

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200

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TU99

DATE: March 19, 1996  
TO: Commissioners  
FROM: Peter Douglas, Executive Director  
Linda Locklin, Manager, Coastal Access Program J.L.  
SUBJECT: M.O.U. Public Access Easements  
Agenda Item TU9a

Attached for your review and comment is a M.O.U. between the Commission and the Coastal Conservancy. Following upon the Commission's recommendation adopted last October, this M.O.U. will implement our goal of preventing offers to dedicate public access easements from expiring. This M.O.U. sets up a process to review and prioritize the offers, and a procedure to submit acceptance requests to the Conservancy Board.

PMD/LL/cm  
Attachment  
0604a

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**MEMORANDUM OF UNDERSTANDING**

The California Coastal Commission and the State Coastal Conservancy enter into this M.O.U. to ensure that no "offers to dedicate" (OTD) public access easements suitable for public recreational use are extinguished due to the expiration time (generally 21 years) during which they must be accepted by a public agency (or an acceptable non-profit).

This memorandum summarizes the procedures the California Coastal Commission (the "Commission") and the California State Coastal Conservancy (the "Conservancy") will utilize to implement the acceptance of Offers-to-Dedicate public access easements (OTD's) by the Conservancy.

Whereas, the Commission is an agency of the State of California established pursuant to Public Resources Code Section 30300 and is charged with primary responsibility for implementing and enforcing the Coastal Act;

Whereas, as a mitigation condition to its approval of Coastal Development Permits, the Commission has required recordation of Offers-to-Dedicate Public Access Easements pursuant to Sections 30210-30212 of the Coastal Act;

Whereas, pursuant to Public Resources Code Section 30532 the Commission may enter into agreements with state agencies that operate public coastal access programs;

Whereas, the Conservancy is an agency of the State of California existing under Division 21 of the California Public Resources Code, and serves as a repository for legal interests in land, including Offers-to-Dedicate public access easements secured consistent with the policies and objectives of the Coastal Act;

Whereas, it is the goal of the Commission's and the Conservancy's Joint Access Program to encourage acceptance, opening for public use, management, and operation of Offers-to-Dedicate; and

Whereas, Offers-to-Dedicate that have not been accepted by a public agency are only available for a specified time period before they expire and because accepting agencies may not be identified prior to the expiration date, the Commission and the Conservancy agree to prevent such expirations by the Conservancy accepting offers-to-dedicate;

Now, therefore, the Commission and the Conservancy agree that in order to protect future public access opportunities, the Conservancy's Executive Officer will recommend that the Conservancy accept all priority offers-to-dedicate that are at risk of expiration. Jointly the staffs will annually prioritize OTD's, and identify those in need of acceptance. The staff of the Commission and the Conservancy will also review each OTD to determine its suitability for actual public recreational use and shall take into consideration such factors as the feasibility of physical improvements needed to open an accessway in the particular location and the availability of adequate access to the same shoreline. It is acknowledged that both the Conservancy Board and/or the Department of General Services must approve all acceptances before they can be finalized.

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Peter M. Douglas  
Executive Director  
California Coastal Commission

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Date

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Michael L. Fischer  
Executive Officer  
California State Coastal Conservancy

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Date

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3/13/96