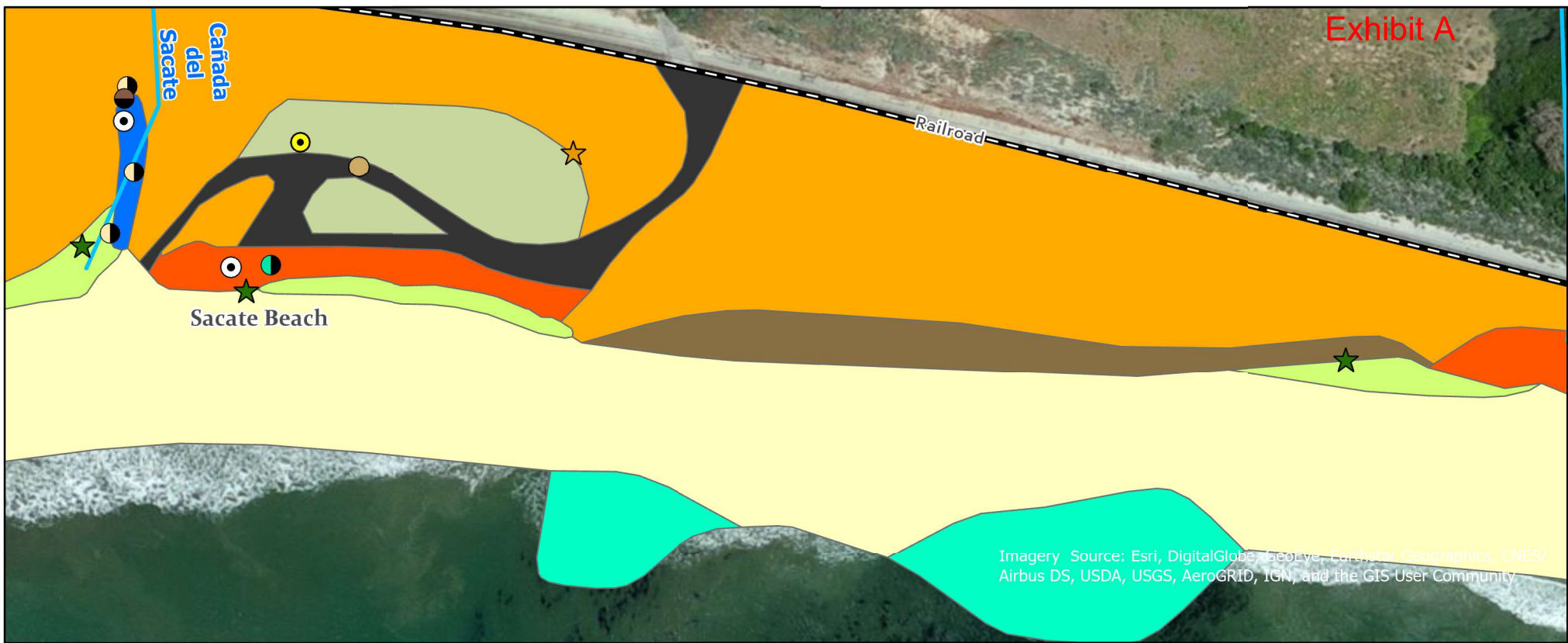


Figure 5: Habitat Areas
Cañada de la Cuarta to Cañada del Sacate
 September 2020

Habitat Areas

- | | |
|---------------------|-------------------|
| Coastal Bluff Scrub | Ruderal |
| Coastal Scrub | Sandy Beach |
| Coastal Strand | Unvegetated Bluff |
| Rocky Intertidal | Wetland |
| Road | |

Special Status Species

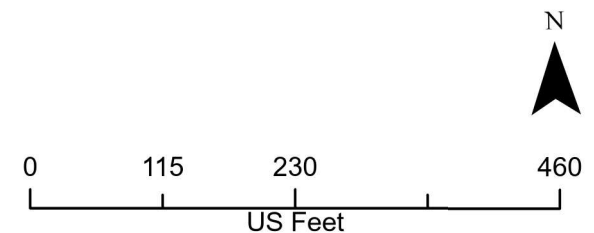
- Red Sand Verbena
- Rufous-Crowned Sparrow

Breeding Animals

- California Quail
- Killdeer
- Barn Swallow
- Cliff Swallow
- Northern Rough-Winged Swallow
- Western Meadowlark

Geographic Features

- Canyon
- Railroad



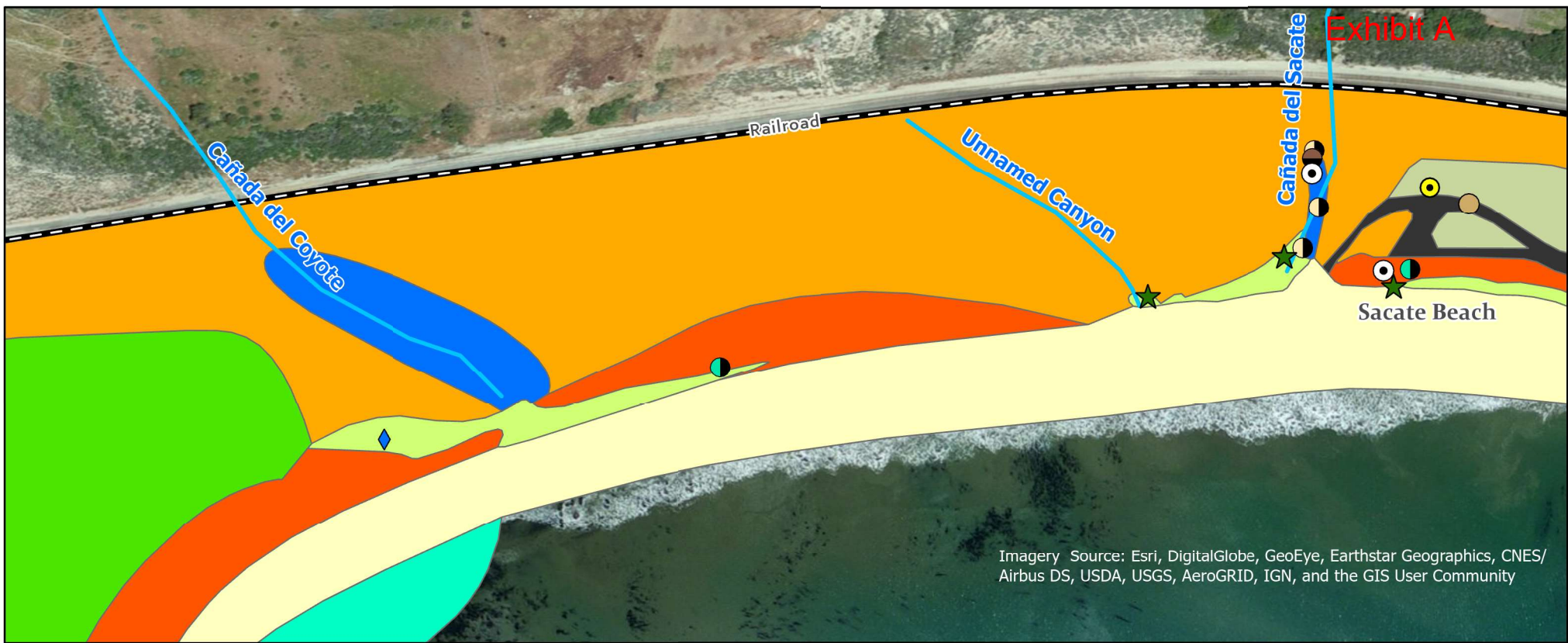


Figure 6: Habitat Areas
Cañada del Sacate to Cañada del Coyote
 September 2020

Habitat Areas

- | | |
|----------------------|-------------|
| Coastal Bluff Scrub | Road |
| Coastal Scrub | Ruderal |
| Coastal Strand | Sandy Beach |
| Rocky Intertidal | Wetland |
| Non-Native Grassland | |

Special Status

Species

- Red Sand Verbena

Breeding Animals

- California Quail
- Killdeer
- Barn Swallow
- Cliff Swallow
- Northern Rough-Winged Swallow
- Western Meadowlark

Geographic Features

- Seep
- Canyon
- Railroad

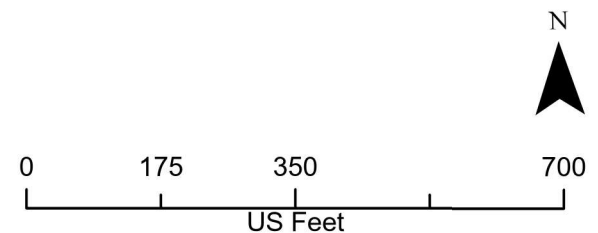




Figure 7: Habitat Areas
Cañada del Coyote to Cañada de Santa Anita
 September 2020

Habitat Areas

 Coastal Bluff Scrub	 Non-Native Grassland
 Coastal Scrub	 Pepper Tree
 Coastal Scrub - Disturbed	 Road
 Coastal Strand	 Ruderal
 Creeping Ryegrass Turf	 Sandy Beach
 Eucalyptus Woodland	 Snowy Plover Habitat
 Rocky Intertidal	 Unvegetated Bluff
 Native Purple Needlegrass Grassland	 Wetland

Special Status Species

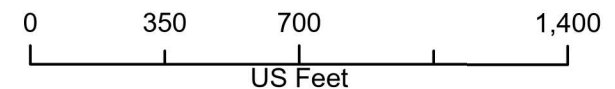
 American Badger
 California Red-Legged Frog
 Hoffmann's Nightshade
 Tidewater Goby
 Two-Striped Garter Snake
 Western Snowy Plover

Breeding Animals

 Western Snowy Plover
 Killdeer
 Cliff Swallow
 Northern Rough-Winged Swallow
 Horned Lark
 California Scrub-Jay
 American Kestrel
 Great Horned Owl
 California Grunion

Geographic Features

 Seep
 Canyon
 Railroad



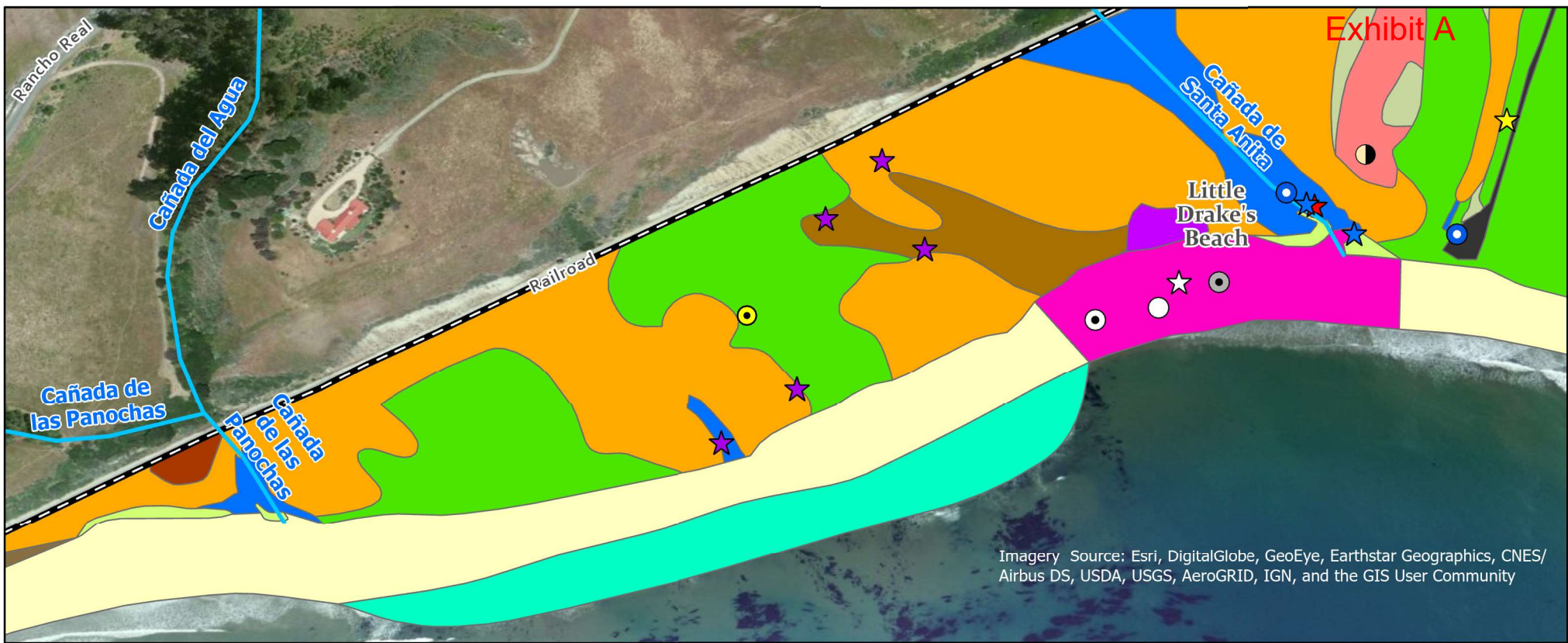


Figure 8: Habitat Areas
Cañada de Santa Anita to Cañada de las Panochas
 September 2020

Habitat Areas

Coastal Scrub	Pepper Tree
Coastal Scrub - Disturbed	Road
Coastal Strand	Ruderal
Creeping Ryegrass Turf	Sandy Beach
Eucalyptus Woodland	Snowy Plover Habitat
Rocky Intertidal	Unvegetated Bluff
Non-Native Grassland	Wetland

Special Status Species

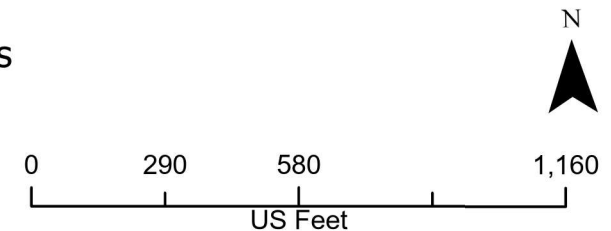
California Red-Legged Frog
Hoffmann's Nightshade
Tidewater Goby
Two-Striped Garter Snake
Western Snowy Plover

Breeding Animals

Western Snowy Plover
Killdeer
Cliff Swallow
Western Meadowlark
California Scrub-Jay
California Grouse

Geographic Features

Canyon
Railroad



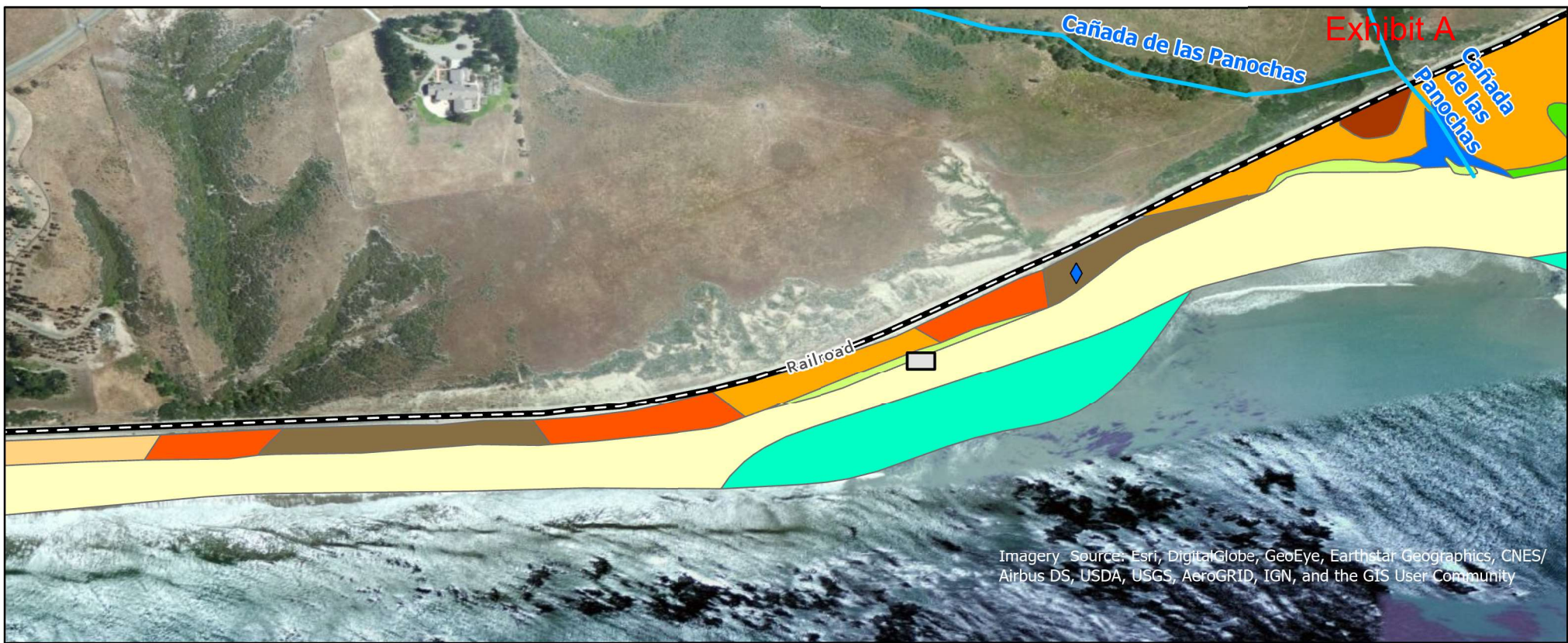


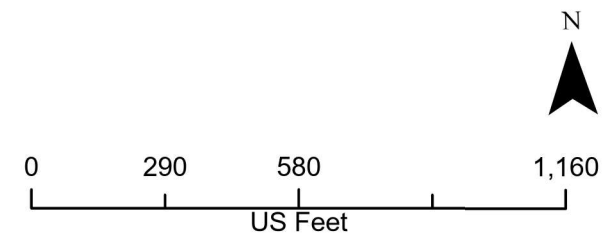
Figure 9: Habitat Areas
Cañada de las Panochas to Arroyo el Bulito East Half
 September 2020

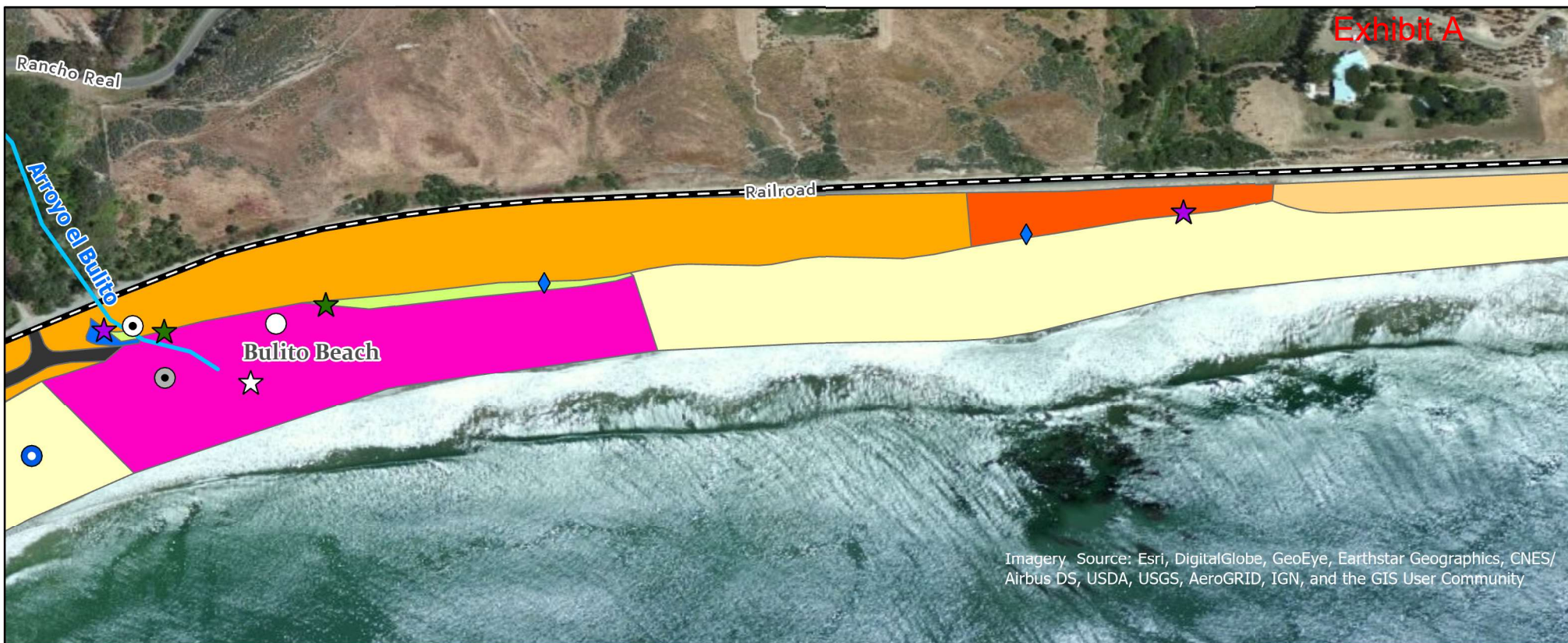
Habitat Areas

 Coastal Bluff Scrub	 Non-Native Grassland
 Coastal Scrub	 Pepper Tree
 Coastal Strand	 Sandy Beach
 Disturbed Bluff	 Unvegetated Bluff
 Rocky Intertidal	 Wetland

Geographic Features

	Seep
	Sea wall
	Canyon
	Railroad





Imagery Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Figure 10: Habitat Areas
Cañada de las Panochas to Arroyo el Bulito West Half
 September 2020

Habitat Areas

- | | |
|---------------------|----------------------|
| Coastal Bluff Scrub | Road |
| Coastal Scrub | Sandy Beach |
| Coastal Strand | Snowy Plover Habitat |
| Disturbed Bluff | Wetland |

Special Status Species

- Hoffmann's Nightshade
- Red Sand Verbena
- Western Snowy Plover

Breeding Animals

- Western Snowy Plover
- Killdeer
- California Scrub-Jay
- California Grunion

Geographic Features

- Seep
- Canyon
- Railroad





Figure 11: Habitat Areas
Arroyo el Bulito to Cañada de las Agujas
 September 2020

Habitat Areas

Coastal Scrub	Non-Native Grassland
Coastal Strand	Road
Eucalyptus Woodland	Sandy Beach
Rocky Intertidal	Snowy Plover Habitat
Lawn	Unvegetated Bluff
Native Purple Needlegrass Grassland	Wetland

Special Status Species

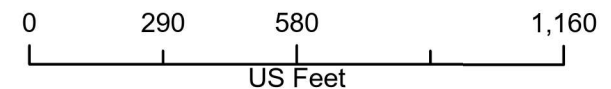
	California Red-Legged Frog
	Hoffmann's Nightshade
	Red Sand Verbena
	Tidewater Goby
	Western Snowy Plover
	Southern Sea Otter

Breeding Animals

	Western Snowy Plover
	Killdeer
	Great Blue Heron
	Cliff Swallow
	Western Meadowlark
	California Scrub-Jay
	California Toad
	Baja California Treefrog
	California Grunion

Geographic Features

	Seep
	Canyon
	Railroad



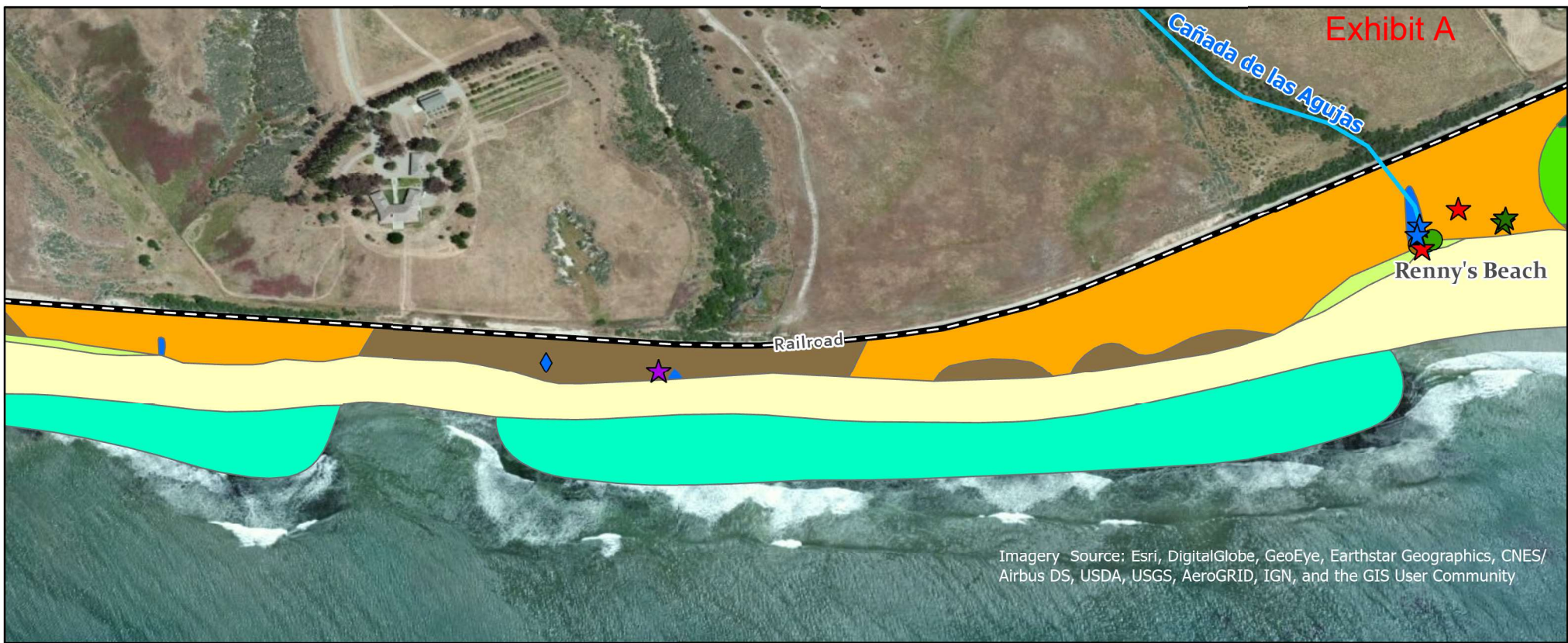


Figure 12: Habitat Areas
Cañada de las Agujas to Arroyo San Augustine, East Half
 September 2020

Habitat Areas

- | | |
|-------------------------------------|----------------------|
| Coastal Scrub | Non-Native Grassland |
| Coastal Strand | Sandy Beach |
| Rocky Intertidal | Unvegetated Bluff |
| Native Purple Needlegrass Grassland | Wetland |

Special Status

Species

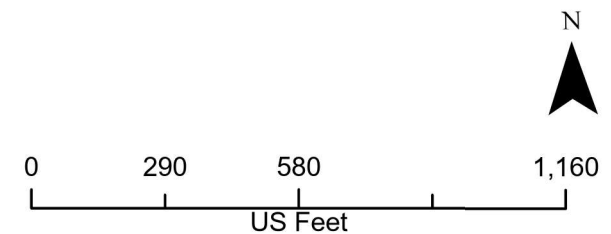
- California Red-Legged Frog
- Hoffmann's Nightshade
- Red Sand Verbena
- Tidewater Goby

Breeding Animals

- Killdeer
- California Toad
- Baja California Treefrog

Geographic Features

- Seep
- Canyon
- Railroad



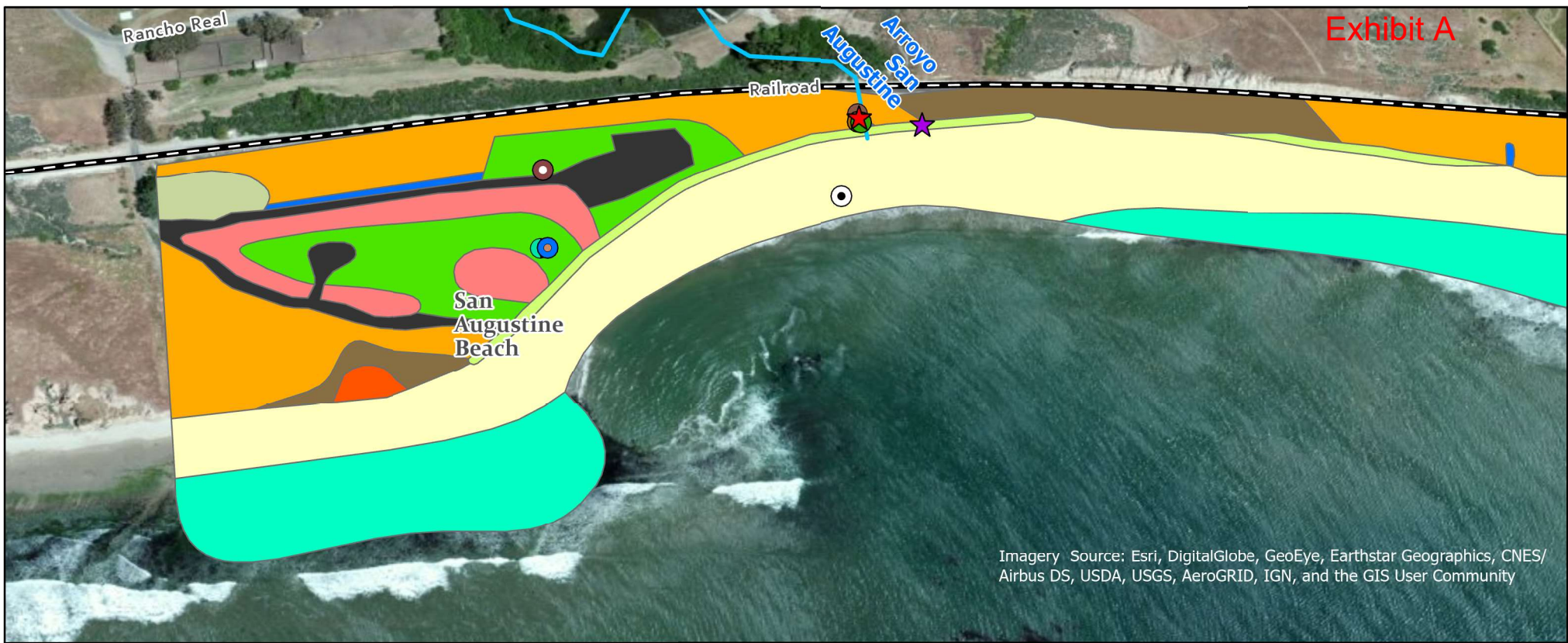


Figure 13: Habitat Areas
Cañada de las Agujas to Arroyo San Augustine, West Half
 September 2020

Habitat Areas

- | | |
|----------------------|-------------------|
| Coastal Bluff Scrub | Road |
| Coastal Scrub | Ruderal |
| Coastal Strand | Sandy Beach |
| Eucalyptus Woodland | Unvegetated Bluff |
| Rocky Intertidal | Wetland |
| Non-Native Grassland | |

Special Status Species

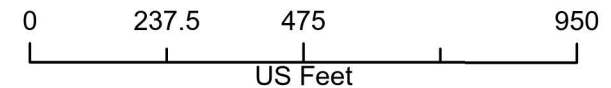
- California Red-Legged Frog
- Hoffmann's Nightshade

Breeding Animals

- Killdeer
- Barn Swallow
- Northern Rough-Winged Swallow
- White-Throated Swift
- Western Bluebird
- California Toad
- Baja California Treefrog

Geographic Features

- Canyon
- Railroad



3 November 2020

RE: Summary of Cultural Resources Study
Hollister Ranch, Santa Barbara County, California


In 2019, Applied EarthWorks, Inc. (Æ) conducted background research to establish baseline cultural resources data for entire footprint of the 1981 *Adopted Coastal Access Program for the Hollister Ranch* (Program), including the common beach areas.

As part of this effort Æ completed a map and records review at the Central Coast Information Center of the California Historical Resources Information System at the University of California Santa Barbara (CCIC-CHRIS), and reviewed and synthesized existing information about the cultural resources in the Program and common beach areas. Æ also identified the additional information that would be required to inventory, evaluate, and assess the Program's impacts to significant cultural resources under California Environmental Quality Act (CEQA) criteria. This information has been provided to state-recognized Native American tribal representatives within Santa Barbara County.

To minimize public knowledge of site locations that could lead to looting or other negative impacts to these resources, site descriptions are not disclosed in public documents. Information that Æ obtains through the CHRIS Inventory of the State Office of Historic Preservation may not be released to the public because it contains confidential information, pursuant to federal and state laws, including but not limited to the California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code § 1798 et seq. We are, however, able to provide a general summary of our findings.

Acknowledging that some portions of the Program area have not been surveyed for cultural resources, our research documented 31 previously recorded cultural resources within or immediately adjacent to Program elements, primarily between the main road and the beach between Gaviota Beach State Park and the San Augustine drainage. This number includes resources that would clearly be directly affected by Program implementation, as well as those where sites are adjacent to Program elements but their boundaries have not been determined through testing. Twenty-three of these are prehistoric; one is historic; and seven are multicomponent with both prehistoric and historic constituents. Only five of the 31 summarized sites have been formally evaluated for the National Register of Historic Places (NRHP) and/or California Register of Historical Resources (CRHR) with California State Historic Preservation Officer (SHPO) concurrence of eligibility status.

Our research indicates that the Program area contains a dense and diverse array of cultural resources representing at least 8,000 years of continuous human occupation. Many of these resources are likely eligible for inclusion in the CRHR and have significance to local Chumash tribes. While the resources have been impacted by past and existing development and recreational activities, this does not eliminate the possibility that they contain information important to our understanding of prehistory. Further, like



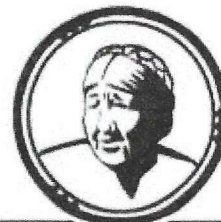
the Cojo-Jalama Ranch (now the Dangermond Preserve) and Vandenberg Air Force Base to the north, limited access to the Program area appears to have provided a measure of resource protection.

In conclusion, based on our research to date, we recommend that the planning and environmental review process for public access to the Hollister Ranch coastline carefully consider how such access would impact these non-renewable resources, with the goal of avoiding or minimizing impacts to significant cultural resources to the greatest extent feasible.

Sincerely,



Joyce L. Gerber, M.A., RPA #10836
Senior Archaeologist
Applied EarthWorks, Inc.



SANTA YNEZ CHUMASH
TRIBAL ELDER'S COUNCIL

TO PROTECT AND PRESERVE TRIBAL ANCESTRY,
TRADITIONS AND CULTURE

Via Electronic & U.S. Mail / June 2nd, 2021

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State Lands Commission
100 Howe Avenue, Ste. 100
Sacramento, California 95825
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Re: Hollister Ranch Coastal Access Program (HRCAP)

After extensive collaboration and analysis of existing environmental baseline assessments, historical biologic reports and all known and available information related to cultural resources located within the Hollister Ranch Common Coastal Area (see attached map), the Santa Ynez Band of Chumash Indians ("SYBCI") and Hollister Ranch ("HR") (collectively, "the Parties") advise the above referenced California State Agencies administering the Hollister Ranch Coastal Access Program (HRCAP) of the following with respect to expanded public access to the Hollister Ranch coastal environment:

The HR Common Coastal Areas¹ contain over 30 recorded locations with highly significant cultural resources areas that are within or immediately adjacent to proposed infrastructure for public access and associated development which were authorized within the 1981 *Adopted Coastal Access Program for the Hollister Ranch*. <https://documents.coastal.ca.gov/assets/hollister-ranch/1982%20Hollister%20Ranch%20Plan%20Revised%20Findings.pdf>

When approving the 1981 access plan for Hollister Ranch, no effort was ever made to ensure protection of cultural resources, despite likely severe and permanent damage of irreplaceable cultural resources.

Based on the significant nature of the cultural resources and sites at HR, their general ubiquity and sensitivity to both direct and indirect adverse impacts from increased human traffic, the Parties advise, with respect to the current HRCAP, that the State of California, adhere to the following parameters:

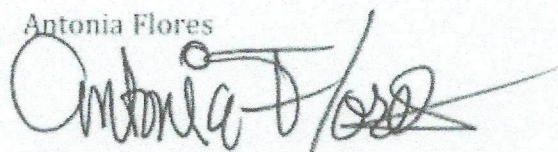
1. That prior to any new access programs the State of California honor those recommendations set forth in memoranda prepared by Applied Earthworks entitled *Summary of Cultural Resources Study Hollister Ranch, Santa Barbara County, California* dated November 3, 2020.
2. That any development or activity that may potentially facilitate or result in direct or indirect adverse environmental impacts to significant cultural resources be avoided. Such development may include, but is not limited to, construction of trails, expanded roadways, bike paths, parking lots or other intensive recreational oriented development.
3. That any new programs shall consist of group visits via shuttle, include not more than 12 individuals, occur no more than two times monthly, and visits shall *always* be led by docents or guides, who are knowledgeable about Chumash history, and who will be responsible for oversight and conduct of the group while on the Hollister Ranch.
4. That all programs implement environmental justice principles and prioritize visits for historically underrepresented and economically disadvantaged communities in Santa Barbara County.

Edward J. De La Rosa



Chair
Hollister Ranch Owner's Association

Antonia Flores



Elders Council Chairwoman
Santa Ynez Band of Chumash Indians

¹ The HR Common Coastal Areas are those privately owned lands and shoreline located seaward of Hollister Ranch Road, and includes rail lines and property owned by Union Pacific Railroad throughout the entire planning area.



February 28, 2022

Senate President Pro Tempore Toni Atkins
Assembly Speaker Anthony Rendon

Honorable Pro Tem Atkins and Speaker Rendon:

On behalf of the California Coastal Commission, the State Coastal Conservancy, the State Lands Commission, and the Department of Parks and Recreation (State Parks), we are contacting you pursuant to PRC Section 30610.81 (c) to notify you that it will not be possible for the contemporary public access program for Hollister Ranch to be completed and implemented by the deadline of April 1, 2022, as required by Public Resources Code Section 30610.80 (2)(C), and enacted by AB 1680 (Limón, 2019).

Despite Covid-related delays in 2020 and 2021, the Coastal Commission had been on track to approve the final program by the legislative deadline this year, which we hoped would include an “Early Access” phase voluntarily agreed to by the Hollister Ranch Owners Association (HROA). As detailed in the attached report, a robust public outreach process that began in December 2019 was synthesized into a comprehensive public review draft of the Hollister Ranch Public Access Program (HRCAP) that the subject of a workshop at the November, 2021 Coastal Commission meeting for additional comment. The Interagency Team had anticipated incorporating Coastal Commission direction and public feedback into a final program for approval in March.

However, notwithstanding the ongoing participation of individual Hollister Ranch homeowners, correspondence from the HROA in advance of the November workshop (attached) over the applicability of the California Environmental Quality Act (CEQA) to the Coastal Commission’s action to approve the HRCAP, along with other stakeholder input and questions regarding analysis of potential environmental impacts from the proposed access program, has made it clear that pursuing an environmental analysis consistent with CEQA, including more thorough resource surveys and robust public input process, is the most prudent path to undertake for the HRCAP. The four agencies have determined that a Programmatic Environmental Impact Report (PEIR) would be the appropriate document to ensure a comprehensive environmental impact and mitigation analysis, meaningful public engagement and input and preparation of a legally defensible HRCAP.

The Interagency Team has therefore shifted its focus to CEQA compliance through the completion of a PEIR for the HRCAP, and we anticipate the environmental review process to take at least 18 months. The Interagency Team recognizes that this approach will cause delays in the HRCAP approval and implementation, but believes this to be the most efficient, legally defensible path for adoption and implementation of a Hollister Ranch Coastal Access Program.

Rest assured that the Coastal Commission, the Coastal Conservancy, the State Lands Commission and State Parks remain committed to achieving the vision and the mandate for

providing equitable public access to the coastline at Hollister Ranch as soon as possible and will continue to collaborate closely in the quest to achieving that goal.

Thank you for your consideration and support for this process. Please feel free to contact us with any questions, suggestions or concerns you may have.

Sincerely,



John Ainsworth
Executive Director
California Coastal Commission

Sincerely,



Jennifer Lucchesi
Executive Officer
State Lands Commission

Sincerely,



Amy Hutzel
Executive Officer
State Coastal Conservancy

Sincerely,



Armando Quintero
Director
Department of Parks and Recreation

cc Senator Monique Limón



HOLLISTER RANCH PUBLIC ACCESS PROGRAM PROGRESS REPORT February, 2022

Pursuant to PRC Section 30610.81(c), this report contains an overview of the steps taken and progress made to date by the Interagency Planning Team and its consultants.

- **Memorandum of Agreement (MOA) signed, February 28, 2019** - by the Executive Officers of the California Coastal Commission, State Coastal Conservancy, Department of Parks and Recreation and the State Lands Commission (Interagency Team).
- **Consultant Contract Executed, July 2019** – The Interagency Team interviewed potential consultants to assist in development of the access program. The Interagency Team selected KTUA, a landscape architecture and recreational planning firm, and its partner Participation By Design, experts in facilitating challenging public processes, and executed the contract on July 30, 2019. The consultant team began immediately to collect available information on the Hollister Ranch site.
- **Public Engagement Initiated, December 2019** – The consultant team developed a multi-pronged strategy to engage a broad range of Californians in the development of the plan. The original strategy called for a series of public meetings, focus group sessions, and related online engagement using surveys and internet planning tools. This strategy was revised once the longevity of the COVID-19 pandemic became clear. Public engagement activities to date include:
 - **Public Workshop** – In February 2020, the first public workshop was an in-person “World Café” event held at the Goleta Valley Community Center in Santa Barbara County and was attended by approximately 175 people. The World Café format divides people into small groups and promotes collaborative thinking. The workshop elicited ideas on three topics: benefits of public access to the ranch coastline, concerns about that access, and potential ways to address concerns when providing access. Several of the ideas generated at this workshop were included in the September 2021 draft access program.
 - **Working group** – The Interagency Team created a 19-person community Working Group to collaborate more closely with the Team on development of the access program. Applications to participate in the Working Group were solicited from the HRCAP email list (consisting of over 2,000 names). The Working Group includes people with diverse points of view

on the issue of public access to the Hollister Ranch coastline. All members have committed to working with each other and with the Team collaboratively and creatively to develop workable solutions to facilitate public coastal access through Hollister Ranch. The Working Group has met five times, and has been invaluable in helping to form overall goals and objectives. Three surveys were sent out to help collect input from a wide range of people. The first survey (602 responses) addressed people's interests for public access. The second survey (1,415 responses) followed the first public workshop and asked for input – their interests for public access, concerns about it, and ideas on how to address interests and concerns. The third survey (744 responses) collected feedback on the draft evaluation criteria for assessing potential program components.

- **Focused listening sessions** – In the fall of 2020, the Interagency Team held a series of focused listening sessions to get more input on the interests and concerns of different communities and stakeholder groups including surfers, Chumash Native American Tribal members, northern Santa Barbara communities, representatives of environmental justice and Spanish speaking communities, nonprofit organizations and educators potentially interested in bringing groups to the Hollister coastline, and Hollister Ranch owners. These listening sessions provided valuable input to start developing the program components.
- **Informational Videos** – Working with our consultant team, the Team developed several videos to help explain the project to the public. The following videos are available on the Coastal Commission website:
 - An overview video providing an introduction to the Hollister Ranch coastline and the access planning process
 - Existing Conditions
 - Opportunities and Constraints
 - A timeline of public access efforts at Hollister
- **Story Map** – The consultant team developed an interactive “[Story Map](#)” that included the existing conditions and opportunities and constraints videos and provided an opportunity for people to enter specific information on conditions and opportunities at the ranch. A total of 300 informational comments were received on this map.
- **Frequently Asked Questions** (in English and Spanish) – The FAQs are available on the project website posted by the Coastal Commission (<https://www.coastal.ca.gov/hollister-ranch/>).
- **Development of the Draft Access Program** – Working together the Interagency Team, consultant team, and Working Group have done the following:
 - Adopted over-arching Program Objectives
 - Established evaluation criteria for assessing potential components of the access program.

- Gathered data on existing biological, cultural, physical, and management conditions along the Hollister Ranch coastline.
- Researched access programs that have addressed one or more of the access challenges found at Hollister.

Based on this information, the Team has completed a Public Review Draft of the Hollister Ranch Public Access Program that identifies key components and implementation phasing. This [draft plan](#) was the topic of a day-long public workshop at the [November 18, 2021 Coastal Commission meeting](#).

The FAQs, informational videos, Project Objectives, Evaluation Criteria, Working Group information, summaries of public engagement and additional resources can all be found on the Coastal Commission's website:

<https://www.coastal.ca.gov/hollister-ranch/>

Submitted pursuant to Government Code Section 9795.



Via Electronic Mail

Steve Padilla, Chair
California Coastal Commission
455 Market Street, Ste. 300
San Francisco CA 94105
Email: Hollister@coastal.ca.gov

October 8, 2021

Re: Draft Hollister Ranch Coastal Access Program (HRCAP)
Coastal Commission October 14 Virtual Workshop

Dear Chairman Padilla & Commissioners,

As Chair of The Hollister Ranch Owner's Association (HROA), I write on behalf of the Board of Directors. The HROA is a nonprofit organization made up of residents and property owners of the Hollister Ranch (HR), a 14,000-acre agricultural preserve and cattle ranch in Santa Barbara County, California. HROA works to ensure protection of the very significant cultural and agricultural resources and of a myriad of environmentally sensitive and endangered coastal natural resources along this 8.5-miles of coastline.

Having been a diligent stakeholder in the two-year process so far under AB 1680, HROA has reviewed the Draft Hollister Ranch Coastal Access Program (Draft HRCAP), dated September 24, 2021. As an initial matter, HR generally supports several important points in the Draft HRCAP, including the observations that:

-- "The overwhelming sentiment is to balance public access along the Hollister Ranch coastline with protections against impacting the Ranch's resources or substantially diminishing the rugged, mostly undeveloped characteristics of the area." Draft HRCAP at p. 8.

-- **"agreement on the need to prevent damage to existing private properties, ranch operations, coastal experiences and the natural and cultural resources is a generally agreed upon priority."** (Emphasis Added). Draft HRCAP at p. 21

-- **"Stakeholders recognize that providing public access through private property with little existing public use infrastructure, an active rail line and a cattle operation requires careful planning...."** (Emphasis added) Draft HRCAP at p. 21.

-- "limited access...along the Hollister Ranch coastline over the past half century has preserved...coastal resources in a relatively undeveloped state" and that "human impacts from increased public access are a primary concern of most stakeholders..." Draft HRCAP at p. 20.

Unfortunately, the plan offers these universally supported guiding principles but then proceeds to completely ignore them, proposing instead an approach that would *impede* efforts to protect Chumash cultural resources; *displace* threatened and endangered species that have safely called this coastal area their home for centuries; and potentially do *irreversible damage* to one of the few truly wild coastal areas left in southern and central California. Indeed, the HRCAP offers no analysis to support the plan and no path for assuring that analysis before seeking to implement that plan, an approach that flies in the face of how any state agency would approach a public project with such significant adverse impacts.

Balancing Access with Protection of Sensitive Coastal Resources

Biologists, geologists, archaeologists, and other scientists have studied HR's unique 8.5-mile stretch of coastline for many years, identifying an abundance of wildlife, including many species listed as endangered or threatened under state and federal law.¹ As the Draft HRCAP acknowledges and documents, protecting those resources is no small task.

Just as important are cultural resources: the beaches and estuaries west of Gaviota State Park contain numerous sites of spiritual significance to the Chumash.² Without state involvement, the Santa Ynez Band of Chumash Indians (SYBCI) and the Hollister Ranch have established an enduring partnership to ensure Native American access to this special part of coastline and to protect and preserve known and unknown cultural resources. Within the AB 1680 public access working groups and in other communications, it is our understanding that the Chumash have requested that increased public access not be implemented until after appropriate archaeological surveys have been completed to identify and document sensitive cultural resources along the coastline.

For the past two years in the context of the AB 1680 process, we do not recall seeing any group or individual asking or advocating for 100 members of the public initially, and as many as 500 visitors per day later. We have no idea when and how these numbers became a goal under AB 1680. We also do not recall seeing those numbers suggested by any of the state agency participants until the June 2021 Draft HRCAP was released. And there was significant public push back on those numbers at the June 16, 2021, public hearing Zoom call arranged by the public agencies to discuss that draft.

To our knowledge there has been no analysis by any of the four state agencies (or anyone else) regarding the current or maximum carrying capacity of the HR coastline, much less any evaluation of the existing baseline or impacts related to an additional 100 to 500 people per day, as now suggested by the State Agency Team. If these numbers were simply cut and pasted from the 1981 HRCAP then it is worth recalling that they were not based on any scientific or baseline consideration that was done at that time. In fact, the only specific alternative advisory since the Coastal Commission's 1981 proposal for 100 to

¹ Attached here as Exhibit A is that "Summary of Biological Study on the Coastal Portion of the Hollister Ranch" prepared by Channel Islands Restoration (CIR), dated September 24, 2020, a synopsis of CIRs much larger multi-year biologic assessment of HR entitled "Plants and Animals on the Coast of The Hollister Ranch, Santa Barbara County, California, dated February 2021. These and other biologic documents, including the Coastal Commission's own ESHA assessment by Coastal Commission Senior Ecologist Jonna D. Engel, Ph.D., entitled "ESHA Determination for the Gaviota Coast Coastal Zone dated April 24, 2018, have been provided to the State Agency Team and are known by them, but for some reason are either not included or acknowledged in the September 24, 2021, Draft HRCAP report, or referenced in Section 9 at p. 96 but not evaluated or otherwise measured against likely impacts from the HRCAP's development recommendations.

² Attached here as Exhibit B is that "Summary of Cultural Resources Study, Hollister Ranch, Santa Barbara County, California" prepared by Applied EarthWorks Inc., dated November 3, 2020.

500 additional people per day that we are aware of came from consultations between HR and SYBCI and focused on providing less impactful access opportunities to underserved communities and use of Native American docents.³

Moreover, 100 to 500 additional visitors per day in the remote Pt. Conception area represents 10 to 20 times the existing daily visitors who have historically been found on the beaches adjacent to the Hollister Ranch. This historically low intensity of visitation has been, and is, a fundamental principle of good stewardship, and is directly responsible for the abundant levels of biodiversity and wildlife not seen in the rest of Southern California. If this area is to remain wild and undeveloped for future generations, carefully managed access and stewardship should not simply be abandoned and should continue to be a guiding principle. As Aldo Leopold famously said in *A Sand County Almanac*, “A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.”

Implementing such an audacious development plan as envisioned by the Draft HRCAP, without a detailed study of the adverse impacts resulting from such a dramatically increased human presence, primarily for recreational (not environmental) activity, raises many complex and unresolved legal, financial, physical and safety challenges associated with this rugged and unspoiled terrain.

Importance of Early Environmental Review

Hollister Ranch appreciates that the Draft HRCAP at least superficially acknowledges the challenges associated with its ambitious development plans. The Draft HRCAP, however, fails to recognize and follow the Coastal Commission’s obligations under the California Environmental Quality Act (CEQA) in connection with its adoption of the HRCAP and how it intends to comply with those obligations. For example, in the Draft HRCAP section entitled “Design, CEQA Review, Permits and Install Additional Infrastructure”, the plan does not actually address CEQA or CEQA compliance. Draft HRCAP at p. 82. Rather, the Draft HRCAP appears to suggest that the Commission will develop access programs and infrastructure *first* and account for impacts and make adjustments *later, if ever*. Draft HRCAP at p. 10 & Sec. 7.0, pages 79-90.

Respectfully, the Commission cannot skip CEQA and defer important environmental review and public disclosure mandates to later stages by other agencies. The HRCAP is a “project” under CEQA, because it requires discretionary approval by the Commission and would cause a direct or reasonably foreseeable indirect physical change in the environment. CEQA review must be completed as early as feasible in the planning process (CEQA Guidelines § 15004(b).) The “approval” triggering CEQA review is the earliest decision – in this case, the HRCAP – that commits the agencies to a definite course of action. (CEQA Guidelines § 15352(a).)

AB 1680 mandates that the agencies prepare the HRCAP and leaves substantial discretion to the agencies to determine the HRCAP’s final requirements. The plan that AB 1680 requires is not a mere feasibility or planning study for possible future actions. Rather, it will have a legally binding effect on later implementation activities. (See CEQA Guidelines § 15262.) Among other things, AB 1680 requires the HRCAP to include a specified list of public access options, provisions to protect and preserve sensitive natural, cultural, and historical resources, an implementation strategy, and a program to implement the first phase of public access to the beach. Each of these would, at minimum, limit the

³ Attached here as Exhibit C is SYBCI and HR correspondence to the State Agency Team, dated June 2, 2021.

choice of future alternatives or mitigation measures and importantly the number of additional visitors that the coastline could absorb. (See CEQA Guidelines § 15004(b)(2).) Other public agencies have regularly complied with CEQA when preparing similar public access plans.

The HRCAP is a discretionary approval with legally binding effect that will constrain future alternatives and mitigation measures. It is insufficient to say that specific implementation activities will be subject to future CEQA review. The full scope of the HRCAP's environmental impacts also cannot be concealed by separately focusing on isolated parts, deferring to some future vaguely described "management entity(ies)" and overlooking the effect of the whole action in its entirety. Draft HRCAP at p. 9. Especially considering the delicately balanced, interrelated ecosystems at Hollister Ranch, the agencies cannot piecemeal CEQA review of the HRCAP's individual implementation actions, and instead must study the impacts of HRCAP as a whole.

Focus on Cooperative Efforts to Establish Access

Significantly, the Draft HRCAP mentions that "before any aspect of the HRCAP can be implemented, the necessary property rights for public access across private property including the inland beach areas must be negotiated with and acquired from the HROA and/or Hollister Ranch private property owners, and possibly from the Union Pacific Railroad." Draft HRCAP at p. 9.

Recognizing that the state's negotiations with the Hollister Ranch could be years-long and expensive, the Draft HRCAP report states in Section 7.1 the California State Lands Commission will "negotiate and acquire public access property rights." Draft HRCAP at p. 79. The apparent expressed intent by the State Agency Team to engage in condemnation litigation is something that HR believes is counterproductive, and we urge the State to avoid the expense, conflict and likely unproductive outcome that would result from such a combative approach.

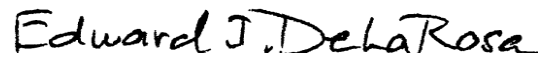
Instead, HR encourages the State to focus on the hopeful tone presented in other portions of the Draft HRCAP regarding the potential for cooperation in planning that has been offered by the Hollister Ranch: "the State Agency Team is working with the HROA to be able to provide interim public access to the Ranch, prior to acquisition of public access rights and completion of the preparation phase. This interim public access would be voluntarily granted by the HROA and is not a guaranteed part of the HRCAP." Draft HRCAP at p. 79.

While Hollister Ranch property owners would need to approve any expanded access plans, these programs could expand upon the Hollister Ranch's decades-long history of hosting public visitors. These existing programs include docent-led events for organizations such as the Tidepool School, the Lompoc Historical Society, the Audubon Society, Operation Surf, a nonprofit organization for military veterans, NatureTrack, MeWater Foundation and for numerous scientists from UCSB and other institutions. HR has a proven track record of providing both public access *and* protection of natural and cultural resources in a remote, rural location, has made clear for the past two years in both written submissions and in discussions with the State Agency Team implementing AB 1680 that we are willing to expand those programs.

Whatever the outcome, it is important to recognize how unique and special this part of California's coast is, and to ensure it is preserved and protected for future generations. As a visiting scientist to the Ranch, award-winning biologist Dr. Kenneth Nealson recently observed, "Hollister Ranch is one of the most biologically diverse ecosystems in the world. It's important, fragile, and irreplaceable" and "Hollister

Ranch should be a living laboratory where scientific research and education can flourish, because education is the path to conservation and preservation.” Anyone interested in the preservation of wild natural resources for future generations should be guided by Neilson’s wisdom.

Sincerely,

A handwritten signature in black ink that reads "Edward J. De La Rosa". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Edward J De La Rosa
The Hollister Ranch Owners' Association

MEMORANDUM OF AGREEMENT
among
the California Coastal Commission,
the California State Lands Commission,
the California State Coastal Conservancy,
and the California Department of Parks and Recreation
Regarding the Interagency Coordinated Review and Preparation of
Environmental Review Documents for the
Hollister Ranch Coastal Access Program

PURPOSE:

The purpose of this Memorandum of Agreement (Agreement) is to facilitate the timely, efficient and effective coordination among the California Coastal Commission (Coastal Commission), the California State Lands Commission (State Lands), the California State Coastal Conservancy (Coastal Conservancy), and the California Department of Parks and Recreation (State Parks) (referred to individually as “Agency” or collectively as “Agencies”) during the preparation and review of draft and final programmatic environmental impact reports (PEIRs) related to the Hollister Ranch Coastal Access Program (HRCAP or Program), as required under the California Environmental Quality Act (CEQA). This Agreement recognizes the shared and separate authorities of the Agencies and describes the manner in which the Agencies and their staff will coordinate their respective environmental review obligations under CEQA. The Agreement addresses the following main issues:

- I. Coordinating on HRCAP information collection and dissemination needs before and during environmental review pursuant to CEQA.
- II. Developing and requesting the information necessary to conduct inter-Agency and public review of the potential environmental impacts of the HRCAP and preparation of the draft and final PEIRs, including through the use of a Joint Review Panel (JRP) as described further in Part I.C below.
- III. Maintaining confidentiality of pre-public draft EIR Agency communications, discussions, and records to the extent authorized by law.
- IV. Sharing and cooperating in developing real property information necessary to acquire real property interests associated with the HRCAP.
- V. Exchanging information and providing for common defense in the event of litigation related to CEQA review of the HRCAP.

This Agreement additionally establishes the process for resolving any disagreements between one or more of the Agencies and describes the process for modifying or cancelling this Agreement.

WHEREAS:

- I. Pursuant to the Coastal Act, individual Hollister Ranch¹ property owners were granted coastal development permits, starting in the late 1970's, to construct homes, stables, and other associated development, on the condition that the Hollister Ranch Owners Association (HROA) must participate in a program that would provide managed public access through Hollister Ranch to the public beach areas.
- II. The Coastal Commission initially approved the required Public Access Program in 1982.
- III. The Coastal Conservancy and the Coastal Commission attempted to implement the 1982 Public Access Program over the last several decades but have been unable to overcome landowner opposition and thus have not been able to acquire the necessary property rights to enable such implementation. Due to the long delay in implementation, the 1982 Public Access Program became outdated.
- IV. To address this long-standing delay, Assembly Bill 1680 (AB 1680, Chap. 692, Stats. 2019) (Limón) was signed into law in 2019, requiring the Coastal Commission, the Coastal Conservancy, State Lands, and State Parks to prepare, by April 1, 2022, an updated, contemporary HRCAP for the Hollister Ranch beaches that includes provisions for initial public access.
- V. In 2019, the Agencies entered into a Collaboration Agreement for the development of a contemporary HRCAP to establish a framework for timely, efficient, and effective communication and collaboration among the Agencies to develop an updated HRCAP pursuant to AB 1680.
- VI. The Agencies developed a draft HRCAP and released it to the public in September 2021.
- VII. Approval and implementation of the HRCAP requires completion of environmental review pursuant to CEQA.
- VIII. The Agencies intend to complete a PEIR prior to adoption of the HRCAP by vote of the Coastal Commission.

¹ Hollister Ranch is a 14,000-acre gated subdivision in Santa Barbara County, which includes 8.5 miles of shoreline along the Gaviota Coast, including six sandy beaches. The Hollister Ranch shoreline seaward of the mean high tideline belongs to the public. The beach area inland of the tidelands is privately owned. The 136 parcels at Hollister Ranch are individually owned for private residential development. Ranch operations also include a collectively run cattle operation that uses much of the private property for grazing and other activities.

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Pursuant to the California Coastal Act and California Coastal Zone Management Program, including the California Ocean Plan, the Coastal Commission regulates development within the state's coastal zone primarily through its coastal development permit and federal consistency review processes, and through its certification of Local Coastal Programs implemented by local jurisdictions. Also, AB 1680 requires the Coastal Commission, in collaboration with the Coastal Conservancy, State Parks, and State Lands, to develop the HRCAP.

- IX. Pursuant to Public Resources Code sections 6216 and 6301, State Lands has jurisdiction and management control over public lands owned by the State which include ungranted sovereign tide and submerged lands (lands lying below the mean high tide line and navigable waters) (Civ. Code, § 670; Pub. Resources Code, § 6301). State Lands may issue leases for uses of such lands that align with regional and statewide public trust needs and values and are in the public interest. For public lands lacking public access, State Lands has authority to "acquire by purchase, lease, gift, exchange, or, if all negotiations fail, by condemnation, a right-of-way or easement across privately owned land or other land" to provide access (Pub. Resources Code, § 6210.9). AB 1680 (per amended Public Resources Code section 30610.8, subd. (c)), requires State Lands to use its "full authority provided under law to implement, as expeditiously as possible, . . . public access" at Hollister Ranch, which necessarily includes acquisition of rights-of way or easements to access public lands along the shoreline.
- X. Pursuant to Chapter 9 of Division 21 of the Public Resources Code, commencing with section 31400, the Coastal Conservancy is responsible for developing a system of public accessways to and along the coast of California. Pursuant to Chapter 6, Article 3 of Division 20 of the Public Resources Code, commencing with section 30530, the Coastal Conservancy works with the Coastal Commission, State Parks, and other local, state, and federal agencies, to make recommendations to guide state, local, and to the extent permitted by law, federal public agencies, in the identification, development, and management of public accessways to and along the coast. Pursuant to Public Resources Code section 30610.8, subdivision (c), the Coastal Conservancy and State Lands are required to use their full authority to implement public access at the Hollister Ranch. The 2021 State budget appropriated \$10 million to the Coastal Conservancy to support these efforts.
- XI. Pursuant to Public Resources Code 5001 *et seq*, State Parks has control of the State Park system and manages the adjacent property (Gaviota State Park) on the downcoast boundary of Hollister Ranch, and shares access over the public road that leads from the U.S. 101 highway to both park facilities at Gaviota Beach and the private vehicle gate at Hollister Ranch. State Parks will provide expertise regarding, and knowledge of, land management and resources of the Hollister Ranch area and surrounding region, as well as its experience in

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preparation of PEIRs for recreational land use, facility development, and natural and cultural resource management in the planning, development, and review of subsequent environmental compliance documents and land use plans produced through the HRCAP effort.

- XII. Development of the HRCAP PEIR will be a significant and complex undertaking by the Agencies. The site- and location-specific nature of environmental review and the involvement of different agencies support the establishment of a coordinated and cooperative interagency process for the Agencies involved in this review, for purposes of consistency, thoroughness, and efficiency. Although each Agency has unique and independent roles and authorities in implementing the HRCAP, there are opportunities for the Agencies to collaborate in developing the information needed to conduct their reviews, including through the use of the JRP.
- XIII. Each signatory Agency believes it is in the best interests of their Agency and the State as a whole to coordinate preparation and review of the draft and final PEIRs in a manner that is both timely and comprehensive, and that facilitates each Agency's determinations regarding HRCAP compatibility and conformity with its respective statutory and regulatory requirements and responsibilities.
- XIV. Each signatory Agency believes it is useful to enter into this Agreement to ensure a shared understanding of their respective roles and responsibilities during development and review of the HRCAP Programmatic EIR to maintain clear communication and expectations among the Agencies, and to ensure that the necessary review and analyses are conducted in a timely and thorough manner.
- XV. Each signatory Agency believes that disclosure of deliberative and pre-decisional communications, discussions, document drafts, and records that are related to preparation of the pre-public release draft of the HRCAP PEIR may be contrary to the public interest in that: (1) such disclosure may inhibit free and open consultation between and among the Agencies; and (2) such disclosure could generate confusion among members of the public over matters, including but not limited to, the operative status of separate drafts of documents (i.e., which documents are the most current working versions and the significance of differences between different working versions of the documents).
- XVI. Information contained in communications, discussions, document drafts, and records that are related to preparation of the Agencies' staff recommendations prior to public release of the draft PEIR are or may be confidential and exempt from mandatory disclosure under California Public Records Act (PRA; Cal. Gov. Code, §§ 6254(a), (k) and 6255.).
- XVII. Pursuant to subdivision (e) of Government Code section 6254.5, disclosure of PRA-exempt records shall not constitute a waiver of any privilege or exemption from disclosure under the PRA, or other similar provisions of law, when made "to

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a governmental agency that agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.”

- XVIII. The Agencies share a common interest in performing legally sufficient, timely, and thorough environmental review of the HRCAP. Consultation between and among their respective legal, scientific, technical, and other staff, and retained experts and consultants, may be reasonably necessary to accomplish the purposes related to that common interest.
- XIX. The Agencies believe that sharing privileged and/or confidential information² in connection with the HRCAP PEIR, and concerning potential litigation, will enable the Agencies to effectively confer and consult with each other on issues of common interest. The cooperation and sharing of information in anticipation of potential litigation developed during environmental review, the review and approval of the HRCAP, and any related litigation will benefit the Agencies’ common interest in ensuring that the HRCAP and related development comply with all applicable state laws, regulations, and requirements.
- XX. By entering into this Agreement, the Agencies intend, in sharing of otherwise privileged and/or confidential information generated by, or in possession of, one Agency with one or more of the other Agencies, in furtherance of the Agencies’ common interests identified above, that the privileged and/or confidential nature of the shared information is not waived and is not subject to disclosure under the PRA, as set forth more fully in Section II below. (See Gov’t Code §§ 6254(k), 6254.5(e).) The Agencies further agree that they would not otherwise share such information but for their common interests and the understanding that the sharing of such information will not waive applicable privileges, protections, immunities, and exemptions from disclosure.

² “Information” as used in this Agreement refers to any and all documents, materials, information, and communications, whether oral or written, electronic or paper, and includes, but is not limited to, documents, materials, information, and communications exchanged among the Agencies’ governing bodies, staff, consultants, experts, and/or counsel. “Privileged and/or confidential information” is information provided by or exchanged between one Agency and another Agency with the expectation of confidentiality and which is subject to one or more applicable privileges, protections, immunities, or exemptions from disclosure under any state or federal law, including but not limited to, the attorney-client, attorney work product, deliberative process, and official information privileges. “Privileged and/or confidential information” shall include both legal and factual analyses, and information provided by or exchanged between the Agencies prior to execution of this Agreement. All “privileged and/or confidential information” communicated, shared, or exchanged between any of the Agencies after the execution of this Agreement will be prominently labeled as such in order to indicate to the receiving Agency that it is subject to the terms of this Agreement.

THEREFORE:

In light of the foregoing recitals, the Agencies agree to the following:

I. Coordination of environmental review of the provisions and plans contained in the Hollister Ranch Coastal Access Program.

- A. The Agencies will work together to identify appropriate lead staff contacts for purposes of communications with each other, and sharing the information needed to conduct environmental review of the HRCAP.
- B. The Agencies also will work together to identify the preferred or required sequence for environmental review. Pursuant to Cal. Code Regs., title 14, section 15051, subdivision (d) (hereafter, CEQA Guidelines), the Agencies agree that the Coastal Commission shall be the Lead Agency³ for the initial HRCAP PEIR for the purposes of CEQA compliance.
- C. A Joint Review Panel (JRP) shall be formed for preparation of the Programmatic EIR. The JRP shall be composed of one representative of each Agency. The following members of the JRP are appointed as primary contacts by their respective Agencies; (alternate members can be chosen by each Agency as needed):

Linda Locklin _____ email: Linda.Locklin@coastal.ca.gov
Public Access Program Phone: 831-427-4875
California Coastal Commission
725 Front St., #300
Santa Cruz, CA 95060

Trish Chapman _____ email: Trish.Chapman@scc.ca.gov
Central Coast Region Phone: 510-286-0749
California State Coastal Conservancy
1515 Clay Street, Suite 1000
Oakland, CA 94612

³ See Pub. Resources Code, § 21067 (Lead agency defined as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment”); CEQA Guidelines, § 15051, subd. (c) (“Where more than one public agency equally meet the criteria in subdivision (b) [to act as lead agency], the agency which will act first on the project in question will normally be the lead agency”); CEQA Guidelines, § 15051, subd. (d) (“Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices”).

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Alexandra Borack _____ email: Alexandra.Borack@slc.ca.gov
Division of Environmental Planning and Management Phone: 916-574-2399
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

James Newland _____ email: James.Newland@parks.ca.gov
Strategic Planning & Recreation Services Division Phone: 619-204-0051
California Department of Parks and Recreation
2797 Truxtun Road
San Diego, CA 92106

D. Environmental review roles of each Agency are specified below with respect to the Programmatic EIR.

i. Coastal Commission:

1. Act as CEQA Lead Agency and Chair of the JRP
2. Conduct Tribal Consultation pursuant to AB 52
3. Conduct Environmental Justice outreach
4. Convene JRP meetings as needed
5. File/circulate all CEQA-required notices, including the Notice of Preparation and Notice of Determination and post all CEQA-required notices and public documents to the Coastal Commission's website;
6. Hold all CEQA-required hearings and conduct required CEQA consultation processes;
7. Finalize proposed responses to public comments and all other duties assigned by CEQA to the Lead Agency
8. Independently review and analyze the draft PEIR for adequacy
9. Certify the PEIR, issue the Findings in support of the PEIR certification and the Commission's role in approving the HRCAP, and approve the CEQA-required Mitigation and Monitoring Program and Statement of Overriding Considerations, if any
10. Take the first discretionary action on the HRCAP, as provided pursuant to CEQA Guidelines section 15051, subdivision (c)

ii. State Lands:

1. Serve as a JRP member
2. Prepare scope of work for the PEIR Consultant's contract
3. Hold and manage the EIR Consultant's contract
4. Under the supervision of the Coastal Commission as lead agency, manage day-to-day tasks associated with drafting of

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the PEIR, text of CEQA-required notices, and initial drafts of other CEQA-required documents such as the Mitigation Monitoring Program, Findings, and, if required, Statement of Overriding Considerations

5. Support the Lead Agency in holding all CEQA-required hearings, in conducting required CEQA consultation processes, and in finalizing proposed responses to public comments; and related duties
6. Keep the Lead Agency and all JRP members fully informed of all issues pertinent to the day-to-day management of PEIR preparation
7. Process all EIR Consultant invoices; in situations where there is a disagreement as to whether the invoice should be paid in part or in whole, State Lands will determine whether or not the dispute is of a magnitude to bring to the JRP for its discussion and recommended action.

iii. Coastal Conservancy:

1. Serve as a JRP member
2. Coordinate with State Lands on funding for the PEIR. Funding for the environmental review work of State Lands staff and the EIR Consultant(s) will be arranged through a separate interagency funding agreement ("PEIR Interagency Funding Agreement").

iv. State Parks:

1. Serve as a JRP member

E. JRP members shall carry out the following duties with respect to the PEIR:

- i. Cooperate in the establishment of a timeline for completion of the environmental review of the HRCAP in compliance with applicable law
- ii. Help prepare and comment on a Notice of Preparation (NOP) for the Program, to be circulated by the Coastal Commission as required under CEQA
- iii. Attend noticed public hearing(s) to receive comment(s) on the scope of the EIR
- iv. Review and comment on the organization, scope, and content of the PEIR to ensure that: (a) the requirements of applicable State laws are satisfied, (b) the statutory findings required of each Agency for its respective decisions on the HRCAP and implementing actions can be made, and (c) the analysis is consistent with each Agency's interpretation of its own applicable policies and regulations for use in, and use of, the PEIR
- v. Review work performed by the EIR Consultant and the Agencies, and comment on whether the work is satisfactory, and, if not, how

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best to correct the deficiencies in the work. To ensure that requests for interagency consultation are documented and to avoid conflicting requests of the EIR Consultant, the JRP members shall use JRP meetings as the primary forum for communicating with the EIR Consultant.

- vi. To the extent authorized by law, keep confidential all pre-public release drafts, including administrative drafts of the Draft PEIR and Final PEIR, and JRP meeting minutes and related discussions on preparation of the Draft and Final PEIRs, prior to their public release, including alternatives, impact levels, recommended mitigation, and other document language
- vii. Review and provide comments on the Administrative Draft and Final PEIR
- viii. Attend noticed public hearings held pursuant to CEQA and its Guidelines to obtain comments on the Draft PEIR from all interested public agencies, including JRP members and other federal, state, and local advisory agencies, and from the general public. (Public hearings on permit decisions necessary to implement the HRCAP shall be conducted separately by each Agency signatory according to law.)⁴
- ix. Review and comment on the adequacy of the draft responses to comments on the Draft PEIR
- x. Review and comment on the proposed Final PEIR, Findings, Mitigation Monitoring Program, and Statement of Overriding Considerations, if any
- xi. Make a recommendation to the Coastal Commission regarding certification of the Final PEIR

F. Decisions by the JRP related to the PEIR shall be made by consensus whenever possible. It is the intent of the Agencies that the Final PEIR comprehensively reflect the perspectives of the JRP member Agencies. This goal will be accomplished by including in the EIR all material differences on technical and/or scientific issues. In the event that the JRP members cannot reach agreement on actions or conclusions related to a particular issue, the Coastal Commission shall consider the differing views and shall, after consultation with the other JRP members and the EIR Consultant, decide the best course of action to be followed. The PEIR shall be prepared without identifying individual agency responsibility or authorship where differing viewpoints are presented, unless the individual Agency expressly requests to be identified.

⁴ The Agencies acknowledge that, depending upon the nature of each Agency's specific permitting decision(s), additional, separate CEQA review tiered from the Programmatic EIR may be necessary.

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- G. Funding for State Lands' and the EIR Consultant(s)' work on the PEIR and related CEQA tasks on behalf of the Coastal Commission, as Lead Agency, will be provided by the Coastal Conservancy. The Coastal Conservancy will provide funds allocated by the Legislature in the fiscal year 2021 budget to support public access at Hollister Ranch. Arrangements for the transfer of the funds from the Coastal Conservancy to State Lands will be made by the separate PEIR Interagency Funding Agreement.
- H. Section I of this Agreement shall not apply unless the Coastal Conservancy and State Lands first execute and remain parties to the PEIR Interagency Funding Agreement.

II. Confidentiality

- A. In consideration for receipt of information or documents related to environmental review of the HRCAP or to potential litigation concerning issues related to the HRCAP, the Agencies agree that, to the extent allowed by law, written communications, discussions, and records that are related to the preparation of environmental review documents for the PEIR or to potential litigation pertaining to that environmental review, and that are shared among the Agencies and which were subject to an applicable privilege or confidentiality prior to their sharing (privileged and/or confidential information; see footnote 2), shall retain any pre-existing confidentiality or privilege.
- B. Communications and exchanges of any privileged and/or confidential information between and among the Agencies related to their investigation and review of the matters related to the purposes of this Agreement⁵ remain, and are presumed to be, subject to any and all privileges, protections, immunities, and exemptions from disclosure that applied prior to the exchange or that would apply had the communications been entirely within an Agency, including, as applicable, the attorney-client, attorney work product, deliberative process, official information, and all other applicable privileges, protections, immunities, and exemptions from disclosure under federal and state law, and shall not constitute, nor shall be construed as, a waiver of any applicable privilege, protection, immunity, or exemption from disclosure under any federal or state law. Execution of this Agreement constitutes an agreement by the Agencies that the applicable privileges, protections, immunities, and exemptions from disclosure as they relate to the information covered by this Agreement may not be waived except by consent of all signatories.

⁵ See page 1, paragraphs I through V.

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- C. Each Agency will take all necessary and appropriate steps to prevent any privileged and/or confidential information from being intentionally or unintentionally released, disclosed, discussed, or made available to a non-signatory to this Agreement. Whenever possible, each disclosing Agency must clearly designate information shared with one or more signatory Agencies as “Confidential” and/or “Privileged” in order to prevent inadvertent disclosure to non-signatories. Each Agency will take all necessary and appropriate steps to ensure that any person who is granted access to any privileged and/or confidential information shared pursuant to this Agreement agrees to the terms of this Agreement and complies with its terms as they relate to the duties of such person.
- D. All privileged and/or confidential information which is shared or exchanged by one Agency with any other Agency under this Agreement shall be treated, to the extent provided by law, as privileged and confidential by the recipient Agency and its governing bodies, staff, consultants, experts, and/or counsel. Except by subsequent written agreement of the Agencies, or as required by law or court order, such information shall not be released, disclosed, discussed, or made available by the recipient Agency, in any manner, to or with any persons or entities who are not parties to this Agreement.
- E. Pursuant to subdivision (e) of section 6254.5 of the Government Code and to the extent permitted by other applicable law, the Agencies agree to limit access to privileged and/or confidential Information⁶, only to those persons who are listed in Attachment A, decisionmakers in those persons’ chain of command, and Agency legal counsel, including counsel assigned to represent the Agency in connection with the HRCAP and its environmental review from the Attorney General’s Office. In addition, the Agencies may share information with the EIR Consultant and subconsultants as necessary for work in preparing the PEIR without specific names of such persons being identified in Attachment A. An Agency may amend its list of persons authorized to access such records by submitting a signed document that will be attached as an addendum to Attachment A. Such addenda are not required to be signed by other Agencies that are parties to this Agreement. If an individual authorized to access privileged and/or confidential information under this Agreement leaves employment at a signatory Agency, that Agency shall notify the other signatory Agencies immediately in writing.
- F. The Agencies shall not treat inadvertent and/or unintentional disclosure of privileged or confidential communications to a third party as a waiver of any privilege or confidentiality of that information. Once a signatory Agency becomes aware of any inadvertent and/or unintentional disclosure

⁶ See footnote 2.

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of privileged or confidential information, and subject to the PRA and other applicable laws, the information thereby disclosed shall not be further distributed or disclosed to parties other than the Agencies, unless otherwise agreed to by the Agencies. In the event a signatory Agency makes an inadvertent and/or unintentional disclosure, the Agency that made the disclosure shall contact the party or parties to whom the information was disclosed to endeavor to seek return of the information. Inadvertent, unintentional disclosure of information to a third party shall not nullify this Agreement as to any other confidential and/or privileged information not disclosed.

- G. An Agency that receives a request from a non-party to this Agreement to release, disclose, discuss, or obtain access to any information pertaining to the matters addressed in this Agreement, including privileged and/or confidential information (whether by way of a subpoena, discovery request, or request under the PRA or other federal or state statute or local ordinance), shall notify the other Agencies of such request prior to the date on which a response to such a request is due, with the goal of providing such notification at least five (5) calendar days before the response deadline. The Agency shall make reasonable efforts to consult with the other Agencies in determining an appropriate response to the demand. Unless the other Agencies consent to disclosure or release of privileged and/or confidential information, the Agency receiving the request for disclosure shall assert, to the extent authorized by law, and subject to any mandatory disclosure laws or court orders, all relevant privileges, exemptions, and other objections to the disclosure of such information.
- H. The Agencies shall treat all copies of documents and other information subject to this Agreement in the same manner as the originals.
- I. This Agreement shall not restrict the Agencies' use of documents, information, or other work product, which was obtained from sources other than the Agencies.
- J. At the request and option of any Agency, privileged and/or confidential documents generated by that Agency, or their expert, consultant, or contractor, shall be returned to that Agency or shall be destroyed by the receiving Agency, subject to any applicable federal and state laws regarding record keeping.
- K. Obligations under this Agreement shall not apply to any portion of privileged and/or confidential information⁷ which, when received, is not exempt from disclosure under the PRA, or other law or court order, or

⁷ See footnote 2.

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which become non-exempt while in possession of an Agency through no fault of the Agency (i.e., by operation of law or court order), or which the Agencies jointly determine may be disclosed.

III. Resolving Disagreements

- A. If there are disagreements among the Agencies (including among JRP representatives) regarding the provisions of this Agreement, representatives of each Agency staff will meet to discuss the issues in dispute and work towards agreement and resolution of the dispute.
- B. If agreement is not reached within a reasonable time, the executive officers of the involved Agencies or their representatives shall confer in order to attempt to resolve the disagreement.

IV. Potential Litigation

- A. Litigation over the HRCAP PEIR is reasonably foreseeable given past and current litigation pertaining to public access to Hollister Ranch. To the extent allowed by law, the Agencies agree to provide and maintain confidentiality of privileged and/or confidential information⁸ between them as provided in Section II above.
- B. In furtherance of the Agencies' common defense in litigation related to the HRCAP, the Agencies intend to cooperate and may share attorney-client communications, attorney work product, draft documents, and other materials. The respective counsels for the Agencies may agree that their representation of their clients in the litigation is covered by the federal joint defense privilege and/or the state joint defense or common interest doctrine, and as such that certain shared documents and communications may be exempt from disclosure in discovery or through the PRA, or otherwise. Nothing contained in this Agreement and no action taken pursuant to this Agreement, however, shall have the effect of transforming any Agency's counsel into counsel for any other Agency or shall otherwise create an attorney-client relationship where none otherwise exists.
- C. The Agencies may, but are under no obligation to, share information pursuant to this Agreement. The Agencies agree that privileged and/or confidential communications shared between one or more signatory Agencies under this Agreement shall not be disclosed to any other non-signatory Agency or other third party without obtaining consent as described in Paragraph II.G. of this Agreement .

⁸ See footnote 2.

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- D. Disclosure by any Agency staff member, consultant, expert, or counsel to one or more other Agencies to this Agreement, conforms to this Agreement and is not a waiver of the attorney-client privilege, the work-product doctrine, deliberative process privilege, official information privilege, or any other applicable privilege, protection, immunity, or exemption from disclosure.
- E. No provision of this Agreement shall be construed as preventing one or more of the Agencies from including materials required by law⁹ to be part of the CEQA administrative record for the PEIR.

V. General Agreements

- A. The Agencies recognize and acknowledge that each Agency must fulfill its statutory and regulatory responsibilities in accordance with CEQA and other applicable statutes, regulations, guidance, and policies, and that nothing in this Agreement affects any of the Agencies' legal obligations, jurisdiction, or authority. All Agencies agree, consistent with applicable law, to work together to minimize any conflicts in the Agencies' exercise of their jurisdiction and authority.
- B. The Agencies specifically understand that this Agreement is not a delegation or abdication of their respective independent legal authorities and duties. Each Agency shall retain its respective authority, duty, and discretion to make its decisions on the proposed HRCAP and PEIR consistent with applicable laws, regulations, and policies.
- C. This agreement applies only to preparation of the HRCAP PEIR and not to subsequent environmental review documents that may tier from the PEIR.
- D. The Agencies recognize and acknowledge that this Agreement supplements and does not supersede or nullify any existing agreements among or between any of the signatory Agencies related to review of the HRCAP or preparation of any environmental review documents for the HRCAP.
- E. No failure or delay by the Agencies in exercising any right or obligation under this Agreement shall operate as a waiver or preclude exercise of any other or further right or obligation under this Agreement.
- F. Nothing in this Agreement is intended to alter existing law as to each Agency's responsibility to bear its own costs in any future litigation or to impose any additional financial obligations or commitments on the

⁹ Including but not limited to CEQA statutes and regulations, specifically, Public Resources Code section 21167.6, subdivision (e), and related caselaw.

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Agencies. Nor do the Agencies assume any affirmative duty to disclose any information to one another or to any other entity, except as expressly set forth in this Agreement, or as otherwise required by law or court order.

- G. The Agencies acknowledge this Agreement is entered into in the anticipation that litigation may occur, but that nothing in this Agreement is intended to commit any of the Agencies to initiate, join, or otherwise participate in any litigation or other legal action with respect to the HRCAP or PEIR as to which they are not already named or necessary parties.
- H. This Agreement is for the benefit of the Agencies that are parties to it, and is not intended to benefit or to be enforceable by any third party.
- I. The Agencies recognize that an Agency may desire to use privileged and/or confidential information initially shared by another Agency in connection with enforcement or other judicial or administrative actions involving the properties at Hollister Ranch. In these circumstances, the Agency that desires to use the information in connection with such action will request that the Agency that initially shared the information waive any applicable privilege(s), disclaim the information's confidential nature, and make such information publicly available. The Agency that initially shared the information agrees not to unreasonably withhold such privilege waiver(s) and/or confidentiality disclaimer(s).
- J. This Agreement is enforceable through specific performance.
- K. This Agreement becomes effective on the last date of execution, and is deemed to be retroactive to July 1, 2019, as it confirms the Agencies' prior agreement to the same effect as this Agreement.

VI. Counterparts

This Agreement may be executed in counterparts, and each counterpart shall be considered an original, and all of which, taken together shall constitute one and the same agreement. The Coastal Commission shall be responsible for receiving and retaining the executed signature pages of each Agency and for providing a copy of the dated and fully executed agreement to each of the signatories. A signed copy of this Agreement delivered by facsimile, e-mail, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of the original signed copy of this Agreement.

VII. Amendments

This Agreement may be amended in writing by mutual consent of the signatory Agencies, including any amendment to add a new signatory Agency. Amendments to this Agreement may be executed as set forth in Section VI

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above. However, an Agency may at any time amend or supplement the listing of authorized persons in Attachment A by submitting an addendum to Attachment A as provided in section II.E. of this Agreement.

VIII. Cancellation

Any Agency may terminate its involvement and obligations under this Agreement by providing 30-days written notice to the other Agencies. However, after any such termination, the provisions of this Agreement pertaining to confidentiality will continue to apply to all privileged and/or confidential communications exchanged under this Agreement. Except as provided by applicable law, the terminating Agency shall return or destroy all copies of privileged and/or confidential information provided pursuant to this Agreement upon request by the Agency or Agencies who provided the information. The Agencies agree that the terminating Agency may not utilize the privileged and/or confidential communications and materials protected by this Agreement against one or more of the Agencies that are Parties to this Agreement.

CONCURRENCE

The Agencies agree to the terms of this Agreement, as evidenced by the signatures of their representatives below.

Signed,

John Ainsworth, Executive Director
California Coastal Commission

Date: _____

Jennifer Lucchesi, Executive Officer
California State Lands Commission

Date: _____

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of the Hollister Ranch Coastal Access Program*

Amy Hutzal, Executive Officer
California State Coastal Conservancy

Date: _____

Armando Quintero, Director
California Department of Parks and Recreation

Date: _____

**** NOTE: If the person signing this Agreement on behalf of the Agency is not “the person in charge of the agency,” please include a written delegation of authority authorizing the person to sign on his/her behalf.** The California Public Records Act, section 6254.5, subd. (e) states in part that “[o]nly persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information.”

**MEMORANDUM OF AGREEMENT
among
the California Coastal Commission,
the California State Lands Commission,
the California State Coastal Conservancy,
and the California Department of Parks and Recreation
Regarding the Interagency Coordinated Review and Preparation of
Environmental Review Documents for the
Hollister Ranch Coastal Access Program**

Attachment A

Specific Agency Personnel Authorized to Access Information Determined to be
Privileged and/or Confidential

Attachment A1: California Coastal Commission

John Ainsworth
Deanna Christensen
Sarah Christie*
Jonna Engel
Sarah Esmaili+
Steve Hudson
Linda Locklin*
Michelle Kubran
Joseph Street
Louise Warren

*Lead Contact

+Lead Legal Contact

Attachment A2: California State Lands Commission

Chandra Basavalinganadoddi
Seth Blackmon
Alexandra Borack++
Brian Bugsch
Lucinda Calvo+
Colin Connor
Warren Crunk
Nicole Dobrowski
Maren Farnum
Kenneth Foster
Eric Gillies
Wendy Hall*
Benjamin Johnson
Grace Kato
Jim Koepke
Jennifer Lucchesi
Jennifer Mattox
Shahed Meshkati
Christopher Packer
Joseph Porter
Yessica Ramirez
Katie Robinson-Filipp
Drew Simpkin
Nina Tantraphol
Joo Chai Wong
Christopher Workman

*Lead Contact

+Lead Legal Contact

++JRP Lead

Attachment A3: California State Coastal Conservancy

Amy Hutzal, Executive Director
Mary Small, Deputy Executive Director
Taylor Samuelson, Communications Director
Trish Chapman, Central Coast Program Manager*
Rachel Couch, Program Manager
Amy Roach, General Counsel
Ryan Berghoff, Senior Staff Counsel+

*Lead Contact

+Lead Legal Contact

DRAFT

Attachment A4: California State Department of Parks and Recreation

Armando Quintero
Liz McGuirk
Kathy Amann
Brian Ketterer
Greg Martin
Jim Newland*
Tara Lynch
Kathryn Tobias+

*Lead Contact

+Lead Legal Contact

DRAFT