

CALIFORNIA COASTAL COMMISSION

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**W 8c****REVISED STAFF RECOMMENDATION****ON CONSISTENCY DETERMINATION**

Consistency Determination No. **CD-083-05**
Staff: MPD-SF
File Date: 7/11/2005
60th Day: 9/9/2005
75th Day: 9/24/2005
Commission Meeting: 9/14/2005

FEDERAL AGENCY: U.S. Forest Service

PROJECT
LOCATION:

Brazil Ranch, Los Padres National Forest, Big Sur, Monterey County (Exhibits 1-3)

PROJECT
DESCRIPTION:

General Consistency Determination for Forest Service-authorized special events at Brazil Ranch

SUBSTANTIVE FILE
DOCUMENTS:

See page 35.

Staff Note: Since this matter was postponed from the August Commission meeting, the staff has received a number of letters commenting both in opposition to and in support of the Forest Service's proposal. These were mailed to the Commissioners in the two mailing packets for the September Commission meeting. The primary contentions in opposition, as of the date of this writing, are as follows:

1. The Big Sur portion of Monterey County's Local Coastal Program (LCP), which was incorporated into the CCMP in 1990, not the Coastal Act, should be the legal standard of review for federal agency activities. The Commission relied heavily on the LCP in previous Forest Service consistency determinations (including CD-18-88 and CD-47-93).
2. The LCP's Watershed and Scenic Conservation (WSC) zoning designation for the site does not allow commercial activities, and the Commission is applying a "double

standard" if it authorizes the Forest Service to perform events that private landowners with similar zoning designations are prohibited from performing. Concurrence would weaken the integrity and credibility of the LCP.

3. Private landowners have been threatened with sanctions for performing similar activities.
4. The Forest Service is competing with and taking away business from the private sector.
5. Uses during pre-federal ownership times were not as intense as those proposed by the Forest Service.
6. Any prior similar uses on the ranch in pre-federal ownership times does not make such uses legal.
7. If the Forest Services wishes to have special events, it needs an LCP amendment to change the site's zoning.
8. The use of a general consistency determination for activities which individually affect coastal resources is improper. Each event should require a separate consistency determination.
9. While the Land Use Plan (Section 5.3.1.2) allows "rustic inns, etc." in WSC zones, the zoning/implementation phase of the LCP does not allow such uses in WSC zones.
10. Trailhead parking as recommended by the Commission staff would be inconsistent with the LCP's critical viewshed policy.
11. Conversion of the ranch from agriculture to visitor serving uses would be inconsistent with the agricultural protection policies of the Coastal Act and the LCP.
12. The Forest Service's plan does not spell out how shuttles will be used, and thus whether they will reduce traffic on Highway 1 or simply on the ranch itself. If they would shuttle patrons parking along Highway 1, that would create visual clutter.
13. An October 2003 Forest Service assessment determined the ranch's sewage facilities were inadequate, not up to code, and unable to handle special events.
14. The federal consistency regulations prohibit the Forest Service from failing to comply with the Coastal Zone Management Act based on arguments that it lacks sufficient funding to be fully consistent.
15. The ranch is essentially being privatized. A few public hiking opportunities is not the "maximum public access" required under the Coastal Act.
16. Hiking is unsafe and inconsistent with protection of sensitive habitat, public safety, and fragile coastal resources. No public hiking should be allowed on the ranch.
17. Noise from buses, shuttles, cars and special events activities would violate the tranquility of the valley and clutter scenic views. Camping and fires would exacerbate these effects.
18. The southwest corner of the ranch contains an ESHA, according to a report by a UC Professor. No public use affecting this area should occur.

Although the Commission has historically and consistently acted on federal agency consistency determinations using Chapter 3 of the Coastal Act as the legal standard of review, with LCPs that have been incorporated into the California Coastal Management Program (CCMP) as guidance, the staff believes the Big Sur LCP represents the Commission's interpretation of Chapter 3 as applied to the Big Sur area, and should not be taken lightly. In fact, the Big Sur LCP recognizes and speaks to the Forest Service's critical role in the preservation of the

coastal resources in Big Sur, and the County's and Commission's intention to harmonize Forest Service activities with the policies of the LCP, due in no small part to the fact that the Forest Service is the largest landowner in Big Sur. Thus, the Big Sur Land Use Plan (see further excerpts, Exhibit 5) provides, in part:

1.1 OVERVIEW

As the primary component of a certified Local Coastal Program, it will provide development standards to guide the actions of all State and local agencies. Under the provisions of the Federal Coastal Zone Management Act, actions by all federal agencies must be submitted for review by the California Coastal Commission. The Coastal Commission will rely on the certified Big Sur Coast Land Use Plan for guidance when reviewing federal projects for consistency with the policies of the California Coastal Management Program.

1.3 PAST AND PRESENT PLANNING

The major features of the Plan are to:

- o Guide all future planning decisions for County and State agencies, and set direction for the U. S. Forest Service in its planning.*
- o Show the kinds, locations, and intensities of land uses allowed, therefore, serving as a basis of zoning and other implementing actions.*
- o Present policies concerning land development and environmental protection and management.*
- o Call for management of Highway 1 and all other governmental activities on the Coast.*
- o Set forth detailed review procedures for all applications based on a permit review process.*
- o Set forth a system for coordinating the actions of all involved government agencies.*
- o Provide an environmental resource management data base to support the plan and future planning decisions and provide for the periodic updating of this information.*

2.1 PHILOSOPHY AND GOALS

4. Land Use and Development

The County's primary land use planning objective is to minimize development of the Big Sur coast in order to preserve the coast as a scenic rural area where residents' individual lifestyles can flourish, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life.

The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape.

3.2.5 Exceptions to the Key Policy

A. Rural Service Centers

Development within the following Rural Community Centers--Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as at Rocky Point Restaurant, Big Sur Inn, and Coast Gallery - provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance (Title 20 of the County Code) and by Policy 5.4.3 of this Plan.

B. Essential Ranching Structures

Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed shall be permitted under careful design and siting controls. Examples include barns, fences, windmills, water pumps, water tanks, stockpounds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-critical viewshed standards.

3.3 ENVIRONMENTALLY SENSITIVE HABITATS

5. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access shall generally be controlled and confined to the designated trails and paths. No access shall be approved which results in significant disruption of the habitat.

3.8 MINERAL RESOURCES

The following policies are applicable in any review by the County of development activities, on non-federal land. To the extent permissible under federal Supremacy

principles and federal mining laws, the same policies will also apply to federal lands. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power. All lands within the "National Forest" land use designation (see Figure 1) which are subject to coastal development permit jurisdiction are subject to the land use policies for the Watershed and Scenic Conservation land use designation.

5.3.1 Land Use Categories

Eight broad categories of land use are proposed for the Big Sur coast that reflect existing and traditional land uses and the priorities of the California Coastal Act. In all categories agricultural land use is a principal permitted use as provided for in Section 3.6 of this Plan.

1. National Forest

The U. S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection of watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation.

Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category. Existing administrative and community uses may continue to operate on National Forestland (e.g. Caltrans maintenance stations, local fire suppression facilities, Pacific Valley School).

2. Watershed and Scenic Conservation

Protection of watersheds, streams, plant communities, and scenic values is the primary objective. Principal uses in this category include agriculture/grazing and supporting ranch houses and related ranch buildings. Recreational facilities permitted in the Outdoor Recreation category including rustic inn or lodging units, hostels; forestry, mineral extraction, aquaculture and related facilities; and rural residential and employee housing associated with any of these uses are secondary, conditional uses that will be considered on their individual merits. Where on-site dining facilities are allowed for the inn units, they must be limited to that which is needed to serve on-premises overnight guests.

The following criteria shall apply to rustic inns, lodging units, hostels and employee housing: suitability for recreational uses of the parcel (5.4.3.C-1); ability to avoid adverse impacts on adjacent habitats and agricultural activities (5.4.2.1 and 3); adequacy of access (5.4.3.D-9) and water supply (3.4.1 and 5.4.3.N-1); and ability of a proposed

visitor-serving facility to support or assure the long term provision of open space and agricultural uses (5.4.3.C-6).

5.3.2 Land Use Map and Summary of Land Use Proposals

The Watershed and Scenic Conservation category permits a number of land uses including ranches, rural residences, low intensity recreation, rustic visitor accommodations, and under careful controls, forestry, mining, and aquaculture. The development and resource policies of the plan will guide landowners in assuring that development is compatible with protection of the area. At the same time, the flexibility that this category permits provides an opportunity for landowners to obtain a reasonable return from the land. ...

A special land use classification, called Rural Community Center, is depicted by a dotted line circumscribing portions of the Big Sur Valley, Pacific Valley, Lucia, and Gorda. This is intended to illustrate the approximate areas within which a variety of land use activities are now carried on. The plan proposes that these areas continue to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Major categories of land use activities appropriate are those found in the Outdoor Recreation; and Recreational, Visitor-Serving Commercial, Public and Quasi-Public classifications. Residential development can take place in this category in the Big Sur Valley at 1 dwelling unit per existing vacant parcel or as employee housing although the limited available developable land urges that other more essential uses should have preference. In the portions of the Lucia, Gorda, and Pacific Valley areas delineated as Rural Community Centers, residential development should be avoided altogether, again, because of limited available land.

5.4 DEVELOPMENT POLICIES

5.4.3 Specific Policies

A. National Forest Lands

- 1. The County strongly supports continued management of the Ventana Wilderness in strict adherence to the provisions of the Wilderness Act.*
- 2. The County requests that the Forest Service give special attention in its planning and management of the Los Padres National Forest to the protection of the natural environment from recreational overuse and to the protection of adjacent residents from fire hazard and water pollution resulting from recreational use.*
- 3. The County will consult with the U.S. Forest Service prior to the issuance of a coastal development permit for any parcel adjacent to the National Forest lands, roads, or access trails.*

4. *The "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non-federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation". Lands added to Los Padres National Forest outside the certified "National Forest" designation will not be redesignated without Plan amendments.*

C. Development of New or Expanded Recreation Facilities

1. *Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area.*

2. *Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted.*

6. *Undeveloped areas in Big Sur shall be preserved for low intensity recreational use such as hiking and camping and nature study. Only minimal alterations of Big Sur's existing natural environment and recreational character shall be allowed. Development of low intensity recreation uses and visitor-serving facilities are encouraged on the larger properties where this will assist in providing economic uses of the land and in meeting Coastal Act objectives for public recreation.*

8. *Projects for new or extensively expanded recreation and visitor-serving facilities shall provide low-cost recreational facilities as part of the development. The establishment of low-cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast.*

10. *The County requests that State and Federal agencies prepare long range recreational development plans for areas under their jurisdiction. The County requests that these plans contain traffic components describing the portion of Highway 1 capacity required to serve the proposed recreational development, including public transportation potential. The County will seek to assure that approval of these plans will be made jointly and on a cooperative basis, by all agencies involved in the management of Highway 1. Environmental assessments will be required for all such proposals. Development of public and private recreational facilities will be phased as part of a recreational growth management program based on available highway capacity. Development standards for approval of recreational facilities and visitor-serving facilities on government lands shall be identical to those applied to private developments in Big Sur.*

...

E. Commercial

1. Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. Several commercial uses including the Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, are currently found outside the Rural Community Centers designated on the land use map and these are considered conforming uses under the plan. However, gasoline service stations, general stores, or similar highway-oriented commercial structures shall not be allowed outside of the rural community centers.

9. New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway One and should in no event create hazards for motorists or pedestrians.

10. Commercial development which would enhance recreational use of public lands existing nearby by providing specific physical improvements (e.g. trail links, interpretive facilities) or management (e.g. ranger, fire control, contribution of funds to a public management agency), or development which includes specific improvements to public access to the shoreline and the surrounding lands shall be preferred.

6. PUBLIC ACCESS

6.1.2 Trails

Trails provide both recreational opportunities for the hiker, equestrian, and bicyclist, as well an alternative form of transportation to recreational areas. Public access to scenic and remote areas not served by roads can be obtained sometimes by trail. Most of the trails in Big Sur are located within Los Padres National Forest. The general policy of the Forest Service is to permit public access throughout the forest, and there is a network of maintained trails and backpacking camps. Some of the trails and dirt roads leading into the forest, cross private lands, and do not currently have full public right-of-way through these sections.

C. Providing and Managing Trails

6. The State Department of Parks and Recreation and the U. S. Forest Service are the primary agencies responsible for trail planning, construction, restoration, maintenance, management and liability. These agencies have a special responsibility to coordinate and assure continuity to and through State and Federal lands. The County's role will generally be confined to assisting in the provision of access easements, and in the review and guidance of plans related to trails construction and use management.

11. *The practice of opening private trails to organized groups on a reservation basis is encouraged in order to reduce conflicts between private and public use. Private trails can be opened to the public on a fee basis in conjunction with low intensity recreation facilities allowed on private lands. In some instances, private trails may be opened to the public through easements, provided maintenance by a public agency were assured. Management and easement arrangements should be pursued where the trail would be of public benefit.*

6.1.6 *Standards and Guidelines for Improvements to Accessways*

4. *Parking and Facilities - Emphasis should be given to improving access on the east side of Highway 1 suitable for parking near accessways or trailheads and, where feasible, pedestrian access to the west side of the highway shall be provided. Such areas should be effectively screened from the road through the location of site features, construction of berms, or planting of vegetation screens.*

The number of parking spaces provided should not exceed the capacity of the shoreline destination as determined by its size, sensitivity of the resources, and the type and intensity of use appropriate for the area.

Parking areas and turnouts should be designed and constructed in a manner which would not contribute to slope failure or excessive erosion, and would prevent runoff and degradation of water quality. Where feasible, porous surfacing materials which allow drainage should be used.

In areas where the public must cross traffic on a curve to reach a parking area, appropriate warning signs should be posted. Grade separations should be considered, where needed for safety and construction is feasible. If road width permits, consideration should be given to installation of left turn lanes into parking areas.

7. ADMINISTRATION AND IMPLEMENTATION

7.2.2 *Government Coordination and Local Participation Framework*

Because the U.S. Forest Service owns 75,000 acres in the Big Sur Coast Planning Unit--roughly one half the total area--and because the Federal Coastal Zone Management Act of 1972 excludes all lands subject to exclusive federal jurisdiction from the California coastal zone, special means should be developed to assure that the planning and management of these federal lands is coordinated effectively with the implementation of the Big Sur Coast Local Coastal Program. The memoranda of understanding and joint powers agreements, referred to above, are not likely to be a sufficient means to accomplish this coordination because the U. S. Forest Service's discretion is tightly circumscribed by federal statute. The County, therefore, requests its representatives in the United States Congress to explore the need for federal legislative authorizations and

mandates to the U. S. Forest Service to assure that its management and administration of Los Padres National Forest lands is effectively coordinated with the implementation of the Local Coastal Program on private lands and lands owned by the State and County.

The zoning portion of the Big Sur LCP provides further specificity as to appropriate and allowable uses within lands designated "WSC" (Watershed and Scenic Conservation). Section 20.145.140 of the zoning chapter (Exhibit 6) provides:

20.145.140 LAND USE AND DEVELOPMENT STANDARDS

B. Specific Development Standards

New or Expanded Recreation and Visitor-Serving Facilities

c. Development of visitor-serving inn or lodge units shall be allowed according to the following standards:

4) On parcels in a "WSC" (Watershed and Scenic Conservation) zoning district, the maximum allowable inn unit density shall be 2 units for each potential residential unit allowable on the parcel. A maximum of 8 units per parcel may be allowed. Where one or more parcels are in common ownership, the total units allowable on the parcels may be aggregated on a parcel, not to exceed 30 units per site. In order to determine the amount of potential residential units which may be converted to inn units, applications for inn or lodge units shall be subject to the standards and procedures outlined in Section 20.145.140.A.6 and A.7. The maximum allowable density thereby established shall be used as the amount of potential residential units allowable on the parcel.

(Ref. Policy 5.4.2.9)

Chapter 20.145.150 (Exhibit 7) of the zoning code provides further details regarding implementation of public access, based on the following-articulated statement of intent:

The intent of this Section is to provide development standards which will protect, encourage, and enhance the rights of access to the shoreline, public lands, and along the coast, and the opportunities for recreational hiking access.

Because preservation of the natural environment is the highest priority, all future access must be consistent with this objective. Care must be taken that while providing public access, the beauty of the coast, its tranquility and the health of its environment are not marred by public overuse or carelessness. The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of recreationists. Visual access shall be maintained by directing all future development out of the viewshed. The protection of private property rights must always be of concern.

(Ref. Policy 6.1.3)

Finally, Chapter 20.17 of the zoning code (Exhibit 8) further specifies allowable uses in WSC zones, as follows:

*Chapter 20.17 - REGULATIONS FOR WATERSHED AND SCENIC CONSERVATION
RESIDENTIAL ZONING DISTRICTS OR "WSC (CZ)" DISTRICTS*

20.17.010 PURPOSE.

The purpose of this chapter is to provide a district to allow development in the more remote or mountainous areas in the Coastal Zone while protecting the significant and substantial resources of those areas. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams and riparian corridors. The purpose of this chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.

*20.17.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT
REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)*

- A. The first single family dwelling per legal lot of record;*
- B. Guesthouses meeting the development standards of Section 20.64.020;*
- C. The keeping of pets;*
- D. Rooming and boarding of not more than 2 persons;*
- E. Accessory structures and accessory uses to any principal use;*
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;*
- G. Cultivation, cutting and removal of Christmas trees;*
- H. Small family day care homes conducted within an existing structure;*
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;*
- J. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;*
- K. Animal husbandry and small livestock farming, provided that not more than 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;*
- L. All agricultural uses on a minimum of 10 acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Administrative or Coastal Development Permit;*
- M. Home occupations, pursuant to Section 20.64.090;*

- N. *Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health (ZA);*
- O. *Crop farming, tree farming, viticulture and horticulture;*
- P. *Intermittent livestock farming or animal husbandry such as "4-H" projects;*
- Q. *Senior citizen units meeting the development standards of Section 20.64.010;*
- R. *Farm employee housing facility for not more than two families or five single persons;*
- S. *Second residential units not exceeding the zoning density of the property;*
- T. *Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;*
- U. *The use of mobilehomes for farm employee quarters;*

20.17.050 *CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)*

- A. *Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;*
- B. *Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;*
- C. *Commercial kennels (ZA);*
- D. *Public stables on a minimum of 10 acres (ZA);*
- E. *Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);*
- F. *Legal nonconforming use changed to a use of a similar or more restricted nature;*
- G. *Bed and Breakfast facilities, pursuant to Section 20.64.100;*
- H. *Commercial and noncommercial wind energy conversion systems;*
- I. *Caretaker units meeting the development standard of Section 20.64.030;*
- J. *Agricultural support services (ZA);*
- K. *Farm worker housing facility;*
- L. *Farm employee housing facility for more than two families or five single persons;*
- M. *Keeping and raising of mink (ZA);*
- N. *Water system facilities including wells and storage tanks serving 15 or more service connections;*
- O. *Reserved;*
- P. *Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);*
- Q. *Accessory structures and uses prior to establishment of main use or structure (ZA);*
- R. *Large family day care facilities (ZA);*
- S. *Frog farms (ZA);*
- T. *Commercial hog and turkey raising on a minimum of 10 acres (ZA);*
- U. *Livestock feed yards on a minimum of 20 acres (ZA);*

- V. *Animal sales yards on a minimum of 10 acres (ZA);*
- W. *Dairies on a minimum of 40 acres (ZA);*
- X. *Animal hospitals (ZA);*
- Y. *Poultry farms on a minimum of 5 acres (ZA);*
- Z. *Riding and roping arena operations on a minimum of 10 acres (ZA);*
- AA. *Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;*
- BB. *Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;*
- CC. *Cottage industries, pursuant to Section 20.64.095 (ZA);*
- DD. *Reserved;*
- EE. *Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);*
- FF. *Conditional Certificates of Compliance;*
- GG. *Detached structures accessory to any conditional use;*
- HH. *Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with this Chapter and the applicable land use plan;*
- II. *Subdivisions;*
- JJ. *Lot Line Adjustments.*

The Commission staff believes the Forest Service's proposal is in keeping with the spirit and letter of the above Big Sur LCP policies and zoning restrictions. The Commission staff also believes no "double standard" is being applied; if private landowners seek commercial uses, the County requires them to apply for permits. The Forest Service has submitted this consistency determination, which is, for all intents and purposes, the federal agency equivalence of a coastal development permit. Part of the point of this consistency review is to define limits within the Forest Service will operate, as well as to provide a vehicle for continued reporting and monitoring of the Forest Service's activities at Brazil Ranch. If the Forest Service does not operate within these limits, either individual consistency determinations would need to be submitted, or the Commission could invoke the "reopener clause" of the federal consistency regulations.¹ Clearly, some level of commercial and visitor serving uses is conditionally allowable under the WSC zoning designation. Although not necessarily a Coastal Act issue, the staff does not agree that the Forest Service would be "competing" with private landowners; as the Forest Service states, its activities would be predominantly day-use activities, would "remain subordinate to the grandeur of the Big Sur

¹ 15 CFR §930.45 Availability of mediation for previously reviewed activities.

(a) Federal and State agencies shall cooperate in their efforts to monitor federally approved activities in order to make certain that such activities continue to be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the management program.

(b) The State agency may request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a Federal agency activity, including those activities where the State agency's concurrence was presumed, which was: (1) Previously determined to be consistent to the maximum extent practicable with the management program, but which the State agency later maintains is being conducted or is having an effect on any coastal use or resource substantially different than originally described and, as a result, is no longer consistent to the maximum extent practicable with the enforceable policies of the management program

coast,” and “Permit holders will be encouraged to meet their needs for lodging, food and other services from Big Sur and other area businesses.”

Concerning shuttles, the Forest Service states:

When shuttles are required, visitors will be shuttled from their hotels or other central location. Visitors will not be parking along Highway 1 and simply shuttled to the interior of the ranch. The intent is to minimize the number of vehicles traveling on Highway 1 and the driveway into the ranch.

Concerning sewage issues, the Forest Service states:

Portable toilets have been, and will continue to be, rented for groups as needed to ensure that the existing, functioning and approved septic systems are not overloaded. A determination as to the number of portable toilets to be rented is based on the number of individuals and the length of their visit. Sanitation and water systems are managed to meet state/county health standards. Existing septic systems are adequate for the caretaker's family and small groups. Relatedly, the water system is being modified to meet state/county health standards. The caretaker's family and visitors are now offered bottled water until the water deficiencies are corrected.

Moreover, the Forest Service proposes that these activities would be temporary, and the Forest Service maintains its commitment to work in good faith with the County, the community, the Commission staff, and other agencies in further planning for the appropriate level of public use of the facility, including a public access plan. Accordingly, with the staff's recommended conditions addressing interim, fairly limited (and to eventually be superseded by a long term plan) public access trail issues, the staff believes the activities would be consistent with both the Coastal Act and the guidance provided in the Local Coastal Program, and the staff recommendation therefore remains the same as the recommendation published in the previous report for this consistency determination.

EXECUTIVE SUMMARY

The U.S. Forest Service has submitted a general consistency determination for authorization of small-scale special use activities at the Brazil Ranch, south of Bixby Creek in Big Sur, Monterey County. Formerly privately owned (by Alan Funt), the Forest Service recently acquired and assumed management responsibilities for the ranch as part of the Los Padres National Forest. During its private ownership period, aside from farming activities the ranch was frequently used for private special events. The Forest Service wishes to continue to schedule special events, which it describes as “small-scale,” and “limited” in order to help generate fees for maintaining the ranch. Examples the Forest Service uses for such events are that they would include “the use of existing buildings or ranch areas for filming, business meetings and family gatherings” (e.g., weddings). The Forest Service states:

These individual special use authorizations will be limited in their scope and frequency, and carefully monitored to avoid any "spill-over" effects onto State Highway 1 or adjacent private properties. All activities will remain subordinate to the grandeur of the Big Sur coast.

The Forest Service's proposal contains the following limitations for the events:

- Shuttle buses transportation for events of more than 40 people;
- No new building construction or expansion;
- Parking will use existing parking areas not visible from Highway 1;
- The number of authorizations will not exceed 20 events per year; and
- Up to 16 events may authorize up to 150 persons, while no more than four events may authorize up to 400 people.

The Forest Service has also committed to annual monitoring and reporting to the Commission staff to verify that the activities occur within these limits and are not generating adverse coastal zone impacts. Also, as has been the case in previously reviewed general consistency determinations, the consistency determination will expire five years. In this situation, the Forest Service indicates its long term goal is "... to reduce or eliminate special use authorizations as funding from educational activities grow sufficiently to cover the costs of operating the Brazil Ranch."

The Commission agrees that the nature and scale of the activities proposed are compatible with Coastal Act goals of balancing public access in a manner balancing the factors discussed in Sections 30210 and 30214, and that recreation activities should, as stated by the Forest Service:

... be limited to low-intensity recreational, scientific, or educational uses, such as nature study and observation, education programs, nature photography or painting, and hiking. Recreation, including trail use, will be managed to: protect existing vegetation; protect wildlife habitat, wetlands or environmentally sensitive habitats; avoid or reduce visibility from a public road; minimize conflicts with adjacent land uses, protect local residents' privacy; and protect the public's interest in a quiet and scenic experience.

However the Commission is concerned that in deferring implementation of general public access amenities to a future date and review process, this balancing has been incomplete and ignores the requirements of Section 30213 of the Coastal Act that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Essentially, until such time as the Forest Service implements its future trail and public access planning and development, the general public is being deprived of use of the ranch, while those who can afford special events are able to enjoy the ranch. The Commission believes the Forest Service needs to commit, at this time, to an interim (but nevertheless specific) public access program, pending further planning for a long-term public access plan, and to also commit to a planning process that will assure long-term future access. In negotiations with the Commission staff, the Forest Service has responded to these concerns by agreeing to both a

short term interim, and a long term, public access program. The Forest Service's commitments are attached as Exhibit 4 and include commitments for:

(a) providing guided hiking and tour opportunities from the established parking arena to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch;

(b) providing un-guided hiking opportunities (by August 9, 2005) for hiking along the coastal terrace west of State Highway 1;

(c) commencing a planning process (beginning October 1, 2005, and including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the coastal terrace;

(d) providing opportunities (beginning in the spring of 2006) for supervised but unguided hikes from the established parking arena on the Ranch to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch;

(e) commencing a planning process (beginning October 1, 2006, again including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the entire 1,200-acre ranch; and

(f) annual reporting to not just include special events reporting but also progress made towards implementing the interim and long-term access goals.

While these agreements go a long way towards addressing the project's Coastal Act concerns, additional language is needed to bring the proposed program into full compliance with the public access and recreation policies of the Coastal Act. The necessary clarifications are:

(1) deciding where parking will occur for the interim coastal terrace access discussed in sub-paragraph (b) above; and (2) clarifying the number of days hiking would be available on the inland side of Highway 1 as discussed in sub-paragraph (d) above. The Commission staff and the Forest Service reached substantial agreement in negotiations but were unable to reach complete consensus prior to the mailing for the Commission packet for the September Commission meeting. The Commission staff and the Forest Service anticipate reaching final agreement on these points, and if so, the staff will prepare an addendum for the Commission meeting; failing that, Conditions 1 and 2 on page 23 will provide the necessary procedure to allow resolution of these points.

With the above Forest Service commitments, combined with the 2 conditions, the proposed project would be consistent with the public access and recreation policies (Sections 30210-30223) of the Coastal Act.

By limiting activities to existing structures, roads, and trails, the project is consistent with the marine resource, water quality, and environmentally sensitive habitat policies (Sections 30230, 30231, and 30240) of the Coastal Act.

The Commission notes that as provided in 15 CFR § 930.4(b), should the Forest Service not agree with the Commission's conditions of concurrence, then all parties shall treat this conditional concurrence as an objection.

STAFF SUMMARY AND RECOMMENDATION

I. Staff Note/Procedures. The Forest Service has submitted a general consistency determination for authorization of small-scale special use activities at the Brazil Ranch. The Forest Service is seeking Commission concurrence with general types of activities rather than a specific project. The Forest Service has made this consistency determination pursuant to Section 930.36(c) of the federal regulations implementing the Coastal Zone Management Act (15 C.F.R. Section 930.36[c]), which provides:

(c) General consistency determinations. In cases where Federal agencies will be performing repeated activity other than a development project (e.g., ongoing maintenance, waste disposal) which cumulatively has an effect upon any coastal use or resource, the Federal agency may develop a general consistency determination, thereby avoiding the necessity of issuing separate consistency determinations for each incremental action controlled by the major activity. A Federal agency may provide a State agency with a general consistency determination only in situations where the incremental actions are repetitive and do not affect any coastal use or resource when performed separately. A Federal agency and State agency may mutually agree on a general consistency determination for de minimis activities (see §930.33(a)(3)) or any other repetitive activity or category of activity(ies). If a Federal agency issues a general consistency determination, it shall thereafter periodically consult with the State agency to discuss the manner in which the incremental actions are being undertaken.

A Commission concurrence with this consistency determination will allow the Forest Service to schedule and authorize special events consistent with this consistency determination without any further review by the Commission. The proposal:

...includes a commitment for continued coordination with the Coastal Commission, Monterey County, and area residents for activities at the Brazil Ranch, including:

- 1. Opportunities to monitor the effects of projects authorized by this general consistency determination,*
- 2. Annual reporting of activities conducted pursuant to this general consistency determination,*
- 3. A complete review in five years allowing the Commission to review the general consistency determination to determine if conditions have changed and to allow for an extension of this determination, and*
- 4. Where applicable, submittal of future consistency or negative determinations for specific activities.*

The Commission has previously concurred with three general consistency determinations for federal agency (in those cases, Navy) activities: CD-12-93, CD-70-98, and CD-93-93. CD-12-93 was a general Consistency Determination for periodic replacement and repair of piers and shoreline structures, at U.S. Navy bases in and around San Diego Bay; CD-70-98 was a five year extension of CD-12-93 for the same activities, and CD-93-93 was for a variety of routine

research activities offshore of Santa Barbara and Ventura Counties, including the Mugu Sea Range and the Santa Barbara Channel, generally between Point Conception and Point Mugu.

II. Project Description. The Forest Service is requesting Commission concurrence for a categories of activities at the Brazil Ranch, including small-scale commercial activities intended to help fund maintenance of the ranch. The primary management goals for the Brazil Ranch are to protect watersheds, scenic values, streams, plant communities, wildlife habitat, the marine environment, and cultural resources. The Forest Service's considers its primary management roles for the ranch to include:

1. Protecting watersheds, scenic values, streams, plant communities, wildlife habitat, the marine environment, and cultural resources.
2. Seeking opportunities to maintain historic agricultural practices, such as grazing, consistent with resource protection.
3. Identifying and protecting environmentally sensitive habitats against any significant disruption of habitat values.
4. Monitoring and preventing adverse influences that could result in irreversible or irretrievable commitment of resources.
5. Providing for managed public access (including for community activities) and recreational opportunities consistent with resource protection, public safety as well as the recognition of deed restrictions and the private property rights and concerns of adjacent landowners.
6. Providing public interpretive information, and educational initiatives, and research.

Secondary goals include "Managed public uses." Among the management roles, and the one generating the need for this general consistency determination, is the Forest Service's proposal to continue to allow special events, which the Forest Service's describes as:

Issuing individual small-scale special use authorizations only on a limited basis. Examples of permits include the use of existing buildings or ranch areas for filming, business meetings and family gatherings. Fees from these permits will be retained to maintain facilities at Brazil Ranch. These individual special use authorizations will be limited in their scope and frequency, and carefully monitored to avoid any "spill-over" effects onto State Highway 1 or adjacent private properties. All activities will remain subordinate to the grandeur of the Big Sur coast. Permit holders will be encouraged to meet their needs for lodging, food and other services from Big Sur and other area businesses.

The Forest Service does not at this time propose any "Intensive visitor-serving facilities and activities (such as visitor centers, campgrounds or picnic areas)" or any residential, commercial or industrial development (i.e., construction of new facilities), alteration of the size of any existing structure, or change to the physical appearance of any existing structure. Future activities at the ranch may include provision of non-motorized trail access to the coastal terrace or interconnect to other coastal trails (such as the California Coastal Trail). The Forest Service states future trails (other than those discussed in this

report described as interim access opportunities) would be become the subject of a separate detailed environmental analysis including public involvement and coordination with the Commission (and Monterey County). Future activities may also include maintenance of existing facilities and/or interior modifications of some existing buildings (e.g. to improve public access, provide accessibility for persons with disabilities, or to meet health and safety standards).

III. Background/History. Before it came into federal ownership, the Brazil Ranch was historically privately owned and used for a wide variety of special events in addition to ongoing ranch activities. The Forest Service states:

The Brazil Ranch is located immediately south of the Bixby Creek Bridge, approximately 12 miles south of Carmel. (See Location Map.) The ranch is bifurcated on the west by California Highway 1 and by the Old Coast Highway on the east. The ranch, with the historic Bixby Bridge in the foreground and Hurricane Point in the background, is arguably one of the most photographed locations of Big Sur. None of the existing ranch buildings are visible from these viewpoints.

The lands comprising today's Brazil Ranch were homesteaded in the mid-1800s, including a parcel settled by John Brazil. In time, several of these early homesteads were sold to the Brazil family, who eventually gained title to nine original homestead lots comprising 1,200 acres and known collectively as the Brazil Ranch. During this time, the ranch was actively managed for cattle and horses. A dairy also operated until 1898. The lands were later sold to Allen Funt, of Candid Camera fame. During his quarter-century of ownership, Mr. Funt constructed all of the existing buildings and operated a horse and cattle business on the property. The buildings are clustered in a central core area and include three residences, two barns, corrals and several small horse shelters. During this time, the Brazil Ranch was frequented by Allen Funt and his guests, as well as commercial horse and cattle operators, hay trucks, and horse and cattle trailers. The property was later sold by the Funt Estate to a real estate developer who had learned that the original homesteads remained recorded as nine separate tax lots which could potentially be developed. At this time, the Brazil Ranch was classified under the Watershed and Scenic Conservation land use category which could allow for residential development as well as rustic inns, lodging, hostels, and other visitor-serving facilities. During ownership by the developer, use of the ranch for social gatherings and business meetings increased substantially. For example, during the last year of ownership, records document the ranch was used for events on 360 of 365 days of the calendar year. Proposed for multiple unit residential development, Brazil Ranch was purchased by the conservation community and public funding in 2002 to protect scenic and other natural resource values, and provide for public use and recreational opportunities. Management responsibility was transferred to Los Padres National Forest.

IV. Forest Service Planning Background. The project is related to two other recently submitted (and concurred with) Forest Service Plans for Los Padres National Forest. The first was an update of an original 1988 management plan. On June 7, 1988, the Commission concurred with the U.S. Forest Service's consistency determination (CD-18-88) for its Management Plan for the Los Padres National Forest. In that decision, following typical Commission review of federal agency management plans, which are to some degree a conceptual (i.e., "phased") review, the Commission identified future projects that might arise from the plan that would trigger further Commission federal consistency review, as summarized below:

The management plan covered a five to ten year period, identifying long-range goals and objectives for the Los Padres National Forest. The plan also evaluated federal and private activities within the Forest for consistency with the plan's goals and objectives. The management plan included provisions for monitoring its effectiveness. Although the Commission found that the overall management plan was consistent to the maximum extent practicable with the CCMP, it found that specific projects not clearly spelled out in the general plan that might directly affect the coastal zone would need to be submitted to the Commission for further consistency review.

A significant issue raised by the plan was its provision for limestone mining within Big Sur, Monterey County. Specifically, the plan considered and allowed Granite Rock Company to mine its claims on Pico Blanco. Since the plan did not include details of the proposed mining operation, the Commission reviewed this activity in terms of its land-use implications. The Commission found that that activity has the potential to adversely affect access, recreation, visual, and habitat resources of the coastal zone and these effects had the potential to be inconsistent with the CCMP. Despite the potential inconsistencies, the Commission found in part, that the plan was consistent to the maximum extent practicable with the CCMP, because existing federal law prevented the plan's provisions for limestone mining from being fully consistent with the CCMP.

In addition, the Commission found that the proposed mining would require Forest Service approval of a Plan of Operation and that that approval would trigger a consistency certification. Finally, the Commission found that the proposed mining would also require a coastal development permit. The Commission also evaluated the Forest Management Plan's effect on scenic and visual resources, recreation and access, environmentally significant habitat areas, and agriculture. Although the plan provided for the protection and enhancement of these resources, the Commission identified several projects that could adversely affect the coastal zone. Since those projects would require additional consistency review, the Commission found that the plan was consistent to the maximum extent practicable with the CCMP.

The Commission staff has also recently concurred with two Forest Service negative determinations, one for inland oil and gas leasing, and the second for an updated overall management plan. In ND-58-05, the Commission staff agreed that the continuation of certain

oil and gas leases in Los Padres National Forest, located in inland areas ranging from 25 to 40 miles inland of the coastal zone, in Santa Barbara, Ventura, and Los Angeles Counties, would not affect the coastal zone and that the activities were similar to those authorized in the original management plan (CD-18-88). The Commission staff noted that the leases in question were located: (1) outside Big Sur where the Commission previously raised concerns (and in fact would not be in Monterey County at all); (2) far inland; (3) in areas of existing oil and gas development; (4) where downstream drainage would stop at inland dams and therefore do not have the potential to affect the coastal zone; and (5) for most (92%) of the leased areas (52,000 acres) would contain "No Surface Occupancy" restrictions, and for the remaining 8%, any subsequent development ultimately proposed would trigger: (a) environmental restrictions and procedures to assure that any wetlands, riparian or environmentally sensitive habitat resources in the affected areas would be protected (including the application of Best Management Practices); and (b) further Forest Service review and NEPA analysis. Also, the Commission retains the ability to review activities if they would affect the coastal zone. The Forest Service had removed from the areas originally being considered for leasing those portions of the National Forest that were near (and therefore where drilling could have had the potential to affect) the coastal zone.

In concurring with ND-081-05, the Commission staff agreed that the recently-updated Los Padres National Forest Land Management Plan for the Big Sur Coast was "the same as or similar to the originally-concurred-with plan (CD-18-88). The recent plan established long range direction for 10 to 15 years, specified standards and practices necessary to achieve that direction, and specified evaluation and monitoring requirements to ensure that the direction is being carried out effectively. As with the other plans mentioned above, the review was based on part on the continued coordination and agreement that individual activities may be subject to federal consistency review.

Finally, while concurring with ND-081-05, the Commission and the Forest Service agreed that, due to its greater level of specificity and potential for effects on coastal resources, one of the more specific proposals necessitating a consistency determination and a public hearing was the subject Brazil Ranch special events plan.

V. Federal Agency's Consistency Determination. The Forest Service has determined the activities described in the general consistency determination to be consistent to the maximum extent practicable with the California Coastal Management Program.

VI. Applicable Legal Authorities. The federal consistency regulations (15 CFR § 930.4) provide for conditional concurrences, as follows:

(a) Federal agencies, ... should cooperate with State agencies to develop conditions that, if agreed to during the State agency's consistency review period and included in a Federal agency's final decision under Subpart C ... would allow the State agency to concur with the federal action. If instead a State agency issues a conditional concurrence:

(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection pursuant to the applicable Subpart . . . ; and

(2) The Federal agency (for Subpart C) ... shall modify the applicable plan [or] project proposal, ... pursuant to the State agency's conditions. The Federal agency ... shall immediately notify the State agency if the State agency's conditions are not acceptable; and

...

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection pursuant to the applicable Subpart.

VII. Staff Recommendation. The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission conditionally concur with general consistency determination CD-083-05 that the activities described in the general consistency determination, as conditioned, would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

STAFF RECOMMENDATION:

Staff recommends a YES vote on the motion. Passage of this motion will result in an agreement with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

RESOLUTION TO CONDITIONALLY CONCUR WITH CONSISTENCY DETERMINATION:

The Commission hereby **conditionally concurs** with general consistency determination CD-083-05 by the U.S. Forest Service on the grounds that the project would be consistent with the enforceable policies of the CCMP, provided the Forest Service agrees to modify the project consistent with the condition specified below, as provided for in 15 CFR §930.4.

Conditions:

1. Interim Parking Plan for Coastal Terrace Access. Prior to date of the first special event under this general consistency determination, the Forest Service will provide an interim parking plan, subject to the review and concurrence of the Executive Director, providing for suitable areas for parking, for general public access to the coastal terrace west of Highway 1, 365 days a year, dawn to dusk. This plan will clarify and/or modify the second sentence of the Forest Service's proposal on page 16, paragraph 3b. of the attached agreement (Exhibit 4), which now provides:

By August 9, 2005, the Forest Service will provide for un-guided hiking opportunities along the coastal terrace west of State Highway One, through posting of safety and route markers. Parking will occur on existing turnouts along the highway.

The revised parking plan will reflect the results of an on-site meeting between the Forest Service and the Coastal Commission staff, and will not include use of existing Highway 1 turnouts unless the Commission staff agrees that no alternative outside the Highway 1 viewshed is feasible.

2. Frequency of Hiking Opportunities to be provided on the inland portion of the Ranch. Prior to date of the first special event under this general consistency determination, the Forest Service will clarify, subject to the review and concurrence of the Executive Director, the agreement contained on page 16, paragraph 3e. of the attached agreement (Exhibit 4), which now provides:

Beginning in the spring of 2006, provide the opportunity for supervised but unguided hikes from the established parking arena to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch.

This clarification will include consideration of other suitable trail alignments that provide access to and along the ridgeline of Sierra Hill. In addition, access shall be available to the public throughout the year, in the same manner as for other National Forest lands, except that the time, manner, and location of such access may be regulated to protect sensitive coastal resources. In no case shall the number of days per year be less than the total number of days that the Ranch is open for special event or other scheduled activities.

VIII. Findings and Declarations:

The Commission finds and declares as follows:

A. Public Access and Recreation. Sections 30210-30212 of the Coastal Act provide for maximum public access to the shoreline, consistent with, among other things, public safety needs and fragile habitat protection. These sections provide, in relevant part, that:

Section 30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access , which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212(a). *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

In addition, Section 30213 indicates a preference for low-cost visitor facilities; Section 30213 provides:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Sections 30221 and 30223 further specify a preference for use of oceanfront and upland areas for recreational uses, and Section 30214 of the Coastal Act specifies that access shall be managed in a manner reflecting an appropriate and resource-protective balancing of various, sometimes competing, factors. These sections provide:

Section 30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30222. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30214. *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

...

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The Forest Service recognizes that one of its highest management priorities is provision of public access; however, other than the two trail access opportunities identified in this proposal, the Forest Services is proposing to defer provision of general public access amenities to a future date and review process. The Forest Service states:

Managed public access will be provided consistent with (1) public safety, (2) the protection of public rights, (3) the protection of private property rights, and (4) the protection of natural resources areas from overuse.

Public access along State Highway One and the Old Coast Highway will not be impinged. Access to the Brazil Ranch east of State Highway One will be scheduled to allow for public enjoyment while ensuring resources and adjacent private property rights are protected. Automobile access will primarily occur on the existing paved driveway from State Highway One. The existing unpaved access driveway from the Brazil Ranch to the Old Coast Highway will generally not be available for public use except for emergencies. Parking will occur in designated parking areas not visible from State Highway One. Opportunities to provide non-motorized trail access to the coastal terrace on the west side of State Highway 1, or to interconnect to other coastal trails (such as the California Coastal Trail), may be considered in the future, and would become the subject of a separate detailed environmental analysis including public involvement and coordination with the California Coastal Commission and the County of Monterey. Restrictive language in the deed for portions of the Brazil Ranch requires (a) public access and recreation, (b) wildlife habitat and resources protection, and (c) maintenance of open space.

No development is proposed nor will be authorized that could potentially interfere with access to the sea. This includes either physical development (e.g. alteration of the size of structures) or a change in the density or intensity of use of lands (e.g. activities). No trails or roads are proposed to provide access to the ocean waters from either State Highway One or the Old Coast Highway.

No public facilities are proposed. Existing facilities will be managed to ensure (a) coastal resources are protected, (b) any development as defined by a change in the density or intensity of use of lands will occur only for recreation and visitor-serving purposes, (c) potential adverse impacts on habitats and agricultural activities will be avoided, (d) water resources will be protected, and (e) recreational uses will be characterized by low intensity use (e.g. no visitor center, major campground, or other intensive recreational activities are proposed.

Public access will be regulated by time, place and manner to the Brazil Ranch east of State Highway One. This will provide for public enjoyment while ensuring resources and adjacent private property rights are protected. Open public access, common to management of National Forest System lands, will not be allowed east of State Highway One. In the future, unscheduled non-motorized trail access on the coastal bluff west of State Highway One for day hikes may occur if authorized through a separate detailed environmental analysis in coordination with the California Coastal Commission and the County of Monterey. Public access to the Old Coast Highway and to State Highway One will not be restricted. Speed limits for roads interior to the Brazil Ranch have been established to ensure public and wildlife safety, and avoid the potential for vehicle affects, such as noise, from reaching adjacent properties. The speed limit is 5 MPH near buildings and 25 MPH on all other roads. Community and educational access will be managed separately from access for special use authorizations. Community and educational access is characterized by private vehicles with families, car-pooling or individual drivers. Car-pooling will be encouraged. Activities of over 40 participants will require that traffic monitors be present. Parking will occur in designated parking areas within the ranch and not visible from State Highway One. For non-educational activities requiring a special use permit, shuttle bus service will be required for scheduled activities with more than 40 participants to avoid the potential for adverse "spillover" effects of vehicle access onto State Highway One.

The Forest Service also intends to continue to host educational and community activities, separately from other special use authorizations. The Forest Service states:

Examples of educational activities include school group visits; university research projects; nature photography, painting or writing workshops; meetings of conservation leaders to discuss local, national or international conservation issues; and presentations on exotic weed eradication, green-building methods, renewable energy sources or other conservation issues. Community activities include hosting community-related events such as the Big Sur Arts Initiative, the Big Sur Garden Tour, or meetings for volunteer organizations. Access to these sessions is characterized by private vehicles with families, car-pooling or individual drivers. Car-pooling for community and educational programs will be encouraged. Activities of over 40 participants will require that traffic monitors are present. Parking will occur in designated parking areas within the ranch and not visible from State Highway One. Foot-paths provide non-automobile circulation from the designated parking area to meeting locations.

Describing examples of past special use authorizations at the Ranch, the Forest Service states:

During the past year, special event permits have been issued for (1) commercial photography and film in cooperation with the Monterey Film Commission, such as photographs of new cars, lawn tractors and clothing, (2) business meetings inside the existing barn or house, and (3) one wedding celebration in the barn and adjacent lawn area. All of these activities occurred in and around existing facilities and were not visible to travelers along State Highway One. These activities were closely regulated and included a site monitor. Authorizations have been for day-use permitted activities, with the exception of occasional overnight use of an existing residence (e.g. a wedding couple stayed overnight while their guests stayed overnight and found other services in Big Sur and surrounding communities). Fees from these special uses were retained exclusively for maintenance of facilities at the Brazil Ranch. Use of facilities at the Brazil Ranch was intended to complement services offered in Big Sur and surrounding communities.

Finally, the Forest Service states:

The Forest Service may continue issuing special use authorizations on a limited basis. Each activity will be individually authorized by an appropriate permit and signed by the District Ranger. All authorizations will include an educational component regarding conservation, stewardship and sustainability, with a special focus on the Big Sur coast. The Forest Service will also work with permittees to hold "green events". For example, visitors will be instructed in how to minimize energy and water use, bring unused food to local food-banks, and car pool to minimize the number of vehicles traveling to the site. Activities may include use of buildings, filming, business meetings and events such as weddings. Permits will have detailed requirements, including: limitations on the number of people and vehicles; parking; required site monitors; location of activities; limitations on after-dark lighting and amplified sound systems; and speed limits for interior roads to ensure public and wildlife safety and to avoid the potential for vehicle affects, such as noise, from reaching adjacent properties. (See attached example of permit requirements.) Shuttle vans or busses will be required for activities over 40 participants to avoid the potential for "spillover" effects of vehicle access from State Highway One. Authorized use will not be visible from State Highway One (i.e. not in the critical viewshed). Authorizations will be limited primarily to day use activities. Limited overnight use may be authorized only as an adjunct to day use activities (i.e. the Brazil Ranch will not be operated as a motel). The Forest Service has and will continue to encourage permittees to use local vendors for lodging, food and other services. Partnerships with local vendors will be sought. Monitoring in coordination with the California Coastal Commission and Monterey County will occur. While it is difficult to forecast use of this unique setting, the Forest Service will limit special use authorizations to no more than 20 events per year. Sixteen of these events may authorize up to 150 persons, while no more than four events may authorized up to 400 people. Even at the maximum capacity level, with required shuttle buses of 32

passengers each, the only off-site effect will be 14 shuttle buses making one round trip to the ranch. If monitoring indicates that these few larger events produce undesirable effects, future group size will be reduced.

No construction, reconstruction, demolition or alternation of the size of any structure is proposed. Interior modifications of some existing buildings to improve public access, accessibility for persons with disabilities, or health & safety are envisioned. For example, a storage area within the existing barn is under evaluation for conversion to a public meeting space. Providing permanent toilets inside the barn (in lieu of the current use of portable toilets) is under consideration, and would be matched to an approved septic system to meet health and safety requirements. Modifications to the existing drinking water system are under design in cooperation with the Monterey County Health Department to meet public health and safety requirements. A wheel-chair accessible ramp replaced steps into an existing log home. No removal or harvesting of major vegetation other than for agricultural purposes is proposed.

The Forest Service has entered into a partnership with the Big Sur Environmental Institute, a nonprofit public benefit corporation, to offer educational programs on issues related to environmental conservation, stewardship and sustainability at the Brazil Ranch. People depend on the natural environment for water, food, fuel, shelter, medicine, open space and beauty. Many environmental problems respect no borders and threaten the health, prosperity and even the national security of nations. Addressing these problems and achieving sustainable, socially responsible management of natural resources – locally, nationally, and globally - requires leaders to find new ways to establish and share connections between people and places. Brazil Ranch is the point of convergence for this discussion. Examples of conservation education activities have included workshops with the Jane Goodall Institute, Earth Systems Science and Policy of the California State University at Monterey Bay, Ventana Wilderness Society, Audubon Society, Sierra Club, Earthwatch, Monterey Bay National Marine Sanctuary, Monterey Peninsula Unified School District, Big Sur Ornithology Lab, Big Sur Arts Initiative, Camp SeaLab, Lyceum of Monterey County, Monterey Peninsula College, Service Learning Institute, University of California Santa Cruz, Berkeley and Santa Barbara campuses, and Ventana Wilderness Alliance. Similar programs are planned with many other organizations on conservation issues, sustainability and stewardship.

As described above, the Forest Service's proposal contains the following limitations for the events:

- Shuttle buses transportation for events of more than 40 people;
- No new building construction or expansion;
- Parking will use existing parking areas not visible from Highway 1;
- The number of authorizations will not exceed 20 events per year; and
- Up to 16 events may authorize up to 150 persons, while no more than four events may authorize up to 400 people.

The Commission agrees that the nature and scale of the activities proposed are limited sufficiently in scope as to not cause significant impacts on existing public access and recreation. Most important, special events will be supported with shuttle buses, to minimize impacts to Highway One. Thus, impacts to existing public access and recreation, for which use of Highway One is critical, will be minimized. The number of special events will also be limited to 20 events per year for a maximum of 100 events over the five year authorization period. The number of other events that may occur is unclear. Monitoring will also occur, with annual reports being provided to the Commission concerning any potential impacts to public access. Finally, the project is authorized for five years only. Any significant impacts that may be identified over this time period can be addressed at such time as the Forest Service may request to continue its use of the Brazil Ranch for special events and other non general public use activities.

Apart from assuring no adverse impacts to existing public access and recreation, the Coastal Act also requires the provision of maximum public access, consistent with public safety and the protection of, public rights, rights of private property owners, and natural resource areas from overuse natural resources. In addition, lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. With respect to providing general public access to the Brazil Ranch, the Forest Service has proposed two interim opportunities for general public trail use, as well as a future planning process to evaluate the public access and recreation opportunities on the Ranch. The Forest Service has stated that such future recreation activities should:

... be limited to low-intensity recreational, scientific, or educational uses, such as nature study and observation, education programs, nature photography or painting, and hiking. Recreation, including trail use, will be managed to: protect existing vegetation; protect wildlife habitat, wetlands or environmentally sensitive habitats; avoid or reduce visibility from a public road; minimize conflicts with adjacent land uses, protect local residents' privacy; and protect the public's interest in a quiet and scenic experience.

The Commission acknowledges the Forest Service proposal to provide limited interim public access to the Ranch as well as the commitment to a future planning process. Planning for public access is an important component for assuring that public access is maximized consistent with the other concerns that may be identified through the planning process, such as the need to avoid sensitive environmentally sensitive habitats. However the Commission is concerned that in deferring implementation of general public access amenities on the Ranch to a future date and review process, the requirements of the Coastal Act to provide maximum access, particularly those that appear reasonably feasible at this time, would not be met. In addition, it would ignore the requirements of Section 30213 of the Coastal Act that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Essentially, until such time as the Forest Service implements its future trail and public access planning and development, the general public is being deprived of use of the ranch, while those who can afford special events are able to enjoy the ranch. The Commission

believes the Forest Service needs to commit, at this time, to a temporary, limited public access program, pending further planning for a long-term public access plan, and to also commit to a process that will not only assure that the future planning will be completed, but that will also result in maximum public access to the Brazil Ranch consistent with the other qualifications provided for in the Coastal Act (public safety, protection of natural resources, etc.). In negotiations with the Commission staff, the Forest Service has responded to these concerns by agreeing to both a short term interim, and a long term, public access program. The Forest Service's commitments are attached as Exhibit 4 and include implementation of a comprehensive phased public access program that will increase visitor opportunities within the established management goals of the Brazil Ranch, and which will include public educational forums, conferences, hiking, and tours (as discussed on pages 1-2 of Exhibit 4). More specifically, in response to Commission staff requests for both long-term and interim unguided access, the agreement includes several immediate and near-term managed guided and unguided public access, while more difficult issues associated with providing other opportunities are addressed in long term planning (see pages 2-4, Exhibit 4), as follows:

Therefore, the Forest Service intends to pursue a comprehensive phased public access program that will increase visitor opportunities within the established management goals of the Brazil Ranch. Elements of a phased public access program will include:

3. Hiking and tours. *The planning and implementation process lends itself to a phased approach that can allow for some managed guided and un-guided public access to occur while more difficult issues associated with providing other opportunities are addressed. The Forest Service proposes the following:*

a. For 2005, continue providing guided hiking and tour opportunities from the established parking arena to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch. The Forest Service will schedule several dates in addition to those already scheduled by various community organizations (which are also open to the public). Such a program is similar to the regularly scheduled guided tours at the nearby Point Sur Lighthouse provided by the volunteer Central Coast Lighthouse Keepers organization (<http://www.pointsur.org>). It should be noted that Point Sur Lighthouse State Historic Park is closed to the public except by guided tour.

b. By August 9, 2005, the Forest Service will provide for un-guided hiking opportunities along the coastal terrace west of State Highway One through posting of safety and route markers. Parking will occur on existing turnouts along the highway.

c. The hiking opportunities in b. will be available from dawn to dusk.

d. Beginning October 1, 2005 (FY06), the Forest Service will initiate a planning process (including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the coastal terrace. This analysis will include alternatives for parking both near the highway as well as within the interior of the ranch. It is our goal to complete this planning process within one year. The planning will acknowledge the work and prioritization that have already been accomplished through the local coastal program to identify two potential trail corridors through the Brazil Ranch (e.g. the Old Coast Highway and a trail alignment across Sierra Hill).²

e. Beginning in the spring of 2006, provide the opportunity for supervised but unguided hikes from the established parking arena to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch.

f. Beginning October 1, 2006 (FY07), the Forest Service will initiate a planning process (including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the entire 1,200-acre ranch. The planning will not be limited to hiking but will also consider other low-intensity recreation opportunities.

g. These planning activities will be implemented in a manner that takes into account the need to regulate the time, place and manner of public access, including topographic characteristics, capacity of the site to sustain use, appropriateness of limiting public access based on fragility of natural resources and proximity to adjacent residential uses, and the need to protect the privacy of adjacent property owners.³

2. Small-scale Special Events. *The Forest Service plans to continue offering public access opportunities through a limited program of small-scale special use authorizations for meetings and family gatherings.*

3. *The Forest Service's annual reporting to the Commission will be expanded to include updates on interim and long-term planning for public access. If sufficient progress is not made, the Commission may invoke the "re-opener" provision of the federal consistency regulations (15 CFR Section 930.45)⁴*

²As identified in Figure 3, Trails Plan, Big Sur Coast Land Use Plan, as part of the Certified Local Coastal Program for Monterey County.

³ California Coastal Act Section 30214

⁴ §930.45 Availability of mediation for previously reviewed activities. – see footnote 1, p. 15

4. *The Forest Service will not use or rely on any previous statements made that "...the Ranch is to be managed as a Forest Service administrative site and not available for general, unescorted public use" as a reason to not plan and provide for public access by the general public. Also, the Forest Service will consider these agreements to supercede any general planning documents that may have implied that no unescorted public use on the Ranch would be provided.*

The provision of interim public access is an important component of the Forest Service's proposal supporting a finding of consistency with the public access policies of the Coastal Act. However, additional clarification and refinement is needed with respect to both the proposed access to the terrace, and the inland access. In particular, every effort should be made to provide interim public access parking at an inland location on the Ranch, out of the public viewshed. In addition, other trail alignments to provide access to and along the Sierra ridgeline should be considered. Also, unless there is some overriding concern with the protection of sensitive coastal resources, such as environmentally sensitive habitat, access to the ridgeline should be provided year round. In any case, it appears feasible and reasonable to provide public access to the interior of the Brazil Ranch at least as frequently as the Ranch would be open to private special events or other scheduled activities. Such access would coincide, for example, with those times when Forest Service personnel may be present anyway. Conditions 1 and 2 are necessary to assure maximum consistency with the public access requirements of the Coastal Act. Thus, with several minor clarifications and modifications, the Commission believes these commitments would bring the proposed program into compliance with the public access and recreation policies of the Coastal Act. The Commission staff and the Forest Service reached substantial agreement in negotiations but were unable to reach complete consensus prior to the mailing for the Commission packet for the September Commission meeting. The Commission staff and the Forest Service anticipate reaching final agreement on these points, and if so, the staff will prepare an addendum for the Commission meeting; failing that, Conditions 1 and 2 on page 23 will provide the necessary procedure to allow resolution of these points.

Finally, with respect to future planning for long term public access on the Ranch, the Commission anticipates that this planning will include an evaluation of not only trail access opportunities for the entire Ranch, but also other opportunities and/or support facilities such as picnicking sites, restroom facilities, interpretive signage, etc. In addition, the Forest Service should evaluate the feasibility and desirability of providing low intensity recreational camping at the Brazil Ranch. The Commission acknowledges the importance of comprehensive planning for longterm public access to the Ranch, including the importance of including various stakeholders in the process. It is important, though, that the starting point for such planning be a framework that presumes the provision of maximum public access, subject to the regulation of the time, manner and location of such public access to protect other coastal resources, public safety, and the privacy of adjacent property owners. Thus, comprehensive planning should result in the implementation of maximum and optimum public access opportunities on these newly acquired public lands. Significantly, the Forest Service has stated that the prior Forest Service designation of the site as an "administrative site" that does not provide for general public use will have no bearing on the public access planning for the site.

The Commission concludes that, if modified in accordance with the Commission's conditional concurrence, the proposed project would be consistent with the public access and recreation policies (Sections 30210-30223) of the Coastal Act.

B. Marine Resources and Environmentally Sensitive Habitat. The marine resource and environmentally sensitive habitat policies of the Coastal Act provide:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

As noted above, one of the Forest Service's missions is the protection of marine resources and sensitive habitat. The Forest Service states:

Activities at the ranch will be managed to avoid any adverse affect on marine resources. This will include management of activities within the watershed that may affect marine resources. Where appropriate, marine resources will be maintained, enhanced, or restored.

Activities will be managed to avoid septic runoff and deposition of sediment. Alteration of the shoreline will not be permitted. No recreation development or activities will be allowed near tidepools. No structures within the State Highway One viewshed are proposed. The coastline will remain undeveloped.

*Environmentally sensitive habitats shall be identified and all practical efforts will be made to maintain, restore, and if possible, enhance environmentally sensitive habitats. A resources inventory that will include identification of sensitive habitats has been initiated. A small area of coast buckwheat (*Eriogonum latifolium*), a known food for the endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), has been identified and made off-limits to activities by fencing. Similar protection measure will be implemented if and when additional environmentally sensitive habitats are identified. Activities will be monitored to prevent irreversible or irretrievable commitment of resources.*

The activities authorized under this general consistency determination would be conducted in existing developed areas of the ranch and would not affect marine resources or environmentally sensitive habitat. No new buildings are proposed, and sensitive habitat will be fenced and off-limits. In addition, as discussed above the general consistency determination includes provisions for reporting to the Executive Director activities authorized under to this consistency determination prior to authorization of the project. Therefore, the Director can assure that the project remains consistent with this general consistency determination and monitor the effects of projects authorized by this process. Also, the general consistency determination is only valid for five years. This provision will prevent the general consistency determination from having long-term effects and will allow the Commission to review the general consistency determination at the end of five years to determine if conditions have changed. With these considerations, with respect to marine resources, water quality, and environmentally sensitive habitat concerns, the activities would be consistent with the requirements of Sections 30230, 30231, and 30240 to maintain, protect, and restore, where feasible, marine resources and environmentally sensitive habitat.

C. Visual Resources

Section 30251 of the Coastal Act requires that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

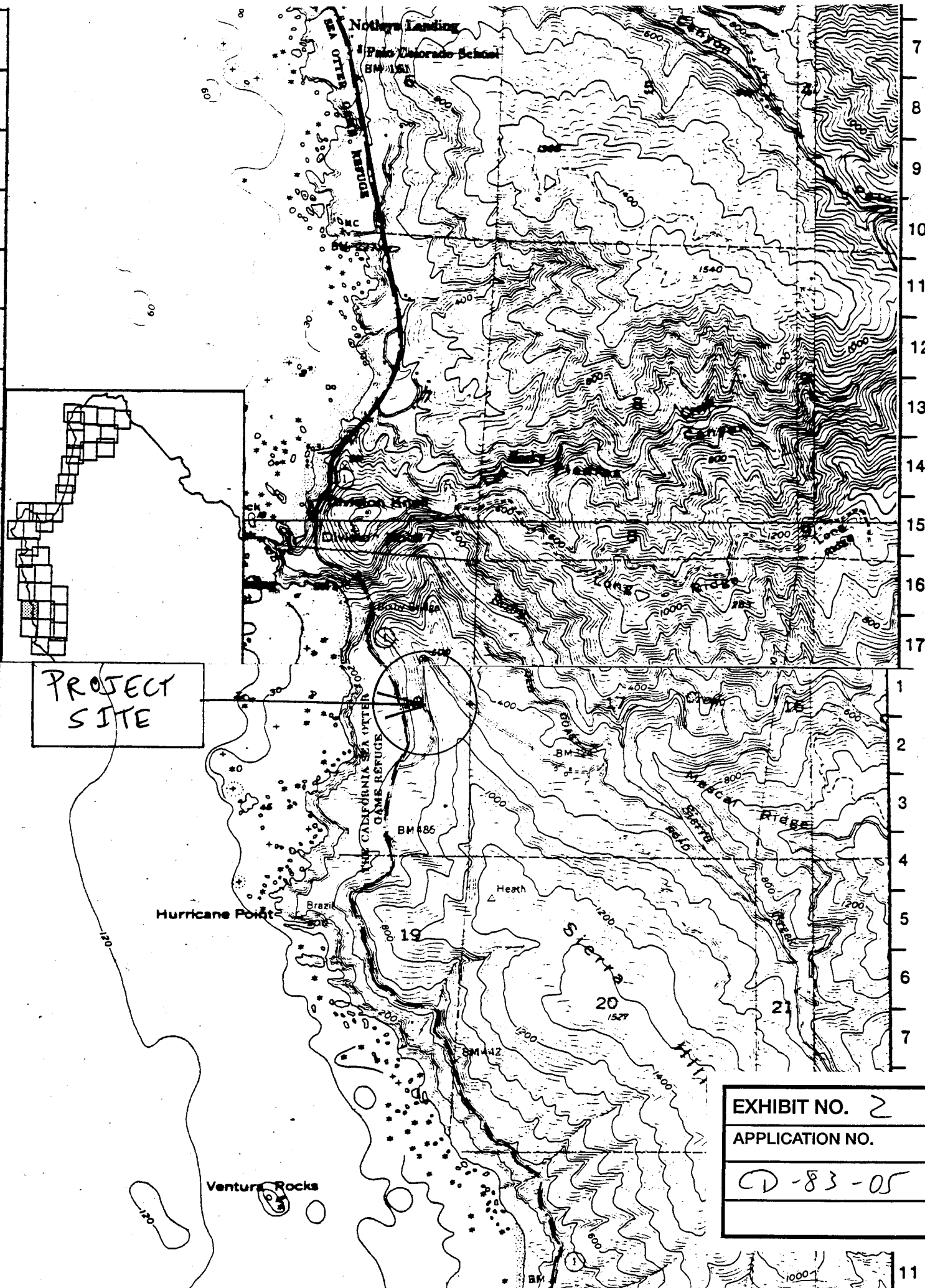
In addition, protection of the critical viewshed of the Big Sur Coast is a central policy and requirement of the Monterey County LCP.

As discussed, no new buildings are proposed by the Forest Service, and parking for proposed events would occur in existing parking areas outside of the critical viewshed. However, ongoing negotiations with the Forest Service may result in establishing interim parking in the critical viewshed for public access to the Coastal Terrace. Condition 1 requires the Forest Service to establish that other parking options to support this access, outside of the critical

viewshed, are not feasible, before any parking would be allowed in the viewshed. Thus, interim parking may not be established in the viewshed. If such parking were shown to be necessary, it would be temporary, until such time as the Forest Service Public Access planning was completed, which should allow for the establishment of permanent public access parking for the Ranch outside of the viewshed. Thus, the viewshed impacts contemplated by the current proposal, while hopefully avoided entirely pursuant to Condition 1, would be nonetheless temporary. If modified in accordance with the Commission's conditional concurrence, the proposed project would be consistent with Section 30251 of the Coastal Act.

IX. SUBSTANTIVE FILE DOCUMENTS:

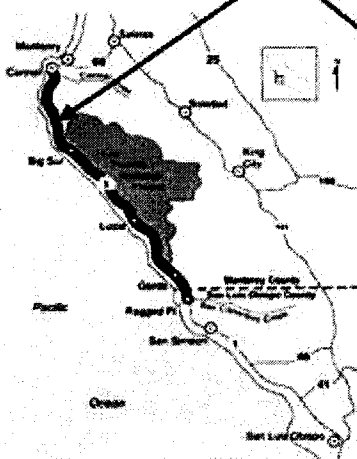
1. Navy General Consistency Determinations CD-12-93, CD-70-98, and CD-93-93.
2. Forest Service Consistency Determination CD-18-88 and Negative Determinations ND-58-05 and ND-081-05.
3. Big Sur Coast Land Use Plan and Zoning/Implementation portions of certified Local Coastal Program for Monterey County.



PROJECT
SITE

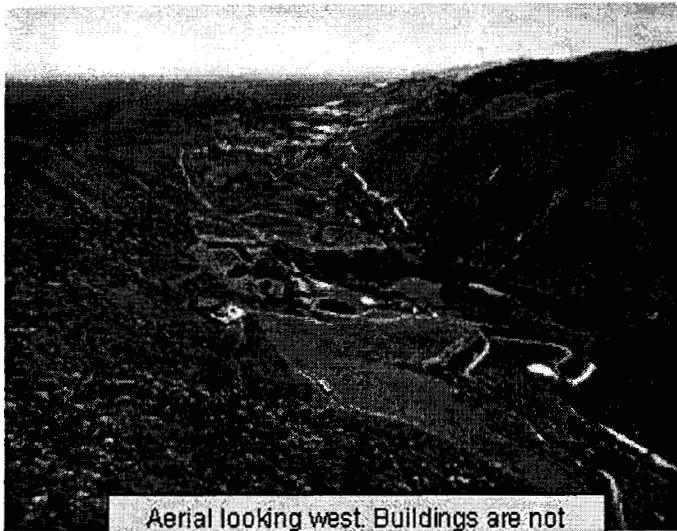
EXHIBIT NO. 2
APPLICATION NO.
CD-83-05

Brazil Ranch
 Monterey Ranger District
 Los Padres National Forest

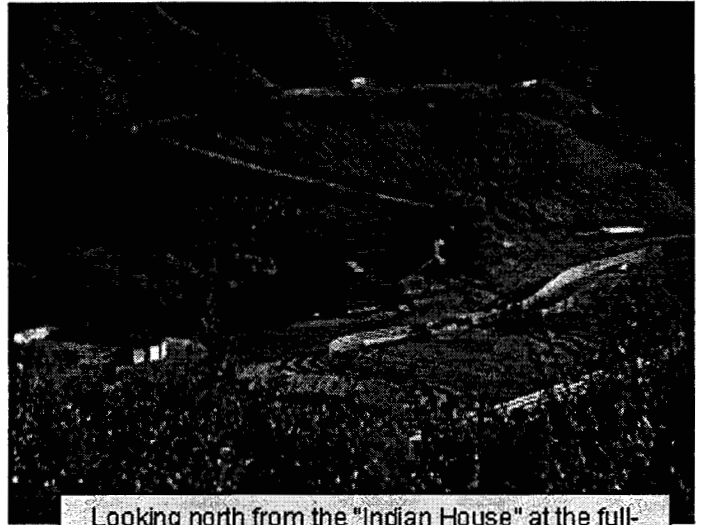


Bixby Bridge with
 Brazil Ranch in background. Buildings are
 not visible for State Highway One

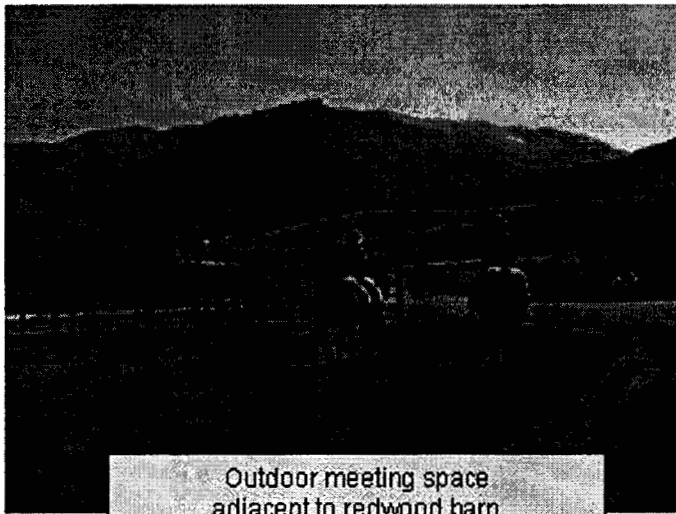
EXHIBIT NO. 3
APPLICATION NO.
CD-83-05



Aerial looking west. Buildings are not visible from State Highway One



Looking north from the "Indian House" at the full-time residence for the Brazil Ranch Site Manager



Outdoor meeting space adjacent to redwood barn

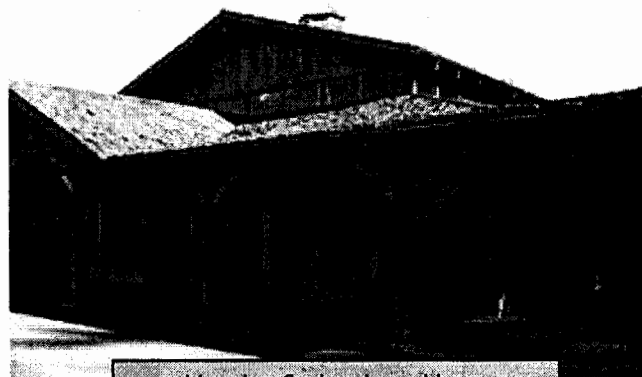


Looking south from the ridge top toward Point Sur Lighthouse

EXHIBIT NO. 3p.2
APPLICATION NO.
CD-83-05



Interior access from screened parking area to redwood barn and outdoor meeting space



Handcrafted redwood barn provides meeting space



The "Indian House" is one of two houses within the Brazil Ranch available for meetings.



EXHIBIT NO. 3, p. 3

APPLICATION NO.

CD-83-05



United States
Department of
Agriculture

Forest
Service

Los Padres National Forest
Monterey Ranger District

406 S. Mildred
King City, CA 93930

File Code: 2310

Date: July 22, 2005

Mark Delaplaine
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

RE: Coastal Consistency Determination for the Brazil Ranch,
Los Padres National Forest

Dear Mark:

I am writing to provide additional information in support of my July 8, 2005 letter to Dr. Charles Lester regarding a general consistency determination for the Brazil Ranch, Monterey Ranger District, Los Padres National Forest.

The Forest Service shares your interest in providing managed public access to the Brazil Ranch. Managed public access is one of the stated management goals for the Brazil Ranch. This access must be consistent with (1) public safety, (2) the protection of public rights, (3) the protection of private property rights, and (4) the protection of natural resources areas from overuse.¹

Managed public access has already (and will continue) to occur at the Brazil Ranch. Public access has been tempered in recognition of existing limitations and special management concerns, including: (1) the Brazil Ranch is completely surrounded by private lands, including close neighbors to the north; (2) access to the interior of the ranch is limited to a single lane road along a steep cliff; (3) some areas of the ranch form a highly scenic viewshed that is visible from along State Highway One; (4) a need to protect the existing facilities and activities at this "working ranch" from unsupervised visitors; (5) visitor-servicing facilities (such as toilets and trails constructed to standard) are absent; (6) activities may require planning and environmental analysis (including public involvement) prior to taking any action; and (7) current limited funding has curtailed our ability to offer additional services or facilities that are necessary to allow expanded public access.

Despite these limitations, public access to the Brazil Ranch has already included:

1. **Public Educational Forums.** Programs open to the public have included general information meetings about the Brazil Ranch, wilderness management, invasive species eradication, landscape painting, nature photography, Native American culture, and living history performances depicting Native American and early pioneer perspectives on people and the natural world. Many of these

¹ California Coastal Act Section 30210



EXHIBIT NO. 4
APPLICATION NO.
CJ-83-05

activities have occurred in cooperation with the Big Sur Environmental Institute whose goals are to provide educational programs on environmental conservation, stewardship and sustainability.

2. **Conferences.** Conservation and educational organizations have chosen the Brazil Ranch to hold meetings on local, regional and international environmental issues. While these privately sponsored conferences are not open to the general public as information forums, these meetings are fully consistent with our public access goals.
3. **Hiking and tours.** Hikes and tours open to the public have been led by numerous organizations, including the Forest Service, Ventana Wilderness Society, Lyceum of Monterey County, Jane Goodall Institute, Sierra Club, and the Big Sur Ornithology Lab.
4. **Small-scale Special Events.** Small-scale business activities and family gatherings have been authorized under individual special use permits, and have provided another opportunity for managed public access to the Brazil Ranch. This form of public access is commonly used to manage activities within national forests and other public lands.

The Forest Service envisions expanding upon these successful activities to further achieve our public access goals at the Brazil Ranch. Some of these public access opportunities (e.g. additional naturalist-led hikes, painting and photography workshops, or public forums in and around the existing facilities) can occur relatively easily, subject to the availability of personnel and funding. Other activities, such as providing safe unescorted hiking opportunities, will require a detailed environmental analysis of alternatives (including public participation in coordination with the California Coastal Commission and the County of Monterey) and additional funding for site supervision, visitor services and public facilities.

Therefore, the Forest Service intends to pursue a comprehensive phased public access program that will increase visitor opportunities within the established management goals of the Brazil Ranch. Elements of a phased public access program will include:

1. **Public Educational Forums.** Educational programs on environmental conservation, stewardship and sustainability will be expanded in cooperation with the Big Sur Environmental Institute. These educational programs will continue to be open to the public. New opportunities will be sought. For example, discussions have been held with representatives of the Monterey Unified School District and California State University Monterey Bay to expand student access to the Brazil Ranch.
2. **Conferences.** In cooperation with the Big Sur Environmental Institute, we will encourage conservation and educational organizations to hold meetings on local, regional and international environmental issues at the Brazil Ranch.
3. **Hiking and tours.** The planning and implementation process lends itself to a phased approach that can allow for some managed guided and un-guided public access to occur while more difficult issues associated with providing other opportunities are addressed. The Forest Service proposes the following:
 - a. For 2005, continue providing guided hiking and tour opportunities from the established parking arena to the summit of Sierra Hill via the existing

unpaved road along the eastern boundary of the ranch. The Forest Service will schedule several dates in addition to those already scheduled by various community organizations (which are also open to the public). Such a program is similar to the regularly scheduled guided tours at the nearby Point Sur Lighthouse provided by the volunteer *Central Coast Lighthouse Keepers* organization (<http://www.pointsur.org>). It should be noted that Point Sur Lighthouse State Historic Park is closed to the public except by guided tour.

- b. By August 9, 2005, the Forest Service will provide for un-guided hiking opportunities along the coastal terrace west of State Highway One through posting of safety and route markers. Parking will occur on existing turnouts along the highway.
- c. The hiking opportunities in b will be available from dawn to dusk.
- d. Beginning October 1, 2005 (FY06), the Forest Service will initiate a planning process (including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the coastal terrace. This analysis will include alternatives for parking both near the highway as well as within the interior of the ranch. It is our goal to complete this planning process within one year. The planning will acknowledge the work and prioritization that have already been accomplished through the local coastal program to identify two potential trail corridors through the Brazil Ranch (e.g. the Old Coast Highway and a trail alignment across Sierra Hill).²
- e. Beginning in the spring of 2006, provide the opportunity for supervised but unguided hikes from the established parking arena to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch.
- f. Beginning October 1, 2006 (FY07), the Forest Service will initiate a planning process (including public involvement and an analysis of environmental effects) to evaluate long-term opportunities to provide managed but unescorted non-motorized trail access to the entire 1,200-acre ranch. The planning will not be limited to hiking but will also consider other low-intensity recreation opportunities.
- g. These planning activities will be implemented in a manner that takes into account the need to regulate the time, place and manner of public access, including topographic characteristics, capacity of the site to sustain use, appropriateness of limiting public access based on fragility of natural resources and proximity to adjacent residential uses, and the need to protect the privacy of adjacent property owners.³

4. **Small-scale Special Events.** The Forest Service plans to continue offering public access opportunities through a limited program of small-scale special use authorizations for meetings and family gatherings.

²As identified in Figure 3, Trails Plan, Big Sur Coast Land Use Plan, as part of the Certified Local Coastal Program for Monterey County.

³ California Coastal Act Section 30214

5. The Forest Service's annual reporting to the Commission will be expanded to include updates on interim and long-term planning for public access. If sufficient progress is not made, the Commission may invoke the "re-opener" provision of the federal consistency regulations (15 CFR Section 930.45)⁴
6. The Forest Service will not use or rely on any previous statements made that "...the Ranch is to be managed as a Forest Service administrative site and not available for general, unescorted public use" as a reason to not plan and provide for public access by the general public. Also, the Forest Service will consider these agreements to supercede any general planning documents that may have implied that no unescorted public use on the Ranch would be provided.

I hope this additional information answers your questions regarding future management of public access to the Brazil Ranch. Please feel free to contact me for additional information. You may also wish to contact Mr. Richard Tobin, Los Padres National Forest Director of Conservation Partnerships (805-961-5748), or Mr. Jim Turner, Los Padres National Forest Planner (805-961-5752) regarding the coastal consistency determination for the Brazil Ranch.

Sincerely,

/s/ John S. Bradford

JOHN S. BRADFORD
Monterey District Ranger

EXHIBIT NO. 4, p. 4
APPLICATION NO.
CJ-83-05

⁴ §930.45 Availability of mediation for previously reviewed activities.

(a) Federal and State agencies shall cooperate in their efforts to monitor federally approved activities in order to make certain that such activities continue to be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the management program.

(b) The State agency may request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a Federal agency activity, including those activities where the State agency's concurrence was presumed, which was: (1) Previously determined to be consistent to the maximum extent practicable with the management program, but which the State agency later maintains is being conducted or is having an effect on any coastal use or resource substantially different than originally described and, as a result, is no longer consistent to the maximum extent practicable with the enforceable policies of the management program; or (2) Previously determined not to be a Federal agency activity affecting any coastal use or resource, but which the State agency later maintains is being conducted or is having an effect on any coastal use or resource substantially different than originally described and, as a result, the activity affects any coastal use or resource and is not consistent to the maximum extent practicable with the enforceable policies of the management program. The State agency's request shall include supporting information and a proposal for recommended remedial action.

Big Sur Land Use Plan excerpts

1.1 OVERVIEW

The plan contained in these pages is the Land Use Plan for the Big Sur Coast segment of Monterey County's Local Coastal Program. This plan supersedes the Monterey County Coast Master Plan adopted in 1962 and in effect for twenty two years. As the primary component of a certified Local Coastal Program, it will provide development standards to guide the actions of all State and local agencies. Under the provisions of the Federal Coastal Zone Management Act, actions by all federal agencies must be submitted for review by the California Coastal Commission. The Coastal Commission will rely on the certified Big Sur Coast Land Use Plan for guidance when reviewing federal projects for consistency with the policies of the California Coastal Management Program.

This plan has been prepared to carry out the requirements of the California Coastal Act of 1976. The Coastal Act places emphasis on environmental protection and public recreation and access. Therefore, these were three important considerations used to formulate this plan.

1.3 PAST AND PRESENT PLANNING

...

The major features of the Plan are to:

- o Guide all future planning decisions for County and State agencies, and set direction for the U. S. Forest Service in its planning.
- o Show the kinds, locations, and intensities of land uses allowed, therefore, serving as a basis of zoning and other implementing actions.
- o Present policies concerning land development and environmental protection and management.
- o Call for management of Highway 1 and all other governmental activities on the Coast.
- o Set forth detailed review procedures for all applications based on a permit review process.
- o Set forth a system for coordinating the actions of all involved government agencies.
- o Provide an environmental resource management data base to support the plan and future planning decisions and provide for the periodic updating of this information.

EXHIBIT NO. 5

APPLICATION NO.

CD-83-05

- o Identify the urgent need for financial assistance to the County in preserving Big Sur's natural resources and cultural heritage. Funds are specifically needed to protect scenic views and to provide public access.

...

2. PHILOSOPHY & GOALS

2.1 PHILOSOPHY AND GOALS

The Big Sur Coast Citizens Advisory Committee in providing guidance to the County established the basic philosophy and goals upon which this plan is based. In its report to the County entitled, Philosophy and Goals for Planning, the Committee stated:

The scenic beauty of the Big Sur Coast, and the opportunity to escape urban patterns, are prime attractions for residents and visitors alike. Man-made improvements detract from the near-wilderness attributes of the area if not individually, then collectively.

Quality should have precedence over quantity of any permitted uses, whether residential, recreational, or commercial. Any new development should remain within the small-scale, traditional and rural values of the area, rather than to introduce new or conflicting uses.

Land use planning and management policies should be directed towards maintenance and restoration of Big Sur's remaining rural and wilderness character. Without compromising its character or depleting its resources, the area should be accessible to as many as can be accommodated.

The special cultural characteristics of the Big Sur Coast should also be recognized as a primary resource. Man's presence along this coast continues to reflect a pioneering attitude of independence and resourcefulness; the environment has been a special nurturing ground for individual and creative fulfillment. The community itself and its traditional way of life are resources that can help to protect the environment and enhance the visitor experience.

From these philosophic concerns the following basic goal was defined by the Citizens Advisory Committee:

"To preserve for posterity the incomparable beauty of the Big Sur country, its special cultural and natural resources, its landforms and seascapes and inspirational vistas. To this end, all development must

harmonize with and be subordinate to the wild and natural character of the land."

1. *Natural Resources*

The overall direction for the future of the Big Sur coast is based around the theme of preserving the outstanding natural environment. The County's objective is to develop and effectively carry out a constantly improving system for managing man's use of the natural resources of the Big Sur coast for the long-term benefit of both visitors and residents.

The County's basic policy is to take a strong and active role in the stewardship and safeguarding of Big Sur's irreplaceable natural resources. Where there are conflicts, protection of these natural resources is the primary objective with definite precedence over land use development.

2. *Coastal Scenic Resources*

Recognizing the Big Sur coast's outstanding scenic beauty and its great benefit to the people of the State and the Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote, wherever possible, the restoration of the natural beauty of visually degraded areas.

The County's basic policy is to prohibit all future public or private development visible from Highway 1 and major public viewing areas.

...

4. *Land Use and Development*

The County's primary land use planning objective is to minimize development of the Big Sur coast in order to preserve the coast as a scenic rural area where residents' individual lifestyles can flourish, traditional ranching uses can continue, and the public can come to enjoy nature and find refuge from the pace of urban life.

The County's basic policy is that future land use development on the Big Sur coast shall be extremely limited, in keeping with the larger goal of preserving the Coast as a natural scenic area. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur coast. All proposed uses, whether public or private, must meet the same exacting environmental standards and must not degrade the Big Sur landscape.

5. *Shoreline Access*

The County acknowledges the increasing public demand for access to the Big Sur coast and wishes, in the spirit of the California Coastal Act, to accommodate this legitimate desire. However, in doing so, the County recognizes an ever greater commitment to preservation of the fragile natural environment. A range of additional concerns appear as well, including the need to ensure public safety and to protect the rights of property owners. Therefore, it is the County's objective to develop an optimal plan for public access that accounts, in a balanced way, for all these considerations.

Because preservation of the land in its natural state is the highest priority, the County's basic policy is that all future access must be subordinate to this objective. Care must be taken that while providing public access, that the beauty of the coast, its tranquility, and the health of its environment, are not marred by public overuse or carelessness. Visual access should be emphasized throughout Big Sur as an appropriate response to the needs of visitors. Visual access to the shoreline should be maintained by directing future development out of the viewshed.

...

3.2.1 Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

...

3.2.5 Exceptions to the Key Policy

A. Rural Service Centers

Development within the following Rural Community Centers--Big Sur Valley, Lucia, Gorda, and Pacific Valley, as well as at Rocky Point Restaurant, Big Sur Inn, and Coast Gallery - provide essential services to the community and visiting public, and shall be permitted under careful design and siting controls as provided for in the County Zoning Ordinance (Title 20 of the County Code) and by Policy 5.4.3 of this Plan.

B. Essential Ranching Structures

Essential agricultural structures required by commercial ranching and agriculture operations that cannot be feasibly located outside the viewshed shall be permitted under careful design

and siting controls. Examples include barns, fences, windmills, water pumps, water tanks, stockponds and corrals. However, all aquaculture facilities will be subject to the same resource protection criteria and environmental standards as other development. Such uses shall conform to all non-critical viewshed standards.

...

3.3 ENVIRONMENTALLY SENSITIVE HABITATS

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5. Public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, or educational uses. Access shall generally be controlled and confined to the designated trails and paths. No access shall be approved which results in significant disruption of the habitat.

...

3.6 AGRICULTURE

...

3.6.1 Key Policy

Agriculture, especially grazing, is a preferred use of coastal lands. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

1. All contiguous grasslands of 320 acres or more and those traditionally used for grazing use should be preserved for such use.
2. Uses compatible with the retention of grazing, including hunting and some forms of low intensity recreation, shall be encouraged as a means to assist maintaining land in agricultural use by providing additional income to land owners.

...

6. Public accessways shall be designed to avoid conflicts with agricultural use. Where public trails must cross actively grazed areas a range of measures including signs, fences, berms, vegetation screens, and prescribed burning to eliminate hazardous accumulation of brush, shall be applied, as appropriate, to reduce conflicts to acceptable levels.

...

3.8 MINERAL RESOURCES

...

The following policies are applicable in any review by the County of development activities, on non-federal land. To the extent permissible under federal Supremacy principles and federal mining laws, the same policies will also apply to federal lands. These policies are adopted pursuant to the California Coastal Act of 1976, and the County's general plan power and police power. All lands within the "National Forest" land use designation (see Figure 1) which are subject to coastal development permit jurisdiction are subject to the land use policies for the Watershed and Scenic Conservation land use designation.

...

4. HIGHWAY ONE AND COUNTY ROADS

4.1 INTRODUCTION

...

Activities or development that could generate significant volumes of truck traffic such as potential logging, mining, or other commercial operations could have detrimental effects on traffic conditions and could reduce the vehicle capacity of the highway.

...

Monterey County will take a strong and active role in guiding the use and improvement of Highway One and land use development dependent on the highway. The County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. The highway shall remain a two-lane road and shall include walking and bicycle trails wherever feasible. In order to protect and enhance public recreational enjoyment of Big Sur's unique natural and scenic resources, recreational traffic should be regulated during congested peak use periods.

...

B. Aesthetic Improvements

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4. The County requests that an overall design theme for the construction and appearance of improvements within the Highway 1 right-of-way be developed by Caltrans in cooperation with the State Department of Parks and Recreation, the U. S. Forest Service and local citizens. Design criteria shall apply to roadway signs, fences and railings, access area improvements, bridges, restrooms, trash receptacles, etc. The objective of such criteria shall be to ensure that all improvements are inconspicuous and are in harmony with the rustic natural setting of the Big Sur Coast. The special report by local citizens entitled, Design Standards for the Big Sur

Highway, on file at the County Planning Department, should serve as a guide and point of departure for Caltrans and other public agencies in developing a design theme for Highway 1 and in making improvements within the State right-of-way.

C. *Traffic Regulation and Coastal Priority Uses*

1. To comply to Coastal Act policies concerning the allocation of limited highway capacity to coastal priority uses, 85 percent of the capacity of Highway 1 under improved road conditions and managed traffic shall be reserved to serve recreational travel, service trips to public and private recreation and visitor-serving facilities, use by military vehicles, and coastal-dependent agriculture. To implement this policy, the land use regulations of this plan limit future residential development to a level that will utilize not more than 15 percent of highway capacity at buildout.
2. Proposed new or expanded public or private recreation and visitor-serving uses shall be required to submit with their application, a traffic component which evaluates the anticipated impact to Highway 1 service capacity and makes recommendations on how conflicts can be overcome or mitigated.

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5. *LAND USE AND DEVELOPMENT*

5.1 *INTRODUCTION*

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5.1.3 *Recreational Uses*

As a recreation area of regional, national, and international importance, Big Sur attracts about 2.9 million visitors annually. The accessibility of Big Sur to several nearby population centers is a major factor contributing to its high visitation. The basic recreational resource of Big Sur is the visual beauty of its striking landforms and upspoiled landscape. The mountains, forests, creeks, rivers, and ocean shoreline combine to offer diverse recreational opportunities. The artistic and rustic lifestyle for which Big Sur is known creates an attractive cultural setting that complements the natural character of the area.

Recreational activity is concentrated along the coastal strip: on beaches, rocky shoreline, public parks and forest lands, campgrounds off Highway 1, and various visitor-serving facilities. The major recreational pursuit is pleasure driving and sightseeing along Highway 1. Other Big Sur recreational activities include picnicking, sunbathing, beach and tidepool exploration, surfing, scuba diving, fishing, hunting, nature study, hiking, backpacking, camping, horseback riding, and hang-gliding.

The Big Sur Valley has numerous camping, lodging, dining, and other visitor-serving facilities and is a focal point for recreational activity and services in Big Sur. The Big Sur

River, the beach at the river mouth, the redwoods in the valley, and Pfeiffer Beach are major natural recreation resources in the area.

The coastal area north of the Big Sur Valley is intensely traveled by visitors passing through or sightseeing. People stop at numerous turnoffs to view panoramas of the coastline. The major beaches at Garrapata, Little Sur River, and Point Sur are currently in private ownership and are not formally open to the public, although there is significant public use of Garrapata and Little Sur River Beach. The Department of Parks and Recreation is currently negotiating to acquire Garrapata Beach. The Little Sur River Beach and the Point Sur Beach have been proposed for acquisition. The backcountry of the National Forest is accessible in the northern area of Big Sur at Bottchers Gap at the end of Palo Colorado Road.

The Los Padres National Forest occupies much of the area south of the Big Sur Valley. The National Forest is a major hiking, backpacking, and camping area. Several trailheads offering access to the backcountry and the Ventana Wilderness are located off Highway 1. Several beaches including Sand Dollar Beach, Mill Creek Beach, and other smaller pocket beaches are scattered along the southern Big Sur coast within the boundaries of the National Forest. Hiking trails are scattered throughout the Ventana Wilderness and the National Forest backcountry. Day use facilities are provided at Mill Creek, Sand Dollar Beach, Willow Creek, and Pfeiffer Beach.

5.1.4 Commercial Uses and Private Visitor-Serving Facilities

There is little current demand by residents for development of commercial facilities in Big Sur. Residents normally shop in the Monterey area. Visitors do create demand for convenience goods and recreation-oriented supplies and services. Local artisans work in Big Sur, usually at small shops in their homes.

Privately-operated, visitor-serving facilities constitute the major commercial activity on the Big Sur coast. The Big Sur Valley is an historical and geographic area of residential and commercial development with a distinct community identity. A chief recreational destination point, it provides a variety of commercial and public services on a year round basis for area-wide residents and the visiting public, as well as functioning as a social center for activities and entertainment. Lucia, Gorda, and Pacific Valley offer more limited services along the southern coast.

At present, there are eight motels, lodges, or inns on the coast providing a total of 168 rooms. Prices range from about \$25.00 to \$175.00 a night. Rustic cabins are available at two of the campgrounds. The New Camaldoli Hermitage, run by a Benedictine Order, has 11 rooms which are available with the Hermitage's permission for use as a retreat. Esalen, a nationally known institution, offers accommodations for 90 people enrolled in education programs. Private campgrounds with about 350 units constitute over half of the vehicle access campsites in Big Sur. All of the private campgrounds except Limekiln Beach Redwood Campground are located in the Big Sur Valley.

Twelve restaurants seat about 1100 people. There are also nine grocery stores, seven gas stations, and few gift shops scattered along the length of Highway 1. Private facilities are typically of a small to moderate scale in harmony with the natural beauty of Big Sur.

...

5.2 LAND USE PLANNING ISSUES

Several key issues directly affect planning for the Big Sur coast. These issues concern the effects of intensified land use and development on the environment and character of the coast and the effect on public access to the area. Continued residential development and subdivision for residential purposes is a trend at odds with the preservation of the coast's natural, scenic, and rural character. The remaining capacity on Highway 1 at peak use periods to serve further land development is extremely limited. The California Coastal Act states that remaining road capacity shall be used to serve coastal development uses such as agriculture and coastal recreation and shall not be precluded by residential development. Thus, availability of capacity on Highway 1 to accommodate further residential development or subdivision is a major limitation to these uses.

The basic emphasis of the Coastal Act is clear: to protect the environmental quality and resources of the California coast while making these available for the enjoyment of all of the citizens of the State. A major challenge of this plan is to find a way to substantially curtail further commitment to residential development resulting from subdivision or other land use intensification while also assisting landowners in achieving the most sensitive possible development of existing parcels.

A second challenge of the plan is to encourage and to protect ranching as an important and traditional use of the larger land holdings with significant grazing resources. How recreational uses and visitor accommodations on such properties can be developed to help support agriculture is also an important consideration.

Finally, the plan must meet the Coastal Act's goal of encouraging public recreational use and enjoyment of the coast while ensuring that the very resources that make the coast so valuable for human enjoyment are not spoiled. Undesirable impacts of recreation have been in evidence for some years and must be corrected if Big Sur's long term promise is to be fulfilled. Overuse of existing private and public campgrounds, loss of riparian vegetation through trampling, erosion of paths, compaction of soil in redwood forests, disruption of wildlife habitats, and increased fire hazards are a few of the problems associated with current levels of recreational use. Pfeiffer-Big Sur State Park is an example of a State facility whose popularity and use is at or beyond its environmental holding capacity. Some private campgrounds are similarly affected.

Visual impacts associated with recreation in Big Sur include littering, excessive numbers of parked vehicles along Highway 1, and development of visitor facilities that are visually obtrusive from the scenic highway. Residents of the coast are at times undesirably affected by recreational activities. There is a clear need to protect the quality of local water supplies,

for residents and visitors alike, and to minimize the danger of fire hazard during high public summer use periods. The privacy of the residents of the area should be protected as public access both to the shore and upland areas increases. Visitor safety is also an issue because of hazardous cliffs and dangerous ocean conditions.

The location, intensity, and character of new recreational facilities needs to be cognizant of all of these problems. Careful planning is needed to lessen, not increase, impacts associated with recreational enjoyment of the coast.

5.3 PROPOSED LAND USES

This section describes the kinds, locations and intensities of land uses recommended for the Big Sur coast. The capabilities of Big Sur's natural environment and the capacity of the public service system to support development are reflected in these proposals. However, all new development is also subject to the policies of other sections of this plan concerning resource management, Highway 1 and other roads, shoreline access and trails, and is subject to the plans and provisions for administration and implementation. Thus, final determinations of the acceptability of development proposals and their locations and densities on a parcel can only be made during the project review process, in consideration of all elements of the plan.

5.3.1 Land Use Categories

Eight broad categories of land use are proposed for the Big Sur coast that reflect existing and traditional land uses and the priorities of the California Coastal Act. In all categories agricultural land use is a principal permitted use as provided for in Section 3.6 of this Plan.

1. National Forest

The U. S. Forest Service manages the Los Padres National Forest under a multiple use concept in which conservation of plant and wildlife communities, protection of watersheds, maintenance of scenic beauty, and low intensity recreation are principal land use activities. Forestry, mineral extraction and grazing can also be practiced under careful controls. Land uses permitted in the Ventana Wilderness portion of the National Forest are limited to backcountry recreation.

Non-federal development within this designation will be subject to the same development standards and criteria as Watershed and Scenic Conservation category. Existing administrative and community uses may continue to operate on National Forestland (e.g. Caltrans maintenance stations, local fire suppression facilities, Pacific Valley School).

2. Watershed and Scenic Conservation

Protection of watersheds, streams, plant communities, and scenic values is the primary objective. Principal uses in this category include agriculture/grazing and supporting ranch

houses and related ranch buildings. Recreational facilities permitted in the Outdoor Recreation category including rustic inn or lodging units, hostels; forestry, mineral extraction, aquaculture and related facilities; and rural residential and employee housing associated with any of these uses are secondary, conditional uses that will be considered on their individual merits. Where on-site dining facilities are allowed for the inn units, they must be limited to that which is needed to serve on-premises overnight guests.

The following criteria shall apply to rustic inns, lodging units, hostels and employee housing: suitability for recreational uses of the parcel (5.4.3.C-1); ability to avoid adverse impacts on adjacent habitats and agricultural activities (5.4.2.1 and 3); adequacy of access (5.4.3.D-9) and water supply (3.4.1 and 5.4.3.N-1); and ability of a proposed visitor-serving facility to support or assure the long term provision of open space and agricultural uses (5.4.3.C-6).

3. *Resource Conservation*

Protection of sensitive resources, plant communities, and animal habitats and important archaeologic sites is emphasized. Only very low intensity uses and supporting facilities compatible with protection of the resource are allowed. Appropriate uses can include carefully controlled low intensity day use recreation, education, and research. Two types of Resource Conservation areas are shown on the plan map. State Park Environmental Camping facilities and other low intensity facilities are allowed, but only where it can be demonstrated that no significant adverse impact on the resources will result.

Coastal Strand and Wetlands - Applies to shoreline and intertidal areas, coastal wetlands, the lower reaches of major riparian corridors, and floodprone areas.

Forest and Upland Habitats - Applies to environmentally sensitive forest habitat, and grass, scrub, or chaparral ground cover, rare and endangered plant or wildlife habitats and upland riparian areas. It also applies to public or private reserves or open space areas set aside for resource preservation or research.

4. *Outdoor Recreation*

Low intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development to serve basic user needs and necessitating minimal alteration of the natural environment are appropriate. Such uses are defined as trails, picnic areas, walk-in camping, tent camping where the campsites are separated from one another, and supporting facilities. Campgrounds are limited to a maximum of 60 spaces. These are considered to be principal allowed uses.

Minimal necessary housing and maintenance facilities and moderate intensity recreational uses defined as tent platforms, cabins, RV campgrounds (up to 60 units per site), parks, stables, bicycle paths, improved restrooms, and interpretive centers are allowed as secondary and conditional uses. On-site dining facilities may be allowed, but only to the extent needed

to serve on-premises overnight guests. Hostels and campgrounds over 60 spaces may be appropriate as well.

Such secondary and conditional moderate intensity uses are allowed provided that they be allowed in undeveloped park units only where it is infeasible to locate them in the existing developed park areas and only where strict conformance to viewshed protection policies can be achieved.

5. *Recreational, Visitor-Serving Commercial, Public and Quasi - Public Uses*

To respond to the needs of the traveling public, recreational and visitor-serving facilities which may include restaurants, grocery or general stores, local arts and crafts galleries, inns, hostels, service stations, RV campgrounds, and moderate intensity recreation are the principal permitted uses. Secondary, conditional uses include administrative, management and maintenance facilities for public agencies, fire stations, clinic and ambulance services, community halls, churches, post office, library and schools.

6. *Rural Residential*

Rural residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include garages, work or storage sheds, and art or craft studios.

...

5.4 *DEVELOPMENT POLICIES*

...

5.3.2 *Land Use Map and Summary of Land Use Proposals*

... The Watershed and Scenic Conservation category permits a number of land uses including ranches, rural residences, low intensity recreation, rustic visitor accommodations, and under careful controls, forestry, mining, and aquaculture. The development and resource policies of the plan will guide landowners in assuring that development is compatible with protection of the area. At the same time, the flexibility that this category permits provides an opportunity for landowners to obtain a reasonable return from the land.

...

A special land use classification, called Rural Community Center, is depicted by a dotted line circumscribing portions of the Big Sur Valley, Pacific Valley, Lucia, and Gorda. This is intended to illustrate the approximate areas within which a variety of land use activities are now carried on. The plan proposes that these areas continue to provide a spectrum of functions for both the visiting public and for residents of the adjoining rural areas. Major categories of land use activities appropriate are those found in the Outdoor Recreation; and Recreational, Visitor-Serving Commercial, Public and Quasi-Public classifications. Residential development can take place in this category in the Big Sur Valley at 1 dwelling unit per existing vacant parcel or as employee housing although the limited available

developable land urges that other more essential uses should have preference. In the portions of the Lucia, Gorda, and Pacific Valley areas delineated as Rural Community Centers, residential development should be avoided altogether, again, because of limited available land.

...

5.4.3 Specific Policies

A. National Forest Lands

1. The County strongly supports continued management of the Ventana Wilderness in strict adherence to the provisions of the Wilderness Act.
2. The County requests that the Forest Service give special attention in its planning and management of the Los Padres National Forest to the protection of the natural environment from recreational overuse and to the protection of adjacent residents from fire hazard and water pollution resulting from recreational use.
3. The County will consult with the U.S. Forest Service prior to the issuance of a coastal development permit for any parcel adjacent to the National Forest lands, roads, or access trails.
4. The "National Forest" land use designation may include some lands not currently managed by the U.S. Forest Service. Non-federal development within the "National Forest" land use designation will be subject to the policies for "Watershed and Scenic Conservation". Lands added to Los Padres National Forest outside the certified "National Forest" designation will not be redesignated without Plan amendments.

...

C. Development of New or Expanded Recreation Facilities

1. Development of recreation and visitor-serving facilities at locations suitable for such use is preferred over other types of development in Big Sur because of Big Sur's national significance as a recreation area.
2. Maintenance of the rustic, outdoor recreational character of Big Sur is emphasized. The expansion and development of recreation and visitor-serving facilities in Big Sur shall be of a scale and nature that is compatible with the natural and cultural character of the area while offering opportunities for visitors to experience and enjoy the beauty and inspiration that the Big Sur environment presents. Intensive recreational uses or facilities are not appropriate and shall not be permitted.

...

6. Undeveloped areas in Big Sur shall be preserved for low intensity recreational use such as hiking and camping and nature study. Only minimal alterations of Big Sur's existing natural environment and recreational character shall be allowed. Development of low intensity recreation uses and visitor-serving facilities are encouraged on the larger properties where this will assist in providing economic uses of the land and in meeting Coastal Act objectives for public recreation.

...

8. Projects for new or extensively expanded recreation and visitor-serving facilities shall provide low-cost recreational facilities as part of the development. The establishment of low-cost hostels in Big Sur is encouraged as part of a comprehensive hostel system for the California coast.

...

10. The County requests that State and Federal agencies prepare long range recreational development plans for areas under their jurisdiction. The County requests that these plans contain traffic components describing the portion of Highway 1 capacity required to serve the proposed recreational development, including public transportation potential. The County will seek to assure that approval of these plans will be made jointly and on a cooperative basis, by all agencies involved in the management of Highway 1. Environmental assessments will be required for all such proposals. Development of public and private recreational facilities will be phased as part of a recreational growth management program based on available highway capacity. Development standards for approval of recreational facilities and visitor-serving facilities on government lands shall be identical to those applied to private developments in Big Sur.

...

E. Commercial

1. Development of new commercial uses serving community and visitor needs be directed to the existing Rural Community Centers of the Big Sur Valley, Lucia, Gorda, and Pacific Valley. Several commercial uses including the Rocky Point Restaurant, Big Sur Inn, and Coast Gallery, are currently found outside the Rural Community Centers designated on the land use map and these are considered conforming uses under the plan. However, gasoline service stations, general stores, or similar highway-oriented commercial structures shall not be allowed outside of the rural community centers.
9. New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway One and should in no event create hazards for motorists or pedestrians.

10. Commercial development which would enhance recreational use of public lands existing nearby by providing specific physical improvements (e.g. trail links, interpretive facilities) or management (e.g. ranger, fire control, contribution of funds to a public management agency), or development which includes specific improvements to public access to the shoreline and the surrounding lands shall be preferred.

...

6. PUBLIC ACCESS

6.1 INTRODUCTION

...

6.1.2 Trails

Trails provide both recreational opportunities for the hiker, equestrian, and bicyclist, as well as an alternative form of transportation to recreational areas. Public access to scenic and remote areas not served by roads can be obtained sometimes by trail. Most of the trails in Big Sur are located within Los Padres National Forest. The general policy of the Forest Service is to permit public access throughout the forest, and there is a network of maintained trails and backpacking camps. Some of the trails and dirt roads leading into the forest, cross private lands, and do not currently have full public right-of-way through these sections.

Today there are fewer miles of maintained trails than in former years. Over time, many traditional trails have been abandoned or closed to public use. Some of the trails in the National Forest are not maintained because they cross private lands with no legal rights-of-way. Prior to the construction of Highway 1, a trail existed along the length of the Big Sur coast, along the present alignment of the highway. The Old Coast Road is part of this early coastal trail.

According to the Big Sur Unit Forest Management Plan, over 100 miles of trails exist within the Big Sur portion of the Los Padres National Forest. Hiking is the major activity, but hunting, fishing, and horseback riding are also popular. Portions of the Ventana Wilderness are also located within or adjacent to the Coastal Zone. The Forest Service is concerned that overuse has damaged wilderness qualities in portions of the Ventana Wilderness through overuse of existing access along the Big Sur River. The Forest Service is encouraging the provision of additional access points or trails into the wilderness to help alleviate this problem.

...

The idea of a Pacific Coast trail system along the length of the California coast is not new. The State of California Trails Plan recommended such a trail network, and the Monterey County Trails Plan proposed this for the Big Sur area. Specific alignments have never been developed. A continuous trail system in a north-south direction would offer a unique recreational experience for both the coastal visitor and resident.

...

There is an overall need to improve the coastal trail system, including increased trail access to the National Forest particularly to relieve areas of existing overuse. Where improvements are made, they should be coupled with a management program to protect affected public and private resources.

...

6.1.3 Key Policy

The rights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access, shall be protected, encouraged and enhanced.

Yet because preservation of the natural environment is the highest priority, all future access must be consistent with this objective. Care must be taken that while providing public access, the beauty of the coast, its tranquility and the health of its environment are not marred by public overuse or carelessness. The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of recreationists. Visual access shall be maintained by directing all future development out of the viewshed. The protection of private property rights must always be of concern.

6.1.4 General Policies

1. Overall, the best locations for public access to the shoreline, public lands and along the coast are already in use or have been used in the past. Major access areas, whether in public or private ownership, shall be permanently protected for long term public use. These should be improved and managed properly by designated public or private agencies; furthermore, the County will require the preparation and implementation of access management plans for all accessways on the property or within the Park unit before new locations are opened on any particular ownership. Such access management plans shall address intensity of use, parking, protection of fragile coastal resources, maintenance, etc.

...

7. The provision of new access or formalization of existing access is to be guided by detailed management plans, including implementation responsibilities. These should include community ideas and desires to guarantee quality land preservation, be consistent with Coastal Act policies, and must attempt to positively resolve

access conflicts with residential land uses. It is the County's policy to work closely with local citizen advisors and public agencies in planning for access and management.

...

B. Providing and Managing Shoreline Access

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6. The County will work with local, state, and federal management agencies landowners to ensure that accessways obtained through acquisition, dedications, and permit conditions are adequately managed and maintained. A management program will be required before accessways are opened to the public. The County will encourage such programs to be sponsored through private as well as public means.

...

C. Providing and Managing Trails

...

6. The State Department of Parks and Recreation and the U. S. Forest Service are the primary agencies responsible for trail planning, construction, restoration, maintenance, management and liability. These agencies have a special responsibility to coordinate and assure continuity to and through State and Federal lands. The County's role will generally be confined to assisting in the provision of access easements, and in the review and guidance of plans related to trails construction and use management.

...

11. The practice of opening private trails to organized groups on a reservation basis is encouraged in order to reduce conflicts between private and public use. Private trails can be opened to the public on a fee basis in conjunction with low intensity recreation facilities allowed on private lands. In some instances, private trails may be opened to the public through easements, provided maintenance by a public agency were assured. Management and easement arrangements should be pursued where the trail would be of public benefit.

6.1.6 Standards and Guidelines for Improvements to Accessways

...

4. Parking and Facilities - Emphasis should be given to improving access on the east side of Highway 1 suitable for parking near accessways or trailheads and, where feasible, pedestrian access to the west side of the highway shall be provided. Such areas should be effectively screened from the road through the location of site features, construction of berms, or planting of vegetation screens.

The number of parking spaces provided should not exceed the capacity of the shoreline destination as determined by its size, sensitivity of the resources, and the type and intensity of use appropriate for the area.

Parking areas and turnouts should be designed and constructed in a manner which would not contribute to slope failure or excessive erosion, and would prevent runoff and degradation of water quality. Where feasible, porous surfacing materials which allow drainage should be used.

In areas where the public must cross traffic on a curve to reach a parking area, appropriate warning signs should be posted. Grade separations should be considered, where needed for safety and construction is feasible. If road width permits, consideration should be given to installation of left turn lanes into parking areas.

7. ADMINISTRATION AND IMPLEMENTATION

7.1 PLAN ADMINISTRATION

This plan is designed to implement the California Coastal Act. It is a local plan which shall direct Monterey County in making land use decisions in the Big Sur area. The advice of local residents shall be routinely sought in the administration of this plan. The County shall work with other levels of government to secure their compliance with this plan; conformance by all public agencies, including Federal agencies, is needed for this Plan to work as intended. Other levels of government shall be consulted by the County regarding help, guidance, and resources to implement this plan. However, the County shall have the primary responsibility for implementing the Big Sur Coast Land Use Plan and the efforts of other State and local agencies shall be consistent with this plan and coordinated with the efforts of the County. This plan will also provide guidance to the California Coastal Commission in its review of Federal projects pursuant to the Federal Coastal Zone Management Act.

The County shall develop the structure necessary to establish a permanent and authoritative voice for the residents of the community of the Big Sur coast, which shall ensure community participation in the coordination and implementation activities necessary to carry out the mandates of the LCP.

7.2 IMPLEMENTATION

...7.2.1 Zoning Ordinance Changes

A. Rezoning

Some suggested zoning districts include:

CZ-WSC	Coastal Zone Watershed and Scenic Conservation District: Includes residential development, low intensity recreation, agriculture, and forest and watershed management.
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CZ-OR	Coastal Zone-Outdoor Recreation District: Includes moderate use intensity recreation.
CZ-RCC	Coastal Zone-Rural Community Center District: Includes residential development, visitor-serving and recreation support areas, and quasi-public uses.

7.2.2 Government Coordination and Local Participation Framework

A framework or structure for improved coordination between the numerous government agencies involved on the Big Sur coast should be developed to resolve issues of mutual concern. For example, careful planning and usage of the Big Sur coast due to the limitation of highway capacity is a responsibility shared by Monterey County and San Luis Obispo County. Assurances are needed that development contemplated for the San Simeon coastal area does not adversely affect access to the Big Sur region as a whole. A means of providing continuing and enhanced participation in decisions about the coast's future is also needed and should be made available to the residents of the area. The County should take a lead role in developing these structures.

One alternative is a joint powers agreement entered into by the U. S. Forest Service, the Coastal Commission, the State Departments of Fish and Game and Parks and Recreation, Caltrans, Monterey and San Luis Obispo Counties, and other entities as deemed necessary, in order to form a Big Sur Council with the power to plan and coordinate implementation activities, and to acquire land and funds. This may be a workable approach to government coordination, although it has two drawbacks: there are no assurances that the various entities would agree to the purposes to such an agreement; and there may be lack of funds available to support acquisition and management. In view of acquisition needs along the coast, this is a serious deficiency.

The Memorandum of Understanding is another possible agreement which can bring the various entities together to coordinate planning and implementation efforts. If no joint acquisition effort is planned, the memorandum of understanding may be more desirable than the joint powers agreement because it does not mandate the financial responsibility legislatively required in the joint powers agreement.

Because the U.S. Forest Service owns 75,000 acres in the Big Sur Coast Planning Unit--roughly one half the total area--and because the Federal Coastal Zone Management Act of 1972 excludes all lands subject to exclusive federal jurisdiction from the California coastal zone, special means should be developed to assure that the planning and management of these federal lands is coordinated effectively with the implementation of the Big Sur Coast Local Coastal Program. The memoranda of understanding and joint powers agreements, referred to above, are not likely to be a sufficient means to accomplish this coordination because the U. S. Forest Service's discretion is tightly circumscribed by federal statute. The County, therefore, requests its representatives in the United States Congress to explore the need for federal legislative authorizations and mandates to the U. S. Forest Service to assure

that its management and administration of Los Padres National Forest lands is effectively coordinated with the implementation of the Local Coastal Program on private lands and lands owned by the State and County.

g. Where feasible, such roads shall be located within or along the margins of forested areas, and shall follow the existing natural contour of the land, in order to minimize visual impacts. (Ref. Policy 3.2.4.B.7)

h Such roads shall be aligned to minimize removal of native trees.

5. New roads developed to serve new residential development, including subdivisions and single family residences, shall be required to be a width of 12 feet. Narrower road widths shall be allowed only where adequate turnouts are provided at frequent intervals to the satisfaction of the Department of Forestry and the U.S. Forest Service, where applicable, as per procedures listed in Section 20.145.080.C.1. Greater road widths may be allowed where necessary to accommodate clustering of residential units ~~or where~~ non-residential use is permitted, providing that all criteria of the above development standards are met. (Ref. Policy 5.4.K.3)

6 New roads serving new subdivisions shall meet road standards of the Monterey county Subdivision Ordinance. (Ref. Policy 5.4.3.K.3)

20.145.140 LAND USE AND DEVELOPMENT STANDARDS

Intent of Section: The intent of this Section is to provide standards for land use and development which will allow for the maintenance of the Big Sur Coast as a scenic natural area. As such, future land use development on the Big Sur Coast should be extremely limited. In all cases, new land uses must remain subordinate to the character and grandeur of the Big Sur country. All proposed uses, whether public or private, must meet the same exacting environmental standards and must contribute to the preservation of Big Sur's scenery. (Ref. Policy 5.4.1)

A. General Development Standards

All development and land use, whether public or private, shall conform to and be consistent with the policies of the Big Sur Coast Land Use Plan and with the development standards of this ordinance. (Ref. Policy 5.4.2.1)

2. All development and land use shall conform to and be consistent with the goals, objectives, and policies of the Big Sur River and Little Sur River Protected Waterways Management Plans, where applicable. (Ref. Policy 5.4.2.1)

Land use or development will not be permitted if found to be inconsistent in character, scale, or activity level with the goal of preserving the coast's natural undeveloped beauty and tranquility. Such land uses include, but are not limited to:

- a intensive recreational activities, such as tennis, golf, cinemas, mechanized recreation, and boating facilities;
- b industrial development;
- c. manufacturing, other than for cottage industry or art production;
- d. large-scale mineral extraction or mining;
- e oil extraction
- f commercial timber harvesting;
- g. non-coastal dependent industry; and,
- h off-road vehicle recreation (Ref Policy 5.4.2.6)

Development shall not be located on slopes of 30% or greater. The Director of Planning may grant a waiver to the standard upon applicant request and explanation of the request justification if:

- a there is no alternative which would allow development to occur on slopes of less than 30%;
or,
- b. the proposed development better achieves the resource protection objectives and policies of the Big Sur Coast Land Use Plan and development standards of this ordinance. (Ref. Policy

5 Development of a parcel **shall** be limited to density, land use, **and** site development standards specific to that parcel's land use designation, as shown in Attachment 3.

6 **East of Highway 1**, residential development in **"RDR"** (Rural Density Residential) and **"WSC"** (Watershed and Scenic Conservation) zoning districts shall be allowed at maximum densities established according to the following steps:

- a. The maximum density is established by the zoning district in which the parcel lies, e.g., "Watershed and Scenic Conservation/40 (CZ)" provides a

40 acre minimum building site

- b. The maximum density is established according to the slope density analysis required for the project according to Section 20.145.140.A.7.
- c. The development standards of this ordinance and the policies of the Big Sur Coast Land Use Plan are applied to the parcel. Any policy or standard resulting in a decrease in density are then tabulated and subtracted from the maximum density allowed under the slope density formula.
- d. Whichever of the two resulting densities, from the slope formula and from zoning, the lesser is then established as the maximum allowable density for the parcel. (Ref: Policy-5:4.2.8)

7 A slope density analysis shall be required for applications for residential development beyond the first residential unit on parcels which are east of Highway 1 and in a "WSC" (Watershed and Scenic Conservation) or "RDR" (Rural Density Residential) zoning districts. The analysis shall be required and submitted to the County prior to the application being considered complete. The slope density analysis shall include the following elements:

- a. topographic map of the entire parcel at an appropriate scale and contour interval of 40 feet or less:
- b. table showing the calculation of average cross slope as per Sec. 19.08.030 and 20.145.020.W;
- c. the resulting maximum allowable number of dwelling units using the following slope density formula:

<u>Existinu Slope</u>	<u>Maximum Allowable Density</u>
Under 15%	1 unit/40 acres
• 30%	1 Unit/80 acres
Over 30%	1 unit/320 acres

Policy 5.4.2.8)

8 West of Highway 1, residential development in "RDR" (Rural Density Residential) and "WSC" (Watershed and Scenic Conservation) zoning districts shall be allowed at a density of 1 unit per 40 acres. (Ref. Policy 5.4.2.8)

9. Off-site advertising signs shall be prohibited. (Ref. Policy 5.4.2.12)
10. On-site advertising signs shall be allowed only in connection with commercial or visitor-serving uses. Maximum size shall be 35 square feet. The size, design, materials, and location of all signs shall conform to the local character, appropriate for the intended use, and shall be subject to approval of the Director of Planning as a condition of approval. Materials shall be limited to those which are natural including unpainted wood (except for lettering) and stone, whenever feasible. No exterior or interior neon, plastic, moving or flashing signs will be allowed.. (Ref. Policy 5.4.2.12)
11. Private signs or advertising structures shall be prohibited within the Highway 1 right-of-way. (Ref. Policy 5.4.2.12)
12. Tree removal shall be in accordance with provisions and standards of Section 20.145.060. (Ref. Policy 5.4.2.13)
13. On-site septic or other waste disposal systems shall not be permitted on slopes exceeding 30%. One acre shall be considered to be the minimum area for development of a septic system.
14. A total of 100 new residential lots may be created by new subdivisions from the date of certification of the Big Sur Coast Land Use Plan. (Ref. LUP Table 1)
15. Existing parcels of record are considered to be buildable parcels suitable for development of uses consistent with the provisions of the ordinance and land use plan, provided that: a) all resource protection policies of the land use plan and standards of the ordinance can be met; b) there is adequate building area on less than 30% slopes; and, c) that all other provisions of the Coastal Implementation Plan can be fully met. (Ref. LUP Policy 5.4.2.5)
16. New development shall not be permitted to include subsurface disposal of hazardous or toxic chemicals. As such, development must comply with Titles 22 and 23 of the Public Resources Code and with applicable sections of the Monterey County Code pertaining to **toxics** and hazardous substances, as administered by the County Health Department.

Appropriate studies shall be required and conditions of approval applied by the Health Department as needed to assure compliance.

17. Where resubdivision is proposed for non-contiguous parcels, the parcel receiving the increased density shall contain at least one acre per unit of residential density. The non-contiguous donor parcel shall be permanently restricted from residential development through dedication of scenic easements in accordance with Section 20.142.130. (Ref. Policy 5.4.3.H.5)

B Specific Development Standards

New or Expanded Recreation and Visitor-Serving Facilities

- a. Intensive recreation uses and facilities, including golf, cinemas, ~~mechanized~~ recreation, and boating facilities, are prohibited. (Ref. Policy 5.4.2.6 and 5.4.3.C.2)
- b. Expansion and development of recreation and visitor-serving facilities, including restaurant and over-night facilities, shall be compatible in scale and nature with the rustic, small-scale, outdoor recreation character of Big Sur. As such, development shall be modified as necessary in order to meet the following standards:
 - 1 Building materials shall be natural, including wood (and stone wherever possible) and shall also utilize earth-tone colors.
 - 2) Tree removal and grading shall be minimized to that which is necessary for accommodation of the main and accessory structures. Where there are alternatives to development which minimize tree removal and/or grading, the development proposal shall be modified as necessary, such as in location, siting, size, design, and bulk, in order to incorporate the alternative.
 - 3) The design, size, scale and bulk of the proposed structure shall be comparable to existing structures in the area and clearly subordinate to the surrounding landforms.
 - 4) Maximum building height may be two stories, subject to site constraints. The two-story height may be required to be decreased or allowed to be increased upon action of the decision-making body, where the height alteration is needed to and/or able to meet the resource protection standards of the ordinance and policies of the land use plan.

Height increases shall not exceed 10 feet
(Ref. Policy 5.4.3.C.2)

c. Development of visitor-serving inn or lodge units shall be allowed according to the following standards:

- 1) A maximum of 30 visitor-serving inn or lodge units may be allowed on any one site on a parcel.
- 2) Where there is more than one site (i.e., grouping of lodge or inn units) on a parcel, each site shall be separated by a minimum of 400 feet.
- 3) On parcels in a "VSC" zoning district, the maximum allowable inn or lodge unit density shall be one unit per net undeveloped acre, with a minimum parcel size of 10 acres. The "undeveloped" acres shall not include those areas which are undevelopable due to slopes of 30% or greater, hazards, or other development standards or LUP policies. Existing residential development shall be considered to be developed acreage at a ratio of 1 acre per dwelling unit.
- 4) On parcels in a "WSC" (Watershed and Scenic Conservation) zoning district, the maximum allowable inn unit density shall be 2 units for each potential residential unit allowable on the parcel. A maximum of 8 units per parcel may be allowed. Where one or more parcels are in common ownership, the total units allowable on the parcels may be aggregated on a parcel, not to exceed 30 units per site. In order to determine the amount of potential residential units which may be converted to inn units, applications for inn or lodge units shall be subject to the standards and procedures outlined in Section 20.145.140.A.6 and A.7. The maximum allowable density thereby established shall be used as the amount of potential residential units allowable on the parcel.
(Ref. Policy 5.4.2.9)
- 5) A maximum total of 300 inn/r.v. campground units may be approved after certification of the Big Sur Land Use Plan. (Ref. LUP Table 1)
- 6) A maximum total of 50 hostel units may be

approved after certification of the Big Sur Coast Land Use Plan. (Ref. LUP Table 1)

d Development of new or expanded inn -or lodge units shall meet the following standards

- 1) The development shall be consistent with the policies of the Big Sur Coast Land Use Plan and-with the standards of this ordinance.
- 2) The development shall meet density and site requirements listed in Attachment 3.
- 3) Adequate water and sewer shall be available, as per Health Department requirements and the standards of this ordinance.
- 4) Sufficient and adequate employee housing shall be included as part of the development proposal, as per requirements of Section 20.145.140.B.1.m.
- 5) Parking shall include at least one parking space per inn unit, plus adequate and separate employee parking. Adequate employee parking shall be considered to be one parking space for each employee expected to drive to the work site, during the largest work shift, as described in the employee information required in Section 20.145.140.B.1.m.
- 6) Access to the inn or lodge must be direct either from a public road, excluding Palo Colorado Road or Sycamore Canyon Road, or from a common driveway with permission of the owner(s).
- 7) As a condition of project approval, a deed restriction shall be recorded which states that the inn units will not be rented or subdivided as separate residential dwelling units. (Ref. Policy 5.4.3.C.7)

e. No portion of acreage necessary for one type of visitor-serving or recreational facility shall be credited to a different facility. In other words, inn units, campsite units, and other allowable uses may all be located on the same parcel, but the acreage used to calculate the allowable number of units for one use shall not also be counted towards another use. (Ref. 5.4.3.C.7)

On the **Westmere** parcel, a maximum of 24 inn or

lodge units may be developed. As well, a limited number of additional units may be proposed as part of the development, if not adversely impacting the overall development's ability to meet the development standards of this ordinance and the policies of the Big Sur Coast Land Use Plan. Restaurant development on the parcel shall be subject to the requirements of Section 20.145.140.B.1.j and k.2. The development shall incorporate design, scale, siting, location, and features appropriate to the historic character of the site. Modifications shall be required for number of units, design, materials, color, bulk, scale, size, and location, where such modifications will provide better consistency with the site's historical character. Where deemed necessary by the County, an historical consultant shall prepare, at the applicant's expense, an analysis of the proposed development and recommendations regarding appropriate modifications to the proposal in order to assure such consistency. As well, the development shall be located outside of the critical viewshed. A condition of approval shall be the visual restoration of the parcel and the provision of public access to the beach at Rocky Creek. (Ref. Policy 5.4.3.E.2)

- g. Visitor-serving projects with more than 5 inn or lodge units shall be required, as a condition of approval, to enhance existing and/or provide new public coastal recreational opportunities. The amount and nature of the facilities or improvements to be provided shall be appropriate to the type and extent of visitor-serving project being proposed. However, such opportunities shall be oriented to providing public access, such as trail dedications and pedestrian access to recreation land, and low-cost, low-to-moderate income facilities, such as day use facilities, e.g. fire rings and picnic tables. Payment of in-lieu funds to the County, to be used for physical improvements, shall be an acceptable alternative to actual provision of the physical improvements by the project developer. (Ref. Policy 5.4.3.C.2)
- h Applications for new or expanded restaurant development shall be required to submit, prior to the application being considered complete, the amount of proposed and existing seating. "Seating" shall be considered to be any chair, sofa, stool, or bench that is either temporary or permanent or in an open or enclosed area, at which a customer can sit and order food, includ-

ing full meals, a la carte items and appetizers, regardless of the presence of a table. (Each 2 feet of bench or sofa shall be counted as one seat.) As well, the application shall include a plot plan which shows the layout of the restaurant and surrounding area, including kitchen, work stations, tables, bars, patios and outside areas. Seats shall be delineated by type (i.e. chair, stool, etc.) and by temporary/permanent status.

- i. Development of new restaurants on parcels in **"VSC"** (Visitor-Serving Commercial) zoning districts shall be limited to a maximum of 120 seats and a structural size, including open and enclosed areas, necessary to accommodate only the amount of seating proposed---in the application. The proposal shall be modified as necessary to eliminate both enclosed and open area which could potentially be used for seating in excess of that proposed in the application. (Ref. Policy 5.4.3.C.7)
- j. Development of new restaurants on parcels in **"WSC"** (Watershed and Scenic Conservation) zoning districts, shall only be allowed if the parcel has been previously been developed with inn, lodge, or campsite units, or if an application for such units is on file and pending with the Planning Department. The restaurant development shall be limited to a maximum of 2 seats per existing inn/lodging/campsite or 1 seat per hostel bed unit, and a structural size, including open and enclosed area, necessary to accommodate the proposed seating. The proposal shall be modified as necessary to eliminate both enclosed and open area which could potentially be used for seating in excess of that proposed in the application. (Ref. Policy 5.4.3.C.7)
- k. Expansion of existing restaurants shall be allowed according to the following criteria:
 - 1 On parcels in a **"VSC"** (Visitor-Serving Commercial District) zoning district, expansion shall not exceed either 10% of the existing seating or a total of 120 seats (including existing and proposed seating) whichever is greater.
 - 2) On parcels designated **"WSC"** (Watershed and Scenic Conservation), restaurant expansion shall only be allowed to accommodate existing and proposed inn/lodging/campsite units, at a rate of 2 seats per existing and

proposed unit

The maximum size of the expanded restaurant shall be limited to that necessary to accommodate the proposed seating. The proposal shall be modified as necessary to eliminate both enclosed and open area which could potentially be used for seating in excess of that proposed by the application.

The proposed structure shall be required to meet the design standards of Section **20.145.140.B.1.b**, and shall be modified as necessary, including reduced amount of seating, in order to be able to meet these standards. (Ref. Policy 5.4.3.C.7)

1 Development of new or expanded restaurant facilities on parcels which do not also have inn, lodging, or campsite facilities shall be required to provide parking at a rate of 1 parking space per 4 seats or per 100 square feet of enclosed and open dining area, whichever is greater. As well, adequate and separate employee parking shall be provided. Adequate employee parking shall be one parking space for each employee expected to drive to the work site during the largest work shift, as described in the employee information required in Section 20.145.140.B.1.m.

m Applications for commercial development, including new or expanded recreation, restaurant and other visitor-serving facilities shall include an "employee housing plan", to be required and submitted prior to the application being considered complete. The plan shall include the following:

- 1 number of total employees, shown on a ~~month-~~by-month basis if seasonal fluctuations are expected;
- 2) breakdown of the number of employees according to seasonal/permanent status, job category, and wages, shown on a ~~month-~~by-month basis if seasonal fluctuations are expected:

number of ~~emplo,ees~~ employees per shift, including the largest shift during the peak season;

number of employees to be housed on the parcel to be developed, elsewhere in the Big Sur area, and outside of the Big Sur area;

- 5) number of employees to live in both off-site and on-site housing as provided by the employer:
- 6) description of on-site and off-site employee housing to be provided by the employer, including location of the housing, type of accommodations, number of rooms or units, and cost to the employee: and,
- 7) number of employees, as a total and on the largest shift during the **peak season**, who will be commuting by car to the place of employment. (Ref. Policy 5.4.3.C.9)

2 Commercial Facilities

- a Development of new highway frontage commercial uses, including gasoline service stations, general stores and other similar highway-oriented commercial structures serving community and visitor needs shall be limited to the following Rural Community Center areas as mapped in the Big Sur Coast Land Use Plan, Big Sur Valley (except the **Sohm/Rodakowski**, State Parks; and Chappellet sites): Lucia: Pacific Valley: and Gorda. Such highway-oriented commercial development is restricted to areas in **"VSC"** (Visitor Serving Commercial) zoning districts.
- b. Development of new or expansion of existing commercial facilities shall be compatible with the **rustic**, small-scale character of Big Sur. As such, development shall be modified as necessary to meet the following standards:

Building materials shall be natural, including wood and, wherever possible, stone, and shall also utilize earth-tone colors.

- 2) Tree removal and grading shall be minimized to that which is necessary for accommodation of the main and accessory structures. Where there are alternatives to development which minimize tree removal and/or grading, the development proposal shall be modified as necessary, such as in location, siting, size, **design** and/or bulk, in order to incorporate the alternative.
- 3 The maximum building height shall be two stories.

- 4 Building scale, bulk and size shall be comparable to existing structures in the area and clearly subordinate to surrounding land forms. (Ref. Policy 5.4.3.E.3 and E.4)
- c Cottage shop industry shall be permitted in areas where residential use is allowable, and shall not be restricted to commercially-oriented zoning districts. "Cottage shop industry" is **small-scale** manufacturing of artistic or craft items as conducted out of the home or from a workshop accessory to an existing principal residence. (Ref. Policy 5.4.3.E.7)
- d Existing commercial facilities, located outside "CGC" zoning districts, may be permitted to expand existing secondary uses on the parcel provided that such expansion is small in scale and clearly subordinate and incidental to the parcel's primary use. (Ref. Policy 5.4.3.E.7)
- e. Development of new or expanded commercial uses shall not be permitted to adversely impact traffic safety or capacity of Highway 1. Further, proposals shall be modified as necessary to avoid such adverse impacts. Proposals for development of new or expanded commercial uses, including inns and restaurants, shall thus require the preparation of a traffic study, according to the requirements of Section 20.145.130.A. The study shall assess potential impacts and recommend mitigation measures. (Ref. Policy 5.4.3.E.9)
- The Director of **Planning** may waive the traffic study for minor expansions of existing commercial uses which will not have adverse traffic impacts, as verified by the Public Works Department.
- f Development of new or expanded commercial facilities shall include provision of adequate parking which is screened by landscaping or other appropriate methods from public views from Highway 1. Proper screening, such as landscaping, shall be required as a condition of approval. (Ref. Policy 5.4.3.E.6 and E.9)
- g. Development of new or expanded commercial or renewal **of** permits for existing commercial uses shall not adversely impact surrounding land use, such as through additional light or glare. As such, proposal for commercial development shall be evaluated for the nature and extent of land use conflicts, and modifications shall be required as necessary to reduce potential adverse

impacts (Ref. policy 5.4.3.E.8)

- h. Development of new or expanded commercial facilities shall be required, as a condition of project approval, to enhance existing or to provide new physical improvements for public recreational opportunities or access. The amount and nature of the improvements to be required shall be appropriate to the **type** and extent of the proposed commercial facility. However, the types of projects may include trail links and interpretive facilities, and provision of public access to shoreline and recreation lands. Payment of in-lieu funds to the County, to be used for the physical improvements, shall be an acceptable alternative to actual provision of the physical improvements.---by. **the** project-developer.
(Ref. Policy 5.4.3.E.10)

- i. Conversion of existing low-cost overnight accommodations to other commercial or non-commercial uses shall be prohibited, unless the accommodations will be replaced with facilities comparable in cost and size. (Ref. Policy 5.4.3.E.11)

3. Public and Quasi-Public Facilities

- a Public and quasi-public facilities shall be subject to all applicable development standards of this ordinance and to the policies of the Big Sur Coast Land Use Plan. (Ref. Policy 5.4.3.F.4)

4. Housing

- a Visitor Accommodations Employee Housing

- 1) The employee housing provided by the employer shall be available at a cost affordable to the development's **low-to-moderate** income employees, as detailed in the Employee Housing Plan as per Section 20.145.140.B.1.m.
- 2) The employee housing must be constructed prior to or concurrent with the proposed development, and shall be included as part of the development application.
- 3) The housing shall be constructed on the site or in the immediate vicinity of the development, such that an employee may walk to the job site.

- c. Where the design of the accessory structure does not preclude use of the structure as a dwelling unit or living space, a condition of project approval shall be that the applicant record a deed restriction, prior to issuance of building permits, stating the applicable regulations, including that the structure may not be inhabited nor contain cooking or kitchen facilities. (Ref. Policy 5.4.3.J.2)

6 Antiquated Subdivisions

- a In order to resolve the problems created by antiquated subdivisions and notwithstanding Section 20.98.080, the Board of Supervisors or other appropriate authority may require merger of adjacent parcels in common ownership where past land divisions have resulted in parcels being unusable under current standards or where cumulative impacts on coastal resources require limitations on further development.
- b. Such mergers shall be subject to the following standards:
 - The minimum buildable parcel shall be one acre;
 - 2) Each parcel must contain a suitable septic and drainfield location on slopes less than 30%, and must be able to meet Regional Water Quality and County stream setback and septic system requirements; and
 - 3 Each parcel must conform to all other applicable requirements for residential development on existing parcels.
- c. These merger provisions shall immediately apply to the Garrapatos Redwoods Subdivision. (Ref. Policy 5.4.3G-3 & G.4).

20.145.150 PUBLIC ACCESS DEVELOPMENT STANDARDS

Intent of Section: The intent of this Section is to provide development standards which will protect, encourage, and enhance the rights of access to the shoreline, public lands, and along the coast, and the opportunities for recreational hiking access.

Because preservation of the natural environment is the highest priority, all future access must be consistent with this objective. Care must be taken that while providing public access, the beauty of the coast, its tranquility and the health of its

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environment are not marred by public overuse or carelessness. The protection of visual access should be emphasized throughout Big Sur as an appropriate response to the needs of recreationists. Visual access shall be maintained by directing all future development out of the viewshed. The protection of private property rights must always be of concern. (Ref. Policy 6.1.3)

The intent of the following section is to use the existing access as much as possible, and to improve existing but deteriorated trails, where needed, to provide more evenly distributed access. This approach minimizes both the visual and environmental impacts associated with construction and use of new trails and the conflicts involved in providing a new trail access through a multitude of private ownerships. Cooperation between the County, public management agencies, local landowners, and the community are essential when applying the following standards. (Ref. Policy 6.1 & 6.1.3)

Public access shall be required except where determined by the decision-making body to be inconsistent with public safety, military security needs, protection of fragile coastal resources or protection of agricultural resources, except where exempt under Section 20.145.150.D.1.

A. Access Management Plan Requirement

1. An access management plan shall be required when any opening of or improvements to a public accessway are proposed or required, and a Coastal Development Permit or other discretionary permit must be obtained for such opening or improvements. The access management plan requirements shall apply to commercial, industrial, and visitor-serving development which is required, as a condition of project approval, or proposes to establish and open public access as part of the development proposal.
2. An access management plan will not be required for a proposed project if such a plan has been previously prepared and if that plan includes all required elements and also addresses the proposed project as well as the entire accessway. If a previous plan does not meet these conditions, then an amended plan shall be required. That amended plan shall address the appropriate elements such that, together with the original plan, it constitutes an adequate, complete plan.
3. The access management plan or amended plan shall be required by, submitted to, and approved by the Planning Department prior to the application being considered complete. It shall be prepared at the applicant's expense. Four copies shall be submitted to the Planning Department.

The access management plan shall be in conformance with the resource protection and accessway standards of this ordinance and with the policies of the Big Sur Coast Land Use Plan. All elements of the plan must be in conformance with the "Public Access Criteria" contained in Section 20.145.150.E.3. As well, the plan shall incorporate at a minimum the management and implementation recommendations contained in Table 2 of the Big Sur Land Use Plan. The plan shall be revised as necessary to meet each of these requirements, before the plan may receive County approval.

- 5 The access management plan shall be prepared for the entire accessway, and shall include, at a minimum, the following elements:
 - a Overview
 - 1) Description of accessway location, setting, terrain, length and width, and existing land use and development in the area.
 - b Accessway Liability

Identification of entity responsible and liable for what happens to life and property within the accessway easement area.

 - 2) Description of insurance provisions.
 - c Accessway Maintenance
 - 1) Identification of entity responsible for accessway maintenance.
 - 2) Description of types and frequency of on-going clean-up and periodic up-keep that will be undertaken by the responsible entity.
 - d Accessway Siting
 - 1) Identification of entity responsible for surveying and determining the precise accessway location and width.
 - 2) Description of the accessway location and width. The trail easement shall not be less than 10 feet in width. The trail shall not be less than 4 feet in width, unless as otherwise specified in the access management plan.
 - e Accessway Improvements

- 1) Description of types, locations, and design of accessway improvements, including **trail-** heads, signs, fencing, ramps, steps, railings, public facilities, etc.
- 2) Description of landscaping, if proposed
- 3) Description of grading and tree removal required for the improvement projects.
- 4) Explanation of the purpose and need for each improvement.
- 5) Description of funding sources and **amounts** needed for improvement projects.
- 6) **Timetable for-procvision..of** improvements

f Parking (if applicable)

- 1 Detailing of amount of parking needed., given the expected amount of users,. and the amount of parking to be provided.
- 2) Description of parking lot location and dimensions.
- 3) Description of parking lot design and improvements, including landscaping, barriers, signs, and space size/design.

Analysis of the access to the parking lot from the public road, and the needed and **proposed improvements to the lot entrance** and the road in order to assure safety.

g. Project Analysis

- 1) Analyze and discuss impacts of the proposed accessway **and associated improvements** in relation to the following:
 - a) amount of expected accessway users and types of use:
 - b) maximum amount of people able to use the **resource while still assuring the** resource's protection and long-term maintenance: .
 - c) wildlife, wetland, **and environmentally sensitive habitats;**
 - d) area vegetation;

- e) adjacent land uses;
- f) existing development, including neighborhood privacy;
- g) private water sources;
- h) visual impacts
- i) noise;
- j) fire hazard;
- k) public safety; and,
- l) conformity to the "Public Access Criteria" contained in Section 20.144.150.E of this ordinance.
- m) archaeological resource
- n) other fragile resources

Discuss mitigation measures and improvements incorporated into the project in order to reduce the potential impacts identified above. Appropriate mitigation measures include siting and design alternatives, as well as reasonable restrictions on campfires, firearms, motorized vehicles, dogs, collecting, and hours or seasons of use.

h. Maps and Figures

- General Locational Map;
- 2) Accessway Location Map:
- 3 Accessway Detailed Map, showing contours, habitat and wetlands locations, and access alignment and width(s);
- Access Improvements Map, showing locations and types of proposed and future improvements; and,
- 5) Access Improvements Detail, showing elevations of the proposed improvements, with design, colors, and materials.
- 6) Maps shall be at a scale to be determined by the project planner. (Ref. Policy 6.4.B.1)

B Access Analysis

Prior to the determination that a development application is complete, the planner shall analyze whether:

- a public access is presently existing on the parcel to be developed, either as:
 - 1 a dedicated access, or an offer of dedication having been recorded on the parcel; or,
 - 2) an **accessway** over which the public may have prescriptive rights, according to the planner's site visit, aerial photographs, and/or criteria provided in the "Prescriptive Rights Manual" by the State of **California's Office of the Attorney General**.
- b public access is needed over the parcel, according to the **"Access Location and Distribution Standards"** provided below as Section **20.145.150.C**, for
 - 1) lateral access, to provide continuous and unimpeded lateral access along the entire reach of a sandy beach area or other **useable** recreational shoreline;
 - 2) vertical access, to provide a connection between the first public road, trail or use area nearest the sea and the publicly-owned tidelands or lateral accessway;
 - 3) upland trail, to provide access along a shorefront bluff or along the coast inland from the shoreline as needed to establish a continuous trail system along the Big Sur Coast or to link inland recreational opportunities to the shoreline: and/or,
 - 4) scenic overlook, to provide access to a location or area that provides a unique or unusual view of the coast.
- c public access is proposed over the parcel, or within one-quarter mile of the parcel, as shown on figures 2 and 3 of the Big Sur Coast Land Use Plan.

C Access Location and Distribution Standards

1. Lateral Access

The Lateral Access standard shall apply to parcels containing beachfront or **useable recre-**

Chapter 20.17

REGULATIONS FOR WATERSHED AND SCENIC CONSERVATION RESIDENTIAL ZONING DISTRICTS OR "WSC (CZ)" DISTRICTS

Sections:

20.17.010	Purpose.
20.17.020	Applicability.
20.17.030	Nonexempt Development
20.17.040	Principal Uses Allowed, Coastal Administrative Permit Required in Each Case.
20.17.050	Conditional Uses Allowed, Coastal Development Permit Required in Each Case.
20.17.060	Site Development Standards.
20.17.070	Special Regulations.

20.17.010 PURPOSE.

The purpose of this chapter is to provide a district to allow development in the more remote or mountainous areas in the Coastal Zone while protecting the significant and substantial resources of those areas. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams and riparian corridors. The purpose of this chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.

20.17.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.02^h.
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any principal use;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;

EXHIBIT NO. 8
APPLICATION NO.
CD-83-05

- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Animal husbandry and small livestock farming, provided that not more than 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;
- L. All agricultural uses on a minimum of 10 acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Administrative or Coastal Development Permit;
- M. Home occupations, pursuant to Section 20.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health (ZA);
- O. Crop farming, tree farming, viticulture and horticulture;
- P. Intermittent livestock farming or animal husbandry such as "4-H" projects;
- Q. Senior citizen units meeting the development standards of Section 20.64.010;
- R. Farm employee housing facility for not more than two families or five single persons;
- S. Second residential units not exceeding the zoning density of the property;
- T. Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;
- U. The use of mobilehomes for farm employee quarters;

20.17.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT

**PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS
EXEMPT (Section 20.70.120)**

- A. Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- C. Commercial kennels (ZA);
- D. Public stables on a minimum of 10 acres (ZA);
- E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;
- I. Caretaker units meeting the development standard of Section 20.64.030;
- J. Agricultural support services (ZA);
- K. Farm worker housing facility;
- L. Farm employee housing facility for more than two families or five single persons;
- M. Keeping and raising of mink (ZA);
- N. Water system facilities including wells and storage tanks serving 15 or more service connections;
- O. Reserved;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- Q. Accessory structures and uses prior to establishment of main use or structure (ZA);
- R. Large family day care facilities (ZA);

- S. Frog farms (ZA);
- T. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- U. Livestock feed yards on a minimum of 20 acres (ZA);
- V. Animal sales yards on a minimum of 10 acres (ZA);
- W. Dairies on a minimum of 40 acres (ZA);
- X. Animal hospitals (ZA);
- Y. Poultry farms on a minimum of 5 acres (ZA);
- Z. Riding and roping arena operations on a minimum of 10 acres (ZA);
- AA. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- BB. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Reserved;
- EE. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- FF. Conditional Certificates of Compliance;
- GG. Detached structures accessory to any conditional use;
- HH. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with this Chapter and the applicable land use plan;
- II. Subdivisions;
- JJ. Lot Line Adjustments.

**ex parte e-mail
from Dan B. Secord**

received 7/29/05

When: July 29, 2005

Where: City Hall Santa Barbara

Who: Carola Nicholson 969-9662

Richard Tobin 961-5748

Armando Arias 831 455-8335

What: Thursday 7 c US Forest service Brazil Ranch Consistency
Determination

We discussed: the development proposal
public access issues
parking on US 1
alternative parking sites

Dan B. Secord, M.D.
Coastal Commissioner

EXHIBIT NO.	9
APPLICATION NO.	
CD-83-05	

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



RECORD PACKET COPY

W 8c

Correspondence

Consistency Determination No. CD-83-05
U.S. Forest Service
General Consistency Determination
Brazil Ranch, Monterey County

8/25/05
Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Transmitted via fax and email to: (415) 904-5400 and mdelaplaine@coastal.ca.gov

Re: CD-83-05, Forest Service Consistency Determination for commercial use of the Brazil Ranch in Monterey County.

Dear Mr. Delaplaine

This constitutes public comment by the Coast Property Owners Association (CPOA) on federal consistency determination CD-83-05. Per our phone conversation, please distribute these comments to members of the Commission in their August 26th, 2005 mailing for the September 14th, 2005 meeting.

CPOA strongly urges the Coastal Commission to contest consistency determination CD-83-05. The commercial use of the Brazil Ranch proposed by the Forest Service is not consistent with Big Sur's Local Coastal Program (LCP).

As explained in detail below, the staff report for this project is defective in that it:

- Applies the wrong standard of review, contrary to requirements of federal law and Chapter 11 of California's Coastal Management Program.
- Presents facts in a way that misleads and misinforms the Commission.
- Improperly seeks to concur with a "general" consistency determination.

Concurrence with this CD would be yet another example of the double standard too often applied in Big Sur. This ongoing trend is demoralizing our community and threatens its very existence.

Private landowners are regulated to the point they often give up and sell their land to public agencies. Public agencies have come to expect they can use land in ways not allowed by private landowners. A result is that over one third of the private land in our area has been acquired by public agencies in the last 20 years. Our community is literally being disappeared. Respect for the regulatory system is falling, as is support for our LCP.

The California Coastal Act was never intended to dismantle long-established coastal communities. Yet that is the long-term effect of applying a public/private double standard for use of land in Big Sur. It is time for the practice to end.

Private landowners in the Big Sur area with non-commercially zoned land are not allowed to hold commercial events like those proposed by the Forest Service. Our Land Use Plan says all government agencies will be held to the same rigid standards as private landowners. It is the Commission's job to apply this simple principle.

The Proposed Commercial Use of the Brazil Ranch is not consistent with Big Sur's Local Coastal Program.

As explained in "A" below, the proper standard of review for this consistency determination is the California Coastal Management Program, which includes the Big Sur LCP. The Big Sur LCP consists of the Big Sur Coast Land Use Plan (LUP) and its implementing ordinances.

The Forest Service proposes commercial use of the property for events such as weddings and conferences, attended by up to 400 people. The LUP land use map designates areas where commercial use such as those proposed by the Forest Service are to take place. These areas are designated as Rural Community Centers (RCC) and are zoned for commercial use. The Brazil Ranch is not within a RCC. The Brazil Ranch is zoned Watershed and Scenic Conservation (WSC). The WSC zoning designation does not allow the commercial use proposed by the Forest Service.

Contrary to what is implied in the staff report, a private owner of the Brazil Ranch would not be permitted to conduct the commercial use proposed by the Forest Service. Similar commercial use of private land zoned WSC in Big Sur has been stopped and owners threatened with sanctions.

The staff report for this CD is defective.

The staff report applies the wrong standard of review, contains statements of fact that mislead and misinform the reader, and improperly seeks to grant concurrence with a "general" consistency determination.

A. The staff report applies the wrong standard of review.

The staff report analyzes the CD for consistency with Chapter 3 of the California Coastal Act, effectively ignoring Big Sur's LCP. However, federal law provides that,

"Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs." [Title 16 USC 1456(c), emphasis added.]

Federal law defines an "enforceable policy" as,

"... State policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water uses and natural resources in the coastal zone," 16 USC 1453(6a), and which are incorporated in a management program as approved by OCRM either as part of program approval or as a program change under 15 CFR part 923, subpart H." [15 CFR 930.11(h), emphasis added.]

The LCP was incorporated into the California Coastal Management Program (CCMP) in 1990, and was approved by the office of Ocean and Coastal Resource Management (OCRM) for federal consistency purposes that same year (see approval letter from OCRM, attached). Federal law therefore requires that federal agency activities in the Coastal Zone in the Big Sur area be consistent to the maximum extent practicable with the Big Sur LCP.

Nevertheless, coastal staff insists the standard of review is only Chapter 3 of the California Coastal Act, and that the role of the Big Sur LCP is at most to provide guidance interpreting the Coastal Act in light of local conditions. When asked to provide the statutory or regulatory basis for staff's position, staff could provide none. Staff did suggest however that the CCMP provides the basis for this position. Upon consulting the CCMP that assertion proves false.

Section B of Chapter 11 of the CCMP sets out the role of LCPs in federal consistency determinations. That section states in pertinent part:

"Although states are given the responsibility for making these determinations of federal consistency under the CZMA, in California the local coastal programs will be considered a refinement of the State coastal management program and local governments will, therefore, be afforded the opportunity to participate in determining whether Federal activities and Federal projects would be consistent with the State (and the local) coastal program." [CCMP, Chapter 11, section B, pg. 90, emphasis added.]

"Local government representatives will be afforded the opportunity to assist the Coastal Commission in its consideration of the Federal agency's consistency determination by presenting a determination of the consistency of the activity or project with the certified local coastal programs for the jurisdiction." [CCMP, Chapter 11, section B(a)(ii) pg. 91, emphasis added.]

Section A(6) of the Introduction to the CCMP also states, that, once incorporated into the CCMP, certified Local Coastal Programs (LCPs) "will be used in making federal consistency determinations".¹

Coastal staff also suggested court decisions on *American Petroleum Institute (API) v. Knecht* support staff's position.² However, review of those opinions by legal counsel finds no such support. Indeed, the opinions support the position that after development of LCPs and their inclusion in the CCMP and approval by OCRM, the LCPs are properly included in the CD standard of review because LCPs must be consistent with the Coastal Act (the opinions were written in 1978 and 1979, before LCPs were completed).³

There is no statutory, regulatory or case-law basis for Coastal staff's position that the Big Sur LCP is to be used only for guidance interpreting Chapter 3 of the Coastal Act.

Every indication is that the state legislature and Congress intended that approved LCPs be included in the CCMP for the purpose of reviewing consistency determinations, and that the CCMP be applied in its entirety. Federal agencies must act consistent with the Coastal Act and applicable LCPs, and all other enforceable policies of the CCMP.

¹ This entire paragraph is taken as written from a model "detailed" consistency determination on the Coastal Commission's website.

² *American Petroleum Institute (API) v. Knecht* (1978) 456 Fed. Supp. 889, affirmed 609 F.2nd 1306

³ "Thus, at all times, California has a process which coordinates the coastal program with local plans and assures potential users that they will not be subject to local plans that fail to comply with the requirements of the California Coastal Act." *American Petroleum* at 609 F.2nd 1306, 1313.

We understand staff has made a practice of applying this improper standard of review to other CDs. It appears staff's position is a holdover from the time before LCPs had received approval from NOAA for application to CDs. Now that such approval has been given for Big Sur's LCP, failure to include the LCP as the standard of review in federal CDs does not comport with federal law or with Chapter 11 consistency provisions of the CCMP.

B. The staff report contains statements of fact that mislead and misinform.

The staff report makes much of prior use of the ranch for special events.⁴ The intent appears to be to lead the reader to believe the Forest Service merely wants to continue a commercial use of the ranch that was conducted by prior private owners.

However, the statements are misleading. Even if accurate, prior unlawful use of the ranch cannot be used to justify continued unlawful use by the Forest Service.

Upon close inspection, it appears that the "events" used to justify commercial use of the property were actually "social gatherings" and "business meetings."⁵ Using these non-commercial gatherings to justify commercial use of the property is like using a prior owner's birthday and holiday parties in a home to justify later commercial use of the house to hold conventions and trade shows.

We question whether the Forest Service or Coastal staff can produce event permits confirming that prior to Forest Service acquisition, the ranch was lawfully used for commercial events of the kind proposed by the Forest Service for "360 of the 365 days of the calendar year."

Moreover, the staff report implies that prior owner Alan Funt frequently used the ranch for commercial events. Neighbors of the property say they saw no use of the ranch for commercial events by Funt, or by Brian Sweeney (who owned the ranch for a short time after purchasing from the Funt estate).

There is no evidence the Ranch was used for lawful commercial events of the kind proposed by the Forest Service, despite statements in the staff report that lead the reader to think otherwise.

C. The Forest Service improperly seeks a "general" consistency determination.

Even if the use proposed by the Forest Service on the Brazil Ranch were consistent with the Big Sur LCP, the Forest Service is not entitled to a "general" consistency determination for the uses proposed.

⁴ "During its private ownership period, aside from farming activities the ranch was frequently used for private special events. The Forest Service wishes to continue to schedule special events ..." [Staff report, page 1, emphasis added.]

"Among the management roles, and the one generating the need for this general consistency determination, is the Forest Service's proposal to continue to allow special events ..." [Staff report, page 5, emphasis added.]

"Before it came into federal ownership, the Brazil Ranch was historically privately owned and used for a wide variety of special events ..." [Staff report, page 6, emphasis added.]

⁵ Staff report quoting the Forest Service's consistency determination letter, 'During ownership by the developer, use of the ranch for social gatherings and business meetings increased substantially.' [Staff report, page 6, emphasis added.]

Title 15 Code of Federal Regulations, section 930.36(c) is the federal regulation dealing with "general" consistency determinations. It states in pertinent part, as quoted on page 4 in the staff report:

"A Federal agency may provide a State agency with a general consistency determination only in situations where the incremental actions are repetitive and do not affect any coastal use or resource when performed separately."

The commercial events the Forest Services proposes for the Brazil Ranch will each affect coastal use and resources when performed separately. For example, traffic on Highway 1, a road that is currently used at or near capacity, and which provides the only access to the coastal areas in Big Sur, will be impacted by each event.

Moreover, the Forest Service proposes leasing the ranch for various types of events, without substantial specificity. It is unknowable at this time if a future unspecified event may have an effect on a coastal use or resource.

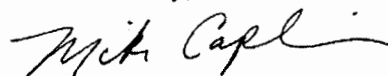
Additionally, each event will be unique in nature (the Forest Service has provided several unique examples) and they are therefore not "repetitive."

Even if each of the uses were consistent with the Big Sur LCP, the Forest Service would not be entitled to apply for a general consistency determination. The proper procedure would be to apply for a consistency determination for each event.

Conclusion

CPOA urges the Commission to contest CD-83-05. Your staff report cannot be relied upon, as it applies the wrong standard of review, contains statements that mislead and misinform the reader and would concur with a general consistency determination that is inconsistent with federal law.

Sincerely,



Michael Caplin
President, Coast Property
Owners Association
(831) 624-5418
mcaplin@mbay.net



Big Sur Environmental Institute

at the Brazil Ranch

Board of Directors

Anne Taylor, Chair
Tom Nash, *Secretary*
Carola Nicholson, *CFO*
Antonia Robertson
Armand Neukermans
Bill Hayward
Christina Holloway
F. Ward Paine
Harvey Hinman
Mary Trotter
Michelle Moore
Roger Williams

July 22, 2005

Mark Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Email: mdelaplaine@coastal.ca.gov
Telephone: 415.904.5289

RE: Coastal Consistency Determination for the Brazil Ranch,
Los Padres National Forest

Dear Mr. Delaplaine:

I, along with the Board of Directors for the Big Sur Environmental Institute write in support of California Coastal Commission and Los Padres National Forest efforts to protect the scenic resources of Big Sur's Brazil Ranch, provide for environmental educational programming, and seek opportunities for the public to enjoy this national treasure. The Board of Directors believes the General Coastal Consistency Determination for the Brazil Ranch prepared by the Forest Service outlines both a description and a process of how the Brazil Ranch can become a place to convene educational programming, seminars and policy forums on conservation issues as well as provide opportunities for general public enjoyment.

The nonprofit Big Sur Environmental Institute offers educational programs on issues related to environmental conservation, stewardship and sustainability at the Brazil Ranch. We fully support the California Coastal Act goal of providing educational opportunities to ensure citizens are aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment.

We look forward to working with the Coastal Commission and the Forest Service to fulfill the stated goals of the California Coastal Act to "carry out a public education program that includes outreach efforts to schools, youth organizations, and the general public for the purpose of promoting understanding of, fostering a sense of

individual responsibility for, and encouraging public initiatives and participation in programs for, the conservation and wise use of oceans and other natural resources."

Sincerely,

Armando A. Arias, Jr., Ph.D.
Executive Director

LAW OFFICES OF
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ,
LAW & COOK
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

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AUG 25 2005

CALIFORNIA
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August 24, 2005

FILE NO. 17.02

VIA FACSIMILE AND FIRST CLASS MAIL

Marc Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Re: Coastal Commission Consistency Determination for the United States Forest Service's Private Commercial Use of the Brazil Ranch (CD-083-05)

Dear Mr. Delaplaine:

The purpose of this letter is to request that the Staff Recommendation on Consistency Determination CD-083-05 originally prepared for the August 2005 Coastal Commission hearing ("Staff Report") be revised to reflect the development policies which are critical to Big Sur's preservation.

The Coastal Zone Management Act ("CZMA") requires the Coastal Commission to determine whether the United States Forest Service's ("Forest Service") use of the Brazil Ranch for corporate retreats and weddings serving up to 400 guests is consistent to the "maximum extent practicable" with the enforceable policies of the California Coastal Management Program ("CCMP"). As further described below, Forest Service's proposed private commercial use of the Brazil Ranch is patently inconsistent with the CCMP's policies.

WSC Zoning Standards Do Not Permit Corporate Retreat Rentals:

The Staff Report fails to mention that special event corporate retreats and weddings are not permitted within the Watershed and Scenic Conservation ("WSC") zoning applicable to the Brazil Ranch. The primary objective of WSC zoning is the protection of watersheds, streams, plant communities and scenic values.

The only mention of zoning standards in the Staff Report is a quote from the Forest Service that WSC zoning could allow for "rustic inns, lodging, hostels, and other visitor-serving facilities." This quote is found on page 6 of the Staff Report in an introductory paragraph labeled, "Background/History". The Staff Report provides no analysis or conclusion regarding the accuracy

of whether WSC zoning allows for rustic inns or whether such a fact would have any bearing on the use of the Brazil Ranch for corporate retreats and weddings.

The Forest Service is correct that section 5.3.1.2 of the Big Sur Land Use Plan ("Big Sur LUP") mentions "rustic inns, lodging, hostels and other visitor-serving facilities" in relation to WSC zoning districts. However, the Forest Service neglects to mention that the Big Sur Coastal Implementation Plan ("Big Sur CIP") does not permit these uses in WSC zoning. A list of the permitted uses in WSC zoning districts is attached hereto as Exhibit "A". Uses such as rustic inns are limited to Visitor Serving Commercial zoning districts.

Allowing the Forest Service the benefit of their interpretation that WSC zoning allows for "rustic inns", there is still no basis for determining that the "rustic inn" use is equivalent to corporate retreats and weddings serving up to 400 people. The number and severity of enforcement actions that have been processed to prohibit the use of property zoned WSC for commercial special events is the clearest demonstration of what uses are inconsistent with the CCMP. As such, the Staff Report's support of the private commercial use of the Brazil Ranch is inconsistent with the CCMP.

Use of the Brazil Ranch Can Not be Legitimized by Prior Illegal Use:

The Staff Report supports the visitor serving commercial use of the Brazil Ranch on the basis of unsupported assertions that the Brazil Ranch was rented for special events one year prior to its acquisition by the Forest Service. The Staff Report fails to mention that such uses were illegal and could not have been permitted without a zoning amendment.

It is inconsistent with the enforcement of the CCMP to allow illegal uses to become legitimized on the basis of prior illegal use. Coastal Commission staff should know better than to publish such meritless arguments. Validation of the alleged prior use of the Brazil Ranch for corporate retreats and weddings will only encourage such illegal activities in WSC zoning districts.

Incorporation of Big Sur LCP as part of the CCMP:

The Staff Report's only mention of the Big Sur Local Coastal Plan ("Big Sur LCP") is a casual reference to the critical viewshed. The omission of any substantive analysis of the Big Sur LCP is contrary to the Coastal Commission's duty to determine whether the Forest Service's proposed action is consistent to the "maximum extent practicable" with the enforceable policies of the California Coastal Management Program ("CCMP").

Since March of 1990, the CCMP incorporated the Big Sur LCP, pursuant to Title 15, section 923.84 of the Code of Federal Regulations. The incorporation of the Big Sur LCP into the CCMP was confirmed by the March 30, 1990 letter from NOAA's Office of Ocean and Coastal Resource Management to Mr. Peter Douglas which is attached hereto as Exhibit "B".

Critical Viewshed Policies Prevent New Parking Along Highway One:

The Staff Report justifies the private commercial use of the Brazil Ranch by adding conditions which are inconsistent with the CCMP's Critical Viewshed prohibition. The Staff Report requires that the Forest Service develop trailhead parking along California Highway One. However, the Critical Viewshed policy of the CCMP "prohibits all future public and private development visible from Highway 1". See Big Sur LUP § 3.2.1. The Critical Viewshed prohibition includes grading and the installation of new parking lots.

The Critical Viewshed prohibition is the very cornerstone of the Big Sur LCP. Contrary to the Staff Report's recommended condition for added parking, the Big Sur LCP provides:

[N]ew parking facilities shall be provided at off-highway locations rather than on the Highway One shoulder. The creation of new parking lots between Highway One and the ocean shall be avoided wherever possible to avoid detracting from scenic coastal views. . . . Land acquired for viewshed protection [the Brazil Ranch] shall not be developed for parking or visitor serving facilities. See Big Sur LUP § 3.2.5.E. (emphasis added)

The Staff Report Ignores Impacts to Existing Agricultural Uses:

Section 30242 of the Coastal Act provides:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 3.6.1 of the Big Sur LCP provides:

Agriculture, especially grazing, is a preferred use of coastal lands. In locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. Williamson Act contracts, scenic easements, tax incentives, large lot zoning, and other techniques will be encouraged by the County to promote and assist agriculture.

While the Staff Report acknowledges the one hundred and fifty year heritage of ranching on the Brazil Ranch, the Staff Report fails to acknowledge that the conversion of the ranch's agricultural buildings, pastures and corrals for corporate retreats and weddings will impact Coastal Act and Big Sur LCP agricultural protection policies.

Traffic Related Resource Impacts are Ignored:

Section 30213 of the Coastal Act provides:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided

Section 5.4.3.2.E.9 of the Big Sur LUP provides:

New commercial uses or expansion of existing uses will be evaluated for their impact on traffic safety and highway capacity in the area. Parking shall be screened from public views from Highway One and should in no event create hazards for motorists or pedestrians.

Despite the policies described above, the Staff Report neglects to mention whether and how the Forest Service will address impacts to traffic and parking resources caused by the private commercial use of the Brazil Ranch for up to 400 guests. Coastal Commission staff has asserted the Big Sur portion of Highway One currently operates at the worst level of service (LOS F) at peak times. See the excerpt from Coastal Commission Staff Report A-3-MCO-05-052 attached hereto as Exhibit "C". Since the main access to the Brazil Ranch is an unprotected left turn across California Highway One, it is apparent that special events would severely impact traffic resources along California State Highway One.

The Staff Report does acknowledge that shuttle buses will be employed for events larger than 40 guests. However, the Staff Report fails to provide important details regarding how the use of shuttle buses will mitigate traffic and parking impacts.

In other words, where are up to 400 guests supposed to park and what will be the impact of such offsite parking? If parking is allowed along the Brazil Ranch's Highway One driveway and guests are then shuttled to the ranch, shuttle buses will not mitigate traffic and viewshed impacts along Highway One. If parking is mandated at other Forest Service facilities or elsewhere along Highway One then such parking will displace the general public from "lower cost visitor and recreational facilities".

Sewage and Water Related Impacts are Ignored:

Section 3.4.3.A.1 of the Big Sur LUP provides:

Applicants for development of residential, commercial, and visitor-serving facilities must demonstrate, by appropriate seasonal testing, that there will be an adequate water supply for all beneficial uses and be of good quality and quantity (e.g. at least ½ gallon per minute per single family dwelling year round) from a surface or groundwater source, or from a community water system under permit from the County.

The Staff Report fails to address foreseeable impacts related to sewage disposal and water consumption during special event corporate retreats and wedding serving up to 400 guests. Attached to this letter as Exhibit "D" is an assessment of the Brazil Ranch's septic and water system which was prepared for the Forest Service in October of 2003. The assessment demonstrates that existing water and septic utilities are in great need of repair and were never intended to serve special events. Moreover, the water system, as described in Exhibit "D", has consistently failed to meet drinking water standards.

It is imperative that the Coastal Commission and the general public understand the traffic, parking, water and sewage impacts which will result from the commercial use of the Brazil Ranch.

Consistency Determinations Can Not be Based on Lack of Funding:

Section 930.32(a)(3) of Title 15 of the Code of Federal Regulations provides:

Federal agencies shall not use a general claim of a lack of funding or insufficient appropriated funds or failure to include the cost of being fully consistent in Federal budget and planning processes as a basis for being consistent to the maximum extent practicable with an enforceable policy of a management program. The only circumstance where a Federal agency may rely on a lack of funding as a limitation on being fully consistent with an enforceable policy is the Presidential exemption described in section 307(c)(1)(B) of the Act (*16 USC 1456(c)(1)(B)*). In cases where the cost of being consistent with the enforceable policies of a management program was not included in the Federal agency's budget and planning processes, the Federal agency should determine the amount of funds needed and seek additional federal funds. Federal agencies should include the cost of being fully consistent with the enforceable policies of management programs in their budget and planning processes, to the same extent that a Federal agency would plan for the cost of complying with other federal requirements.

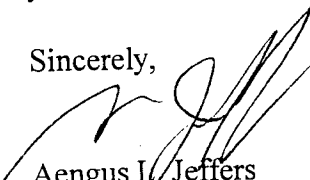
Page 1 of the Staff Report acknowledges that the purpose of renting the Brazil Ranch for corporate retreats and weddings is to help generate fees for maintaining the ranch. Pursuant to Section 930.32(a)(3) above, it is contrary to the CZMA to give the Forest Service the sort of regulatory leeway provided in the Staff Report in order to resolve a lack of funding to maintain or further develop the Brazil Ranch.

Conclusion

The Staff Report's consistency recommendation is patently inconsistent with the CCMP. The interpretations and logic employed by the Staff Report would significantly weaken the ability of the Big Sur LCP to protect the Big Sur coast. Moreover, a recommendation to approve the private commercial use of the Brazil Ranch would put into question the Coastal Commission's willingness to objectively protect the Big Sur coast.

In light of the deficiencies described above, I hereby request that the Staff Report's analysis and recommendations be revised to accurately reflect the CCMP.

Sincerely,



Aengus L. Jeffers

ALJ:am
Enclosures

cc:

Laurence P. Horan
Mark A. Blum
Lew Baumann, Monterey County Administrative Officer
Alan Perlmutter
Mike Caplin

EXHIBIT "A"

**MONTEREY COUNTY ZONING
COASTAL IMPLEMENTATION PLAN
TITLE 20
SECTION 17, WSC (CZ) DISTRICT**

MONTEREY COUNTY ZONING

COASTAL IMPLEMENTATION PLAN - TITLE 20

20.17 – WSC (CZ) DISTRICT

20.17.010 PURPOSE.

The purpose of this chapter is to provide a district to allow development in the more remote or mountainous areas in the Coastal Zone while protecting the significant and substantial resources of those areas. Of specific concern are the highly sensitive resources inherent in such areas such as viewshed, watershed, plant and wildlife habitat, streams and riparian corridors. The purpose of this chapter is to be carried out by allowing only such development that can be achieved without adverse effect and which will be subordinate to the resources of the particular site and area.

20.17.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "WSC" districts subject to Chapter 20.62 (Height and Setback Exceptions) and 20.70 (Coastal Development Permits) of this Title.

20.17.030 NONEXEMPT DEVELOPMENT.

The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact.
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.17.040 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. The first single family dwelling per legal lot of record;
- B. Guesthouses meeting the development standards of Section 20.64.020;
- C. The keeping of pets;
- D. Rooming and boarding of not more than 2 persons;
- E. Accessory structures and accessory uses to any principal use;
- F. Temporary residences, pursuant to Section 20.64.070, used as living quarters during the construction of the first dwelling on a lot;
- G. Cultivation, cutting and removal of Christmas trees;
- H. Small family day care homes conducted within an existing structure;
- I. Licensed residential care homes for aged persons or hospices of not more than 6 persons including any permitted rooming and boarding conducted within an existing structure;
- J. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- K. Animal husbandry and small livestock farming, provided that not more than 1 horse, mule, cow, or similar livestock shall be kept for each 20,000 square feet of land area;
- L. All agricultural uses on a minimum of 10 acres including crop and tree farming, livestock farming, animal husbandry, apiaries, aviaries, except for those uses requiring a Coastal Administrative or Coastal Development Permit;
- M. Home occupations, pursuant to Section 20.64.090;
- N. Stands for the sale of agricultural products grown on the premises having no permanent electricity, plumbing or paving and where adequate restroom facilities exist on premises, subject to the approval of the Director of Environmental Health (ZA);
- O. Crop farming, tree farming, viticulture and horticulture;
- P. Intermittent livestock farming or animal husbandry such as "4-H" projects;
- Q. Senior citizen units meeting the development standards of Section 20.64.010;
- R. Farm employee housing facility for not more than two families or five single persons;
- S. Second residential units not exceeding the zoning density of the property;
- T. Reduction in setback requirements provided the proposed reduction is 10% or less of the required setbacks;
- U. The use of mobilehomes for farm employee quarters;

V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

20.17.050 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Additional residential units to a maximum of 4 on any lot, and not exceeding the zoning density of the property;
- B. Public and quasi-public uses including churches, cemeteries, parks, playgrounds, schools, public safety facilities, schools, public utility facilities, but not including uses of a non-residential nature such as jails, rehabilitation centers, detention facilities, or corporation yards;
- C. Commercial kennels (ZA);
- D. Public stables on a minimum of 10 acres (ZA);
- E. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- F. Legal nonconforming use changed to a use of a similar or more restricted nature;
- G. Bed and Breakfast facilities, pursuant to Section 20.64.100;
- H. Commercial and noncommercial wind energy conversion systems;
- I. Caretaker units meeting the development standard of Section 20.64.030;
- J. Agricultural support services (ZA);
- K. Farm worker housing facility;
- L. Farm employee housing facility for more than two families or five single persons;
- M. Keeping and raising of mink (ZA);
- N. Water system facilities including wells and storage tanks serving 15 or more service connections;
- O. Reserved;
- P. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- Q. Accessory structures and uses prior to establishment of main use or structure (ZA);
- R. Large family day care facilities (ZA);
- S. Frog farms (ZA);
- T. Commercial hog and turkey raising on a minimum of 10 acres (ZA);
- U. Livestock feed yards on a minimum of 20 acres (ZA);

- V. Animal sales yards on a minimum of 10 acres (ZA);
- W. Dairies on a minimum of 40 acres (ZA);
- X. Animal hospitals (ZA);
- Y. Poultry farms on a minimum of 5 acres (ZA);
- Z. Riding and roping arena operations on a minimum of 10 acres (ZA);
- AA. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- BB. Stands for the sale of agricultural products grown on the premises having permanent electricity, plumbing or paving;
- CC. Cottage industries, pursuant to Section 20.64.095 (ZA);
- DD. Reserved;
- EE. Creation or use of Transfer Development Credits pursuant to Chapter 20.64.90 of this Ordinance (Big Sur only);
- FF. Conditional Certificates of Compliance;
- GG. Detached structures accessory to any conditional use;
- HH. Other residential or agricultural uses of a similar nature, intensity and density as those listed in this Section determined by the Planning Commission to be consistent and compatible with this Chapter and the applicable land use plan;
- II. Subdivisions;
- JJ. Lot Line Adjustments.
- KK. Wireless communications facilities, pursuant to Section 20.64.310.

20.17.060 SITE DEVELOPMENT STANDARDS.

A. Minimum Building Site

For clustering purposes only, the minimum building site area shall not be less than 1 acre.

B. Development Density, Maximum

The maximum development density shall not exceed the acres/unit shown for the specific "WSC" district as shown on the zoning map (e.g. "WSC/40" means a "WSC" district with a maximum gross density of 40 acres/unit).

C. Structure Height and Setback Regulations

The following structure height and setback regulations apply unless superseded by a structure height

EXHIBIT "B"

**LETTER from
NATIONAL OCEANIC and ATMOSPHERIC
ADMINISTRATION
to
Mr. Peter Douglas**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

Mr. Peter M. Douglas
Executive Director
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, CA 94105

MAR 30 1990

Dear Mr. Douglas:

On March 2, 1990, the Office of Ocean and Coastal Resource Management (OCRM) received your submittal of the North County Area, Del Monte Forest Area, Carmel Area, and Big Sur Area segments of the Monterey County Local Coastal Program (LCP), as well as LCP Amendment 2-85 (Minor), for incorporation into the federally-approved California Coastal Management Program (CCMP). We concur with your determination that these changes constitute routine program implementation, and we approve their incorporation into the CCMP pursuant to 15 C.F.R. §923.84.

As the Malpaso and Yankee beach Area of Deferred Certification is not currently in the LCP, we encourage you to work with the county to resolve the outstanding issues. Federal consistency, as determined under the California Coastal Commission's consistency procedures, will apply to these changes only after you publish notice of this approval.

Sincerely,

Timothy R.E. Keeney
Director



EXHIBIT "C"

**LEVEL of SERVICE
DETERMINATION
for
HIGHWAY ONE**

Appeal A-3-MCO-05-052

Weston, et al, Lot Line Adjustment

Substantial Issue Staff Report

Page 4

Finally, the reconfiguration of sub-standard parcels that cannot safely accommodate residential development into new buildable parcels would cumulatively increase the level of residential development in Big Sur well beyond that which is anticipated and allowed by the LCP. ~~It would result in increased traffic on Highway One, which currently operates at the worst level of service (LOS F) at peak times~~ and would thereby interfere with the public's ability to access and recreate on the Big Sur Coast. Such an increase in residential development will also place greater demands on limited water supplies, which would, in turn, adversely impact riparian habitats. For example, the additional water use associated with the increase in residential development resulting from this lot line adjustment poses adverse impacts to the sensitive habitats of the Mule Creek watershed. Furthermore, increases in residential development potential (over and above that already contemplated in the LCP) throughout the planning area could alter the unique character of Big Sur that makes it such a popular destination for coastal access and recreation. Because of these cumulative impacts, the lot line adjustment raises a substantial issue of consistency with Big Sur LUP Policy 5.4.3.G.3, which provides for unbuildable lots to be merged where cumulative impacts on coastal resources require limitations on further development, as well as with Coastal Act Sections 30211 and 30213, which protect the public's right of access to the sea, and to lower cost visitor and recreational facilities, such as the many camping and hiking opportunities that make the Big Sur coast such a highly desirable destination for coastal recreation.

II. Recommended Motion and Resolution

MOTION:

*I move that the Commission determine that Appeal No. A-3-MCO-05-052 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-05-052 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. Appeal Procedures:

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the



EXHIBIT "D"

SEWER and WATER INFRASTRUCTURE DESCRIPTION

Brazil Ranch Property Inventory

Physical Assets

Infrastructure

Sewer

Sewer service is provided via four (4) on-site septic tanks as follows:

- The Main (or Manager's) House has its own, independent 1,500-gallon Septic Tank. This tank was constructed in 1978 and is made of cement with gravel drain fields.
- The Guest House and Indian House share a 1,500-gallon Septic Tank. This tank was constructed in 1982 and is made of cement with gravel drain fields.
- The Horse Barn, with only one bathroom, has a small 200-gallon septic tank. This tank was constructed in 1979 and is made of redwood. It does not have drain fields.
- The Hay Barn has its own, independent 1,500-gallon Septic Tank. This tank was constructed in 2000 and is made of cement with gravel drain fields.

No entitlements were located in the County of Monterey records providing authorization and/or legalization of the tanks. Mr. Moon is of the opinion that the approval of each individual septic tank fell under the entitlement for its respective building with the exception of the septic tank for the apartment within the Hay Barn, which itself was constructed without the benefit of County Permits.

Each tank was inspected and pumped (for the first time) during the summer of 1998, except for the Haybarn Tank, which was originally installed in 2000. None of the tanks have been replaced since their original respective dates of installation. The drain field for the Main Residence tank failed on or around March 10, 2003. Refurbishment of the tank was unsuccessful and replacement costs and options are currently being explored. The life expectancy of a septic tank, the costs for repair & maintenance and the need for pumping are not known.

Brazil Ranch Property Inventory

Physical Assets

Infrastructure

Water

All water used at Brazil Ranch is spring water. According to Mr. Moon, there are approximately 25 springs on Brazil Ranch that vary in capacity. Two (2) of the springs are highly developed and are discussed in detail below. It is important to note that, according to Mr. Moon, the water has never passed tests to satisfy the required standards for drinking water as the coliform levels are too high. Thus, if the USFS decides to use the Ranch for any purposes other than single-family or two-family residential, it will be necessary for the water system to be brought up to current code. As per Mr. Moon, the spring water could be brought up to such specifications, if necessary. There are no wells on the property, however, there is a pump used for stock water.

A 4,000-gallon redwood water storage tank currently supplies domestic water to the Main House, Guest House and Indian House. The tank is located near the Indian House and was constructed by John Moon in 1979. The water in this tank comes from a natural spring located below-grade, in the cluster of trees near the cattle working pens atop the hillside approximately one mile south of the central pond. The water is carried from the spring to the tank via a 2-inch PVC pipe. According to Mr. Moon, this tank is in need of repair and is estimated to have one to two years of useable life remaining. In order to supply public drinking water, this tank will most likely need to be replaced and fully enclosed.

A 50,000-gallon underground cement water storage tank with a redwood roof currently supplies water to the barn and the fire hydrant outside the barn. This tank also provides irrigation water for the grounds surrounding the barn. This tank is located down slope from the Guest House and Indian House and was constructed by John Moon in 1978. The water in this tank comes from a natural spring located below-grade, in trees near the cattle working pens, about one-mile south of the central pond. The water is carried from the spring to this tank via a 2-inch PVC pipe. Water from this storage tank is carried to the Barn via a 4-inch water main. According to Mr. Moon, this tank is made entirely of concrete and has a redwood roof. The tank is in good condition, however its roof needs to be replaced.

A spring-fed water pond approximately 1/4-acre (100' wide x 100' long) in size is centrally located amongst the existing residences and horse/hay barns. The water from this pond is purely overflow and currently functions as a duck pond. The overflow of this pond is relieved via a 12-inch underground culvert to a 36-inch collection box. The water from the collection box is piped to a second Overflow Pond at the north end of the developed area of the property via a 3-inch PVC pipe. The water in this second Overflow Pond is also simply pond water. All excess water from this pond goes back into the adjacent creek by way of natural runoff.

A spring with a concrete box is located due south of the Haybarn. This spring supplies water to the one-acre pond that is centrally located on the flat portion of the Ranch where all the existing development is currently located.

BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 402-2700
FAX (415) 398-5630

August 25, 2005

LETTER FORWARDED TO STAFF

Meg Caldwell, Chair
Members of the California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

**Re: Coastal Commission Consistency Determination for the United States
Forest Service's Commercial Use of the Brazil Ranch (CD-083-05)**

Dear Chair Caldwell and Members of the Commission:

This office represents the Friends of the Big Sur Coast, a group of concerned citizens dedicated to monitoring development and environmental restoration or repair projects, both public and private, along the Monterey County coastline that may impact the environmental quality of the region. We strive to assure that equal treatment is given to each project's permit applicant by the government agencies responsible for upholding the laws designed to protect the region for the enjoyment of all local and State residents, and the many visitors from throughout the world.

I write to oppose the staff-recommended Consistency Determination for the U.S. Forest Service's proposed commercial use of the Brazil Ranch (CD-083-05). The pertinent Local Coastal Program ("LCP"), consisting of the Big Sur Coast Land Use Plan ("LUP") and its Coastal Implementation Plan ("CIP"), shows that commercial use of the Brazil Ranch by the Forest Service is not at all consistent with the California Coastal Management Program ("CCMP") to the maximum extent practicable.¹

The Forest Service has characterized the 2001 purchase of the 1,226 acre Brazil Ranch as having been necessary to halt the proposed development of nine residential units. (Brazil Ranch Brochure, page 2.) The Forest Service though has introduced intrusive commercial uses on the property such as group meetings, corporate retreats,

¹ The Coastal Zone Management Act requires the Coastal Commission to determine whether the Forest Service's use of the Brazil Ranch for the proposed uses is consistent to the "maximum extent practicable" with the enforceable policies of the California Coastal Management Program.

weddings, family reunions, and use as a film location sight. These uses are prohibited under the current zoning designation for the Brazil Ranch.

For the following reasons, the Friends of the Big Sur Coast oppose the staff's consistency recommendation:

- The proposed commercial uses are prohibited by the LCP as well as the Watershed and Scenic Conservation Zoning standards;
- Assertedly unlawful uses in the past by a former owner are irrelevant to the present unlawful uses by the Forest Service and the proposed consistency determination;
- The general public is deprived of access to the ranch; and
- Should the Commission issue a consistency determination, the LCP would be seriously weakened.

I. Proposed commercial uses are prohibited by LCP and the Watershed and Scenic Conservation Zoning Designation

The Local Coastal Program is used by the Coastal Commission to ensure consistency of federal activities with state coastal-management programs.² The Big Sur Coast Land Use Plan, part of the Local Coastal Program, provides certain broad categories of land use that reflect existing and traditional land uses and the priorities of the California Coastal Act. The Brazil Ranch falls within the Watershed and Scenic Conservation category, (Big Sur Coast Land Use Plan Section 5.3.1 (2)). The Forest Service claims that this category could allow for "visitor-serving facilities." This is false; the Watershed and Scenic Conservation category does not permit visitor-serving facilities. In order for the Forest Service to engage in their proposed commercial uses (group meetings, corporate retreats, weddings, family reunions, and use as a film location sight), Brazil Ranch must first be rezoned Visitor-Serving Commercial (Big Sur Coast Land Use Plan Section 5.3.1 (5)).

This Commission has many times taken enforcement action against people for uses not permitted under the particular zoning designation, including for uses such as corporate retreats and weddings. No private individuals have been able to justify commercial uses in Watershed and Scenic Conservation Zoning. Nor can the Forest Service.

² For example, the Big Sur Land Use Plan was integral in the 1988 California Coastal Commission consistency determination No. CD-18-88 (U.S. Forest Service) – Land and Resources Management Plan for Los Padres National Forest as well as the reconstruction of Big Sur's Pfeiffer Beach in 1997, No. CD-47-97.

II. Previous Unlawful Use Is Irrelevant to the Present Consistency Determination

The staff report seeks to justify commercial use of the Brazil Ranch on assertions that the Ranch had been rented for special events prior to its acquisition by the Forest Service. In its report, Staff quotes the Forest Service application, "During ownership by the developer, use of the ranch for social gatherings and business meetings increased substantially. For example, during the last year of ownership, records document the ranch was used for events on 360 of 365 days of the calendar year." (Staff Report, p. 6) The staff report fails to mention that such uses were unlawful and could not have been permitted without a zoning amendment. But in any event any such prior unlawful uses -- if indeed they occurred -- are irrelevant. It is inconsistent with the enforcement of the California Coastal Management Program to allow unlawful uses to become legitimized on the basis of prior use. Validation of the alleged prior use of the Brazil Ranch for corporate retreats and weddings will only serve to encourage such uses not allowed by the applicable zoning.

Quite apart from its relevance, the staff report exaggerates the number of events hosted on the ranch by the previous owner. At least fifteen days during that last year of private ownership, and perhaps as many as twenty-five, I personally visited the ranch. No social gatherings or events took place during any of these visits. Assuming an event took place every single other day of that year, the Forest Service is wrong in stating that such gatherings occurred on 360 of those 365 days.

III. The general public is deprived of access to the ranch

The California Coastal Act Section requires maximum public access to the shoreline (Pub. Res. Code section 30210), and the Big Sur Coast Land Use Plan Section 6.1.3 provides that "the rights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access shall be protected, encouraged and enhanced." Yet the 1,226-acre Brazil Ranch, acquired with \$27 million of public funds and taken off the tax rolls, is not accessible to the general public, unless you can afford to attend a special event sponsored by the Forest Service.

In response to staff concerns that the general public is being deprived of use of the ranch, the Forest Service "committed" to providing guided hiking from the parking area to the summit of Sierra Hill, unguided hiking along the coastal terrace west of Highway 1, and beginning in the Spring of 2006, supervised but unguided hikes from the parking area to the summit of Sierra Hill via the existing unpaved road along the eastern boundary of the ranch. These commitments fall far short of "maximum public access" to all 1,226 acres.

IV. Should the Coastal Commission issue a consistency determination, the LCP will be seriously hampered

The development rules and policies articulated in the Big Sur Coast Land Use Plan are critical to Big Sur's preservation. If the Coastal Commission ignores these rules

by issuing a consistency determination when a public agency like the Forest Service acquires property and implements uses not allowed by the zoning, it will have accomplished de facto rezoning without following the prescribed amendment procedures, as well as eliminated uses that the zoning intended, such as rural residential.

V. Conclusion

We oppose the Coastal Commission Consistency Determination for the Forest Service's commercial use of the Brazil Ranch (CD-083-05). The ongoing and proposed commercial uses of the Brazil Ranch by the Forest Service are not consistent with the California Coastal Act and the LCP. These uses must be halted to maintain the tranquility and natural beauty of Big Sur.

Sincerely,


John Briscoe

cc: Peter M. Douglas
Marc Delaplaine
Commissioners (See attachment)

California Coastal Commission

Commissioners

Meg Caldwell Director, Environmental and Natural Resources Law & Policy Program Stanford Law School 559 Nathan Abbott Way Owen House Room 6 Stanford, CA 94305-8610	Steven Kram 45 Fremont Street Suite 2000 San Francisco, CA 94105	Mary K. Shallenberger 3309 East Curtis Drive Sacramento, CA 95818
Patrick Kruer, Vice-Chair The Monarch Group 7727 Herschel Avenue La Jolla, CA 92037	Bonnie Neely Board of Supervisors 825 Fifth Street, Room 111 Eureka, CA 95501	Dan Secord M.D. City Hall City of Santa Barbara de la Guerra Plaza P. O. Box 1990 Santa Barbara, CA 93102
Mike Reilly, Supervisor County of Sonoma 575 Administration Drive, Room 100 Santa Rosa, CA 95403-2887	Jim Aldinger City Council Member City of Manhattan Beach 1400 Highland Avenue Manhattan Beach, CA 90266	Dave Potter Supervisor County of Monterey District 5 1200 Aguajito Road Suite 001 Monterey, CA 93940
Steve Padilla Mayor & Council's Office City of Chula Vista 276 4 th Avenue Chula Vista, CA 91910	Sara Wan 22350 Carbon Mesa Road Malibu, CA 90265	Dr. William A. Burke 11110 West Ohio Ave. Suite 100 Los Angeles, CA 90025

RECEIVED

AUG 25 2005

CALIFORNIA
COASTAL COMMISSION

August 25, 2005

Harvey D. Hinman

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Re: Brazil Ranch - General Consistency Determination

Dear Commissioners:

As a member of the Board of Directors of the Big Sur Environmental Institute at Brazil Ranch ("BSEI") and the first Chairman of the Board, I urge the Coastal Commission to act favorably upon the Forest Service's application for a General Consistency Determination. Such action is critical to the success of our efforts to launch a self-sustaining environmental institute, which will use the inspirational setting and facilities of the Brazil Ranch to foster non-partisan, multidisciplinary, thinking for scholars, community leaders and policy makers on contemporary issues dealing with conservation, stewardship, sustainability and social responsibility on the global, regional and local level. We, together with the Forest Service, are committed to preserving the Brazil Ranch in its natural state while at the same time providing appropriate access to the public. An effort, which we believe is consistent with the goals and ideals of the Coastal Commission itself.

We believe that the proposed uses of Brazil Ranch are fully consistent with the Big Sur Land Use Plan and we applaud the Forest Service for its efforts in balancing the goal of expanded public access with the need to respect adjacent private property, properly managing visitor use and respecting environmental constraints. We very much regret that in some quarters the fine intentions and efforts of the Forest Service in preserving and maintaining this amazing property are either misinterpreted or misrepresented to the detriment of the public interest.

Accordingly, I urge the Commission to act favorably upon The Forest Service's application.

California Coastal Commission
August 25, 2005
Page 2

Best regards,


Harvey D. Hinman

Ralph Norman Channell
Post Office Box 223347
Carmel, California 93922

23 August 2005

Mark Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Dear Sir:

The subject of this letter is the U. S. Forest Service Management Guidelines for the Brazil Ranch located on the Big Sur Coast in Monterey County. I understand that the hearing has been delayed and is now to be held in Eureka on 14 through 16 September 2005. My sincere thanks to the Coastal Commission for rescheduling this hearing. This will allow time to prepare appropriate responses, and for Big Sur residents, including me, to attend the hearing and provide our verbal remarks.

I would like to restate my recommendation in my letter of 3 August 2005, that the Forest Service plan be declared in non-consistency, and that the Brazil Ranch be returned to its historic use as a cattle and/or horse ranch, demonstrating farming techniques in use during its historical era. The Forest Service plan is a thinly veiled commercial intrusion into the Big Sur Coast. There are other issues in the plan, such as water, sewage, traffic impact, fire and public safety, that the Forest Service has not adequately assessed.

The Forest Service plan to create a commercially oriented "Environmental Center" is not in keeping with the nature of the Big Sur Coast, and the restrictions of the Big Sur Land Use Plan. The Forest Service has prepared brochures and videos advertising the Brazil Ranch, inter alia, as a place to hold "eventsincluding group meetings, corporate retreats, film location, weddings and family reunions." Large scale meetings, rows of cars and busses, and circus tents are not in keeping with the Big Sur Coast.

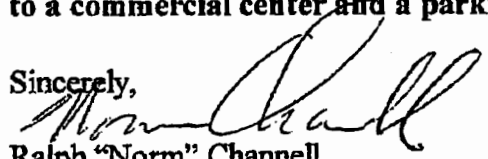
The recommendations of the Coastal Commission staff also contain some serious problem areas. Hiking along the cliffs above the ocean will risk serious personal injury, and parking along Route One invites serious accidents. The nearby Garrapata Beach is an example of these dangers. Recent deaths and injuries have occurred there, and the large number of parked cars detracts from the beauty of the area. Neither the Forest Service plan nor the Coastal Commission staff recommendations make any clear provision for public safety along a high speed and dangerous road.

Lastly, Route One between Carmel and Big Sur Village is primarily a scenic driving experience. There are sufficient visitor serving facilities at each end, and the road itself should be retained for its natural beauty.

I strongly recommend that the Forest Service plan be declared in non-consistency, and that the staff recommendations for extensive unsupervised hiking and parking along Route One be reconsidered. Additional work is required for an appropriate future for the Brazil Ranch.

This stunning part of the Big Sur Coast is too important to be reduced to a commercial center and a parking lot !

Sincerely,


Ralph "Norm" Channell

Copy to:
Congressman Sam Farr, U.S. 17th District
Supervisor Dave Potter, Monterey County

20/ KH

Big Sur Chamber of Commerce

PO Box 87, Big Sur, Ca 93920
(831) 667-2100

RECEIVED

23 November 2004

NOV 29 2004

Mr. Lee Otter
California Coastal Commission
Central Coast District Office
725 Front St Suite 300
Santa Cruz, California 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Otter,

Recent articles in the Carmel Pine Cone and Monterey County Herald have highlighted the failings of the United States Forest Service (as well as California Department of Parks) to meet legal responsibilities as careful caretakers of their properties in Big Sur.

The Herald article (November 15, 2004) highlighted the Forest Service's inability to maintain the trails, campgrounds and open spaces for their designated recreational purposes. We are told by Forest Service representatives that funds, having dried up over recent years, are just not available to assure that these properties - our neighboring properties which we find in our midst - are properly cared for - as we ordinary citizens and property owners are required to do. Many of the federally owned properties are overgrown, abused and neglected - many beyond use.

Unfortunately the lack of funding so desperately needed to maintain currently owned properties did not stop the Forest Service from taking on new debt and difficulties with the acquisition of the Funt Ranch. The twenty five million dollars could have been better spent on staff - maintenance - refurbishments - rather than thoughtless property acquisition.

The Pine Cone article (November 12, 2004) describes the insurmountable "bureaucratic, permitting red tape difficulties" Allen Funt faced in trying to make minimal improvements to his ranch - now owned by the Forest Service and now designated as the Brazil Ranch.

Today - the Forest Service, in its inimitable cavalier manner is implementing changes at the Brazil Ranch - without having to go through the permitting process demanded of ordinary citizens - changes that were repeatedly disallowed and denied to Mr. Funt.

If we live in a democratic society, how can this happen?

But this unfair and undemocratic process goes beyond just allowing the Forest Service to do as it wishes without the usual rigors of studies, EIRs. EISs, geologic and sensitive habitat reviews, fees, plans, meetings, delays, design reviews, water availability studies, appeals,

public meetingsand on and on. The Forest Service has in this case at the Brazil Ranch, through their phony Non Profit entity, entered into business competing directly with Big Sur, Carmel and Monterey businesses.

The Brazil Ranch business plan calls for a development that will allow for weddings, business meetings, large gatherings, exhibits and other special events. A Monterey County permit is required for all of these special events – at least for all other privately owned businesses. No permit has been applied for as yet – for any of the events already held at the Brazil Ranch.

Physical, structural and infrastructure changes are required – some of which have already been undertaken – without permits.

Because of the enormous costs of the legally required permitting processes in Monterey County, the cost of doing business for a privately owned enterprise is significantly greater than an enterprise that does not have to deal with the permitting burden.

When a private enterprise has a wedding, all of the governmental requirements, having already been met, must calculate into its bid for that wedding, all of the costs associated with permits, fees, inspections, delays . . . etc. The Brazil Ranch needs to calculate none of those.

Is this the American way? Is this a democratic process? Not likely.

This goes beyond being unfair and undemocratic. These actions are outrageous and insulting to members of a community that have stretched beyond reason to cope with the demands of the legally constituted regulations for change and development. The Chamber and its members have fought long and hard to maintain the beauty and integrity of our community. Not the United States Forest Service at the Brazil Ranch.

The Big Sur Chamber of Commerce vigorously opposes any development at the Brazil Ranch without that entity having to engage in the same permitting processes that all of our chamber members must deal with.

We are powerless to deal with this situation and it is up to you to stop this onslaught of overbearing "quasi-governmental activities." We believe it is your responsibility to demand and see to it that the Brazil Ranch act as good neighbors and comply with same regulatory processes that rest of us deal with daily.

We will look forward to working with you to bring some sense and justice to the situation.

Sincerely,



Patrick (Rick) Aldinger
President, Big Sur Chamber of Commerce

Cc: Monterey County Herald; San Luis Obispo Tribune; Sacramento Bee

Mark Delaplaine

From: s-e-chandler [s-e-chandler@sbcglobal.net]
Sent: Tuesday, August 23, 2005 11:34 PM
To: Mark Delaplaine Coastal Commission
Subject: Consistency determination for Brazil Ranch

Dear Mr. Delaplaine,

I am writing as a very personally interested party because I am not only a neighbor to the Brazil Ranch I am a native Californian. I have witnessed so much destruction that I was in favor of the development of the Coastal Commission. Now I hope the commission can hear me with fairness and consideration for the rights of the public and preservation of the land.

I have read the document CD-083-05 and I have some comments, requests and questions.

Page 2:

1. If the Brazil Ranch is a small scale facility how can it accommodate 400 people in the same space that traditionally has been used by 20 or 30 persons at a time without adverse impact? Just trucking in water and toilet supplies would be noisy, dirty, and heavy duty on a fragile road. Your document states, "minimize conflicts with adjacent land uses, protect local resident's privacy and the public interest in a quiet and scenic experience." 14 buses carrying 400 persons does not constitute quiet or scenic in anyone's mind.
2. Is the goal to have special activities be eventually limited to educational programs?

Page 3.

1. Un-guided, un-escorted trail access. How do you protect the ranch from litter, trampling of plants, disturbing of wildlife, and trespassing onto private property.?
2. Where do these people park? There are so many references to Hwy 1 parking, yet there are very few spots.

Page 4.

1. How is increasing traffic, automobiles, humans needing toilets, and garbage consistent with the project description of "primary management goals for the Brazil Ranch are to protect watersheds, scenic values, streams, plant communities, wildlife habitat, marine environment and cultural resources." I am for public access and against dawn till dusk, un-escorted public trampling and wandering at will. The public has a very poor track record of preservation, conservation and treading softly on delectate habitat. We have all seen what can happen.
2. "preventing adverse influences that could result in irreversible or irretrievable commitment of resources." These are your words and incompatible with free access to the public.

Pages 6 and 15.

1. The Ranch's cattle and live stock use near our water sources is probably the reason we have bacteria such as Giardia in our water. The spring used to be pure when we came to the canyon over 50 years ago. Where will you put your septic tanks and water waste management? All the water from the Ranch directly effects the residents on the mesa and in the Bixby Canyon.
The only way to "avoid septic runoff" (page 21) is to not have so many people your system can not accommodate them. Limit the amount of people per visit. I don't think 400 or 14 bus loads is what the ranch can manage.

Page 10

1. We on the mesa beg you not to turn our view into a parking lot. Will you pave over paradise to accommodate the goal of public access or to make money from private events?
 2. Your document states that trucks and cars have always come into the ranch and we can vouch for this. Every truck causes loud noise and heavier vehicles induce tremors on our property. It is no occurring in a vacuum. The earth is not stable enough to handle the bus traffic which is being proposed.
- The reason the Ranch and the whole canyon is such a paradise is because of it's peacefulness. It exudes peace. It can tolerate the occasional rumble during seasonal tasks and repairs but you are suggesting 360 days a year usage. This environment never, ever in all my 50 years here has seen that kind of usage.

Page 11

1. Section 30210 section 4 of Article X of the California Constitution guarantees the safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
- Section 30212(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in

new development projects except where: (1) It is inconsistent with public safety, for the protection of fragile coastal resources. It is not safe for anything or any one to have the quantity of traffic of people and autos that this document proposes and recommends.

2. What are "lower cost visitor and recreational facilities" and opportunities?

Page 12 *****

1*(3) *Will you allow passage adjacent to our property? we are located at the North/east fence of the pasture sharing the fence along the corral road.*

(4) How will you be able to protect our esthetic values if you have tents, cars, toilets, water tanks in our view? We have full view of the house and it has full view of us.

(c). "agreements with private organizations" Do you intend to hire concessions to run the ranch and then to whom are they responsible? When profits are the motive then conservation is no longer first but last. No matter who the vendor is, the bottom line holds firm.

Page 13

1. CAMPING??? Where??? For how long, with how much equipment? I can not support the idea of tents, clothes on the line, FIRES!

2. HAVE YOU CONSIDERED THE FIRE DANGER POSED BY SO MANY UNMANAGED, FREE ROAMING CAMPERS? Hasn't the Los Padres experiences of fire been proof that matches, cigarettes and campfires are impossible here. We do not even light any out door fire, ever.

page 14

1. After dark amplifying systems! The sound ricochets off the mountains. We can hear activities at the Ranch. How is this consistent with the previous and lofty goals of nature, harmony, sacred space, and stewards of the environment.

Page 17

1. What is "maximum public access to the Brazil Ranch"?

WHERE ARE THE ENVIRONMENTAL STUDIES?

WHERE ARE THE FIRE RISK STUDIES AND THE METHOD TO PUT A FIRE OUT?

CONCLUSIONS AND RECOMMENDATIONS:

This Determination should be denied because:

- 1. It provides access to the Ranch to too many people at one time.*
- 2. It does not guard against disrespectful hikers by allowing un-guided hiking.*
- 3. It permits camping which is a fire, trash, flora, fauna and sewage risk. If allowed at the meadow it would be an unsightly view and compromise the quality of the neighbors experience.*
- 4. Parking as it is described is not sufficient to accommodate any of the suggested activities. Putting in a parking lot at the ranch would be a big intrusion to the aesthetics and intent of the facility.*
- 5. There is no mention of a buffer to protect the neighbors.*
- 6. The long range plans are even more open ended and with out proper environmental studies.*

William and Dona Nye
Post Office Box 221801
Carmel, California 93922

RECEIVED

AUG 22 2005

CALIFORNIA
COASTAL COMMISSION

August 22, 2005

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Opposition to CD-083-05, Consistency Determination, "Brazil Ranch, Los Padres National Forest" (sic), Big Sur, Monterey County - General consistency determination for Forest Service authorized special events.

Dear Commissioners and Staff:

We own property and reside adjacent to Brazil Ranch, formerly the Allen Funt property located above Bixby Creek in Big Sur. We, along with other near-by residents and property-owners, strongly object to the unlawful current use of the property which is clearly without authorized federal, state or local entitlements. We further urge your Commission to expressly find that the current unauthorized use of the Brazil Ranch is not consistent with the California Coastal Act. Hopefully, this will be the first step to ultimately bring any proposed public use of the property into consistency with national, state and local policies.

There are several specific issues that have never been addressed since the Forest Service acquisition of the property, about two years ago. Each of these should directly concern the Coastal Commission:

1. There has never been any type of environmental review under either NEPA or CEQA regarding acquisition, use or annexation of the Brazil Ranch to the Los Padres National Forest. This is simply outrageous, given the numerous environmental issues involving the site.
2. *The main ranch area* of the subject property is topographically above all adjacent properties. This area looms above a deep canyon. Echoes off the mountain walls pose a serious noise concern. Public use and increased vehicular access to the property is a substantial imposition on adjoining sites. Such use and access will destroy each of these owner's reasonable expectations of privacy.
3. Studies in the area have pointed to several significant environmental issues involving rare non-riparian wetlands, unique faunal and floral history, and extremely sensitive slopes and landforms. Fire hazards are an overwhelming concern to all who reside in the Bixby Creek area.

California Coastal Commission
August 22, 2005
Page 2.

4. There are serious public safety and access issues related to both the upper portion of the ranch and, of particular significance to the Coastal Commission, the coastal bluff area below Highway 1. Coastal access and parking issues have been completely ignored or informally brushed over since the ranch was acquired by the USFS and its current unauthorized use commenced. There are serious public safety concerns related to the lack of adequate ingress and egress, parking and staging areas near the Highway 1 gate to the property.

The gate is approximately one mile distant from the upper main activity area of the ranch. In this area, full-size bus and truck traffic is currently being precariously routed along a fragile roadway across an environmentally sensitive unstable slope above several privately-owned parcels.

The USFS proposes to increase use of these inadequate facilities in both areas of the property without any mitigation.

Attached to this letter of opposition are three exhibits referring to these issues. They include a recent view of the upper ranch area being occupied by a large entertainment tent. (Exhibit 1). Two photos are provided of the upper roadway being used by large vehicles as observed from the adjacent property. (Exhibit 2). Exhibit 3 clearly shows the risks inherent along the narrow Highway 1 right-of-way area in the vicinity of the proposed parking, pedestrian access and staging area near the coastal bluff portion of the site.

So much information is lacking regarding the proposed continued public use of Brazil Ranch. Until the project is subjected to legally required environmental review the entire vicinity and all those who own property and reside nearby are at risk.

Essentially, the project currently represents a significant public health and safety threat, nuisance and an inverse condemnation of surrounding properties.

In closing, until such time as each of these issues is addressed and appropriately mitigated, we ask that any finding of consistency by the Commission be denied.

Sincerely,

William D. Nye

Attachments: Exhibits 1-3.

EXHIBIT 1



EXHIBIT 2

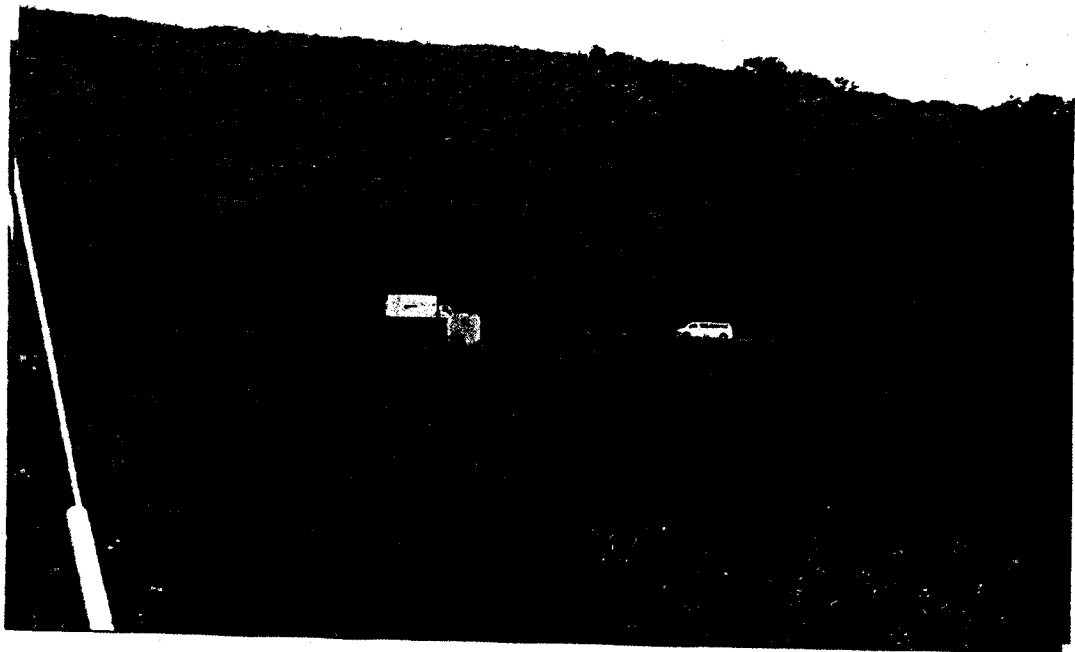


EXHIBIT 3



Addendum to:
Letter of 08-22-05,
To:Ca Coastal commission
From: Mr. William Nye
Opposition to #CD-083-05 Brazil Ranch Consistency Determination

In approx. 03-93 Dr. John Smiley, Manager, Lands-hill Big Creek Reserve Big Sur, Division of Natural Sciences, University of Calif., Santa Cruz and University of California Natural Reserve System, conducted a survey of private property contiguous to the Brazil Ranch (sic) and concluded , in part, the following ...”The most unique habitat I saw while visiting the property was the 10-20 acre thicket of arroyo willow and creek dogwood in the southwestern corner. This area is located on an extensive set of seeps and springs, which (as indicated by the dogwood) must be moist year round. The thicket is very extensive and is probably an important resource for migratory and resident birds. We saw some old woodrat nests in the center of the area; it would be very interesting to see if these woodrats can subsist on a diet of these willows, which are laden with bitter phenolic compounds. I suggest that the thicket be surveyed for unusual amphibians. Big Sur has relatively few non-riparian wet areas, so there may be some unusual things there. Any endemic populations would be of great interest to biogeographers who consider the Big Sur area to have a unique faunal and floral history”...

I suggest that to allow pedestrian traffic immediately adjacent to this area could detrimentally and irreversibly effect the future of this habitat.

Please refer to att. Map. (exhibit #4)

Yellow area represents Non-riparian wetland

Orange represents proposed pedestrian (hiking trail), access.

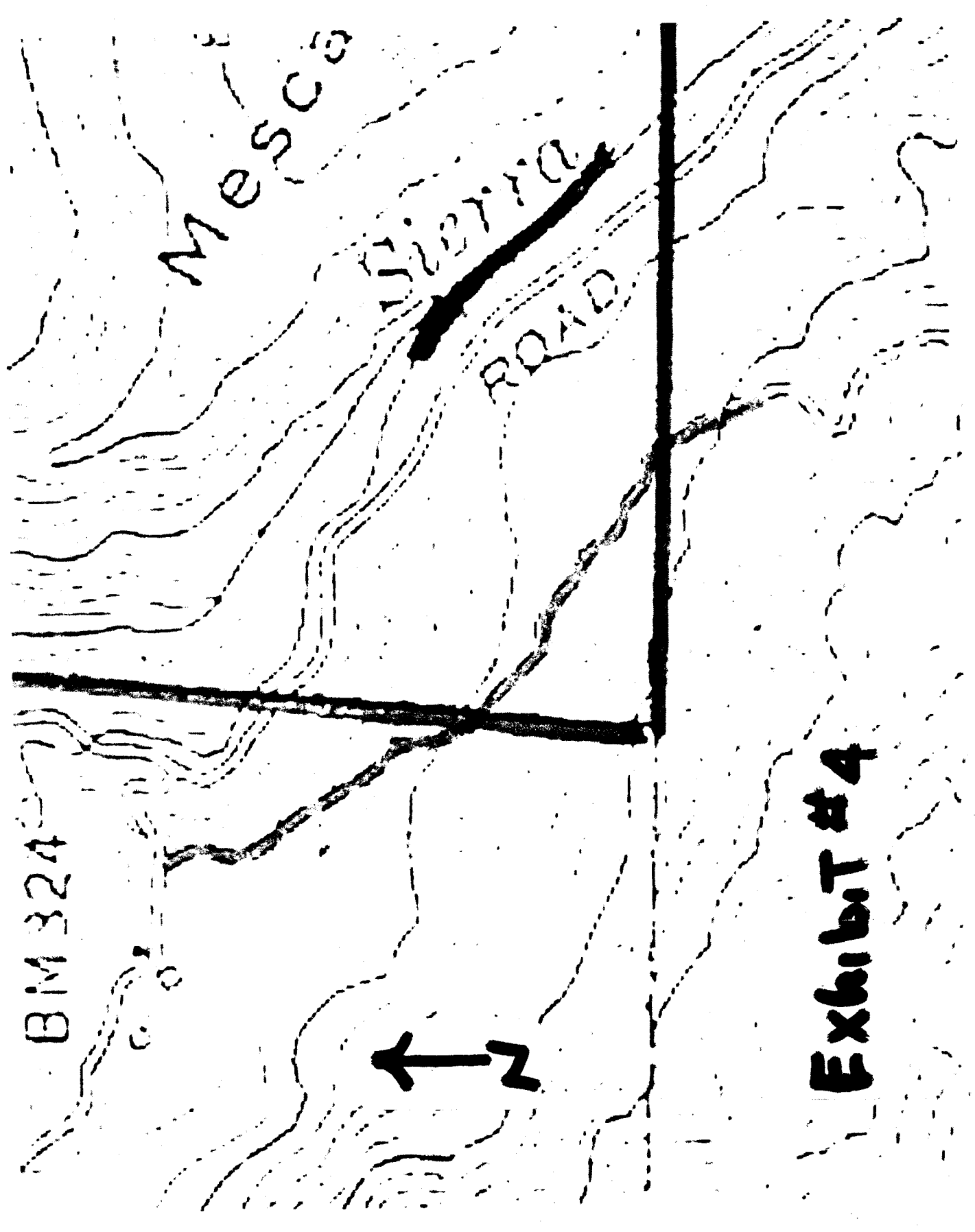


Exhibit #4

Big Sur Chamber of Commerce

P.O. Box 87

Big Sur, California 93920

(831) 667-2100

15 August 2005

Marc Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RECEIVED

AUG 22 2005

CALIFORNIA
COASTAL COMMISSION

Re: Consistency Determination USFS Brazil Ranch

Dear Mr. Delaplaine,

The Coastal Commission Staff Report justifies the private commercial use of the Brazil Ranch. This determination is inconsistent with current land use policies. The Big Sur Chamber of Commerce urges the Coastal Commission to apply current land use policies in determining consistency for the Brazil Ranch in the same manner those policies would be applied to any private land owner requesting the same usage of that piece of property.

The staff report requires the development of parking area(s) along Highway One. No private business or property owner would be allowed to this type of development, as it is in direct conflict with the Big Sur LCP.

No private property owner would be able to conduct commercial activities, including corporate retreats and weddings, on their property because it is prohibited by zoning regulations. These same zoning standards dictate appropriate uses of the Brazil Ranch property.

The staff report suggests that commercial use of the Brazil Ranch is legitimized because of commercial use of the property prior to USFS acquisition. If this is the case, the commercial use was also against zoning restrictions and therefore illegal. If any private property owner in Big Sur used their property for activities prohibited by zoning regulations, would it then be allowed and deemed legal in the future? Does this in some way change the zoning of that piece of property?

Allowing the commercial use of the Brazil Ranch is completely unfair to the visitors, residents and private property owners of Big Sur. Zoning restrictions apply equally to all users of Big Sur's resources. The Brazil Ranch property was purchased and transferred to the Forest Service to prevent the possible development of up to six single family homes. Now we are faced with the Forest Service's (possibly extensive) commercial use of the property. The California Coastal Commission should prevent this from happening by applying our land use policies in a fair manner.

Regards,

A handwritten signature in black ink, appearing to read 'Patrick Aldinger', with a large, sweeping flourish extending to the right.

Patrick Aldinger
President

Cc: Dave Potter, Monterey County Supervisor
Lew Baumann, Monterey County CAO
Charles Lester, Executive Director, California Coastal Commission
Lee Otter, California Coastal Commission

Mark Delaplaine

From: Brian Lyke [alyke@mbay.net]
Sent: Monday, August 22, 2005 9:11 PM
To: mdelaplaine@coastal.ca.gov
Subject: the Brazil Ranch (CD-083-05)

Mr. Delaplaine, Marc,

I'm writing to express my thoughts about the Forest Service's planned uses of the Brazil Ranch. I read that this is intended to be a short term (five year) authorization and that effort and the attainment of specific objectives will also be required of the Forest Service in creating a self-sustaining educational focus. I also read that it will be a while coming before the public can have any significant hiking access.

I have several concerns about all of this, but at the bottom of it all is the question of fairness. We who live here love this land and respect the need for a low profile. And at the same time we love living on the land and creating a life that's somewhat self-sustaining. And we like having visitors with whom to share it. But if we wanted to host weddings or large groups we would need local approval and there would be significant conditions applied, not to mention a cost. How is it that the Forest Service can be permitted to do these things without going through the same approval process that is required of its neighbors? I think the same conditions must apply to everyone, otherwise there is little incentive to respect the law.

Should it be approved, I would want to have a public monitoring of the events that are held at the Brazil Ranch. Not that someone has to be there observing what goes on, but that each event be publicized on a website or newsletter so that the public is kept informed as to what's taking place there on land that they own. Also, the Forest Service should not be permitted to evaluate it's own compliance with your conditions. An independent, non-governmental person/agency should be given that task on behalf of us all.

In summary, unless the rules are followed by everyone, government agencies included, I say this should not be approved. Have some respect for the rule of law, if that's what you value, and let it apply to everyone, equally.

Thanks for listening,

Respectfully,

Brian Lyke

Brian Lyke
P.O. Box 22673
Carmel, CA 93922

ARDEN HANDSHY**P.O. BOX 51758 PACIFIC GROVE CA 93950****LAND USE FACILITATOR****(831) 649-6420 FAX: 649-1338****e-mail: arden@handshy.com**

August 22, 2005

Marc Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RECEIVED

AUG 23 2005

CALIFORNIA
COASTAL COMMISSION

Re: Coastal Commission Consistency Determination for the United States Forest Service's Corporate Retreat Use of the Brazil Ranch (CD-083-05)

Dear Mr. Delaplaine:

The purpose of this letter is to express opposition to the Coastal Commission staff recommendation. Staff has used interpretations of the Watershed and Scenic Conservation (WSC) zoning regulations and the Big Sur Coast LUP that are inconsistent with the intent, meaning, implementation, and enforcement of this well-respected LCP.

For the past twenty years I have been in the business of representing Big Sur property owners in their efforts to obtain land use permits from Monterey County. A number of times, I have been approached by people interested in developing visitor-serving businesses on WSC-zoned properties. Because of LCP regulations, I have had to discourage them.

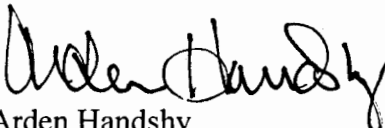
I have also represented people who have purchased property with a history of use contrary to zoning regulations. These clients have been subjected to arduous and expensive violation abatement permit processes. Never in my wildest dreams have I dared suggest that because of recent illegal use as precedent, the next owner could establish similar uses! And yet that is what this owner is doing, with Coastal Commission staff blessing.

Such uses of the Brazil Ranch constitute unfair competition and advantage over the established visitor-serving businesses on the coast.

I believe that if these uses of the Brazil Ranch are determined "consistent", the support and good will that the Coastal Commission enjoys in the Big Sur and Monterey County coastal community will be seriously jeopardized.

I urge you to declare the proposed uses of the Brazil Ranch inconsistent. Thank you.

Sincerely,


Arden Handshy

Bill & Jan Taché P.O. Box 279, Big Sur, California 93920 USA

August 15, 2005

Charles Lester
Executive Director, California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

AUG 19 2005

CALIFORNIA
COASTAL COMMISSION

Re: CD-083-05 Consistency Determination for the US Forest Service
Corporate Retreat Use of the Brazil Ranch

Dear Mr. Lester,

Surely our governmental agencies should abide by the same rules as we taxpayers who fund these agencies. It is patently unfair to have a government agency disregard the WSC Zoning Standards which all the rest of us must abide by.

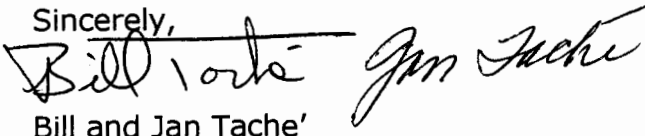
In fact, it puts the huge agency of the US Forest Service in competition with we private citizens who cannot hold such events on our land, though we are hard-pressed for ways to earn income in a remote area like Big Sur.

A previous illegal use surely cannot be used as justification for a current use. That is simply not a tactic that any citizen could use. How can an agency, which we citizens fund, be used outside the law?? And why should the Coastal Commission or we stand still for this outrage?

Please, in the name of reason and law, revise the Staff Recommendation on Consistency Determination CD-083-05. WSC zoning does not allow for "rustic inns and other visitor serving facilities" at the Brazil Ranch, because the Brazil Ranch does not lie in a Visitor Serving Commercial zoning district. This is simple enough!

Also the staff report handily ignores enforcement actions, which have been processed to disallow WSC zoned property for corporate retreats and weddings. The parking presents other problems with the CCMP's Critical Viewshed Prohibitions.

Sincerely,


Bill and Jan Tache'

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AUG 05 2005

CALIFORNIA
COASTAL COMMISSION

Ralph Norman Channell
Post Office Box 223347
Carmel, California 93922

3 August 2005

Mark Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Dear Sir:

I was advised by letter from the Coastal Commission dated 29 July 2005, that there will be a hearing regarding the U. S. Forest Service Management Guidelines for the Brazil Ranch located on the Big Sur Coast in Monterey County, to be held at Costa Mesa, California, on 11 August 2005. The letter further stipulated that written comment must be received three working days prior to the hearing.

I received this letter on 2 August, which does not allow time to prepare an appropriate response. Further, the hearing is to be held in Costa Mesa which will preclude many Big Sur residents, including me, from attending the hearing and providing our verbal remarks.

I request that the Coastal Commission reschedule this meeting at a later date, and at a location closer to the Big Sur area, so that the many Big Sur residents vitally interested in this matter may attend.

If this cannot be accomplished, my brief comment is as follows:

The Forest Service plan to create a commercially oriented "Environmental Center" is not in keeping with the nature of the Big Sur Coast, and the restrictions of the Big Sur Land Use Plan. The Forest Service has prepared brochures and videos advertising the Brazil Ranch, inter alia, as a place to hold "eventsincluding group meetings, corporate retreats, film location, weddings and family reunions." This is a thinly veiled commercial intrusion into the Big Sur Coast. There are other issues in the plan, such as water, sewage, traffic impact, fire and public safety, that the Forest Service has not adequately assessed.

I strongly recommend that the Forest Service plan be declared in non-consistency, and that the Brazil Ranch be returned to its historic use as a cattle and/or horse ranch, demonstrating farming techniques in use during its historical era. This stunning part of the Big Sur Coast is too important to be reduced to a commercial center !

Sincerely,


Ralph "Norm" Channell

Copy to:

Congressman Sam Farr, U.S. 17th District
Supervisor Dave Potter, Monterey County

Alan Perlmutter Front Hill P O Box 460 Big Sur, California 93920

August 19, 2005

Marc Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

**Re: Coastal Commission Consistency Determination for the United States
Forest Service's Commercial Use of the Brazil Ranch (CD-083-05)**

Dear Mr. Delaplaine:

I am a long term (28 years) resident of Big Sur. My wife and I have raised three children in Big Sur. Our children were born here, went to school here, volunteered in all the community events that kids enjoy and work hard at and have grown into successful young adults. We own and operate a business here where we employ over sixty people. We have been active in community affairs and have a real stake in the welfare of our community. We have a strong desire to do what is right and want to assure, always, that what our governing bodies do is right and righteous as well. The USFS has taken on the management of the Brazil Ranch in all the wrong ways and we would like to see that made right. My wife and I are willing and anxious to assist in that process.

I request that the Staff Recommendation on Consistency Determination CD-083-05 be revised, prior to the upcoming September Coastal Commission hearing. I request and urge that the recommendation be that the ongoing commercial use of the Brazil Ranch by USFS is clearly not consistent with the California Coastal Management Program to the maximum extent possible. For all of the following reasons, I urge that you recommendation be changed to a negative declaration.

The current recommendation ignores:

- a) Policies of the Coastal Act.
- b) Agreements and commitments made publicly and privately, we thought in good faith, repeatedly over the last twenty years by Forest Service representatives to adhere to the policies of the Big Sur Land Use Plan.
- c) Precedents set by the California Coastal Commission regarding previous reliance on Local Coastal Plans as a standard for consistency determination.

- d) The fact that the Watershed and Scenic Conservation Zoning of the Brazil Ranch prohibits commercial uses – use specifically prohibited to private neighboring property owners.
 - e) The disingenuous nature of the USFS' description of their commercial activities as "small scale" – "temporary" – "occurring on a limited basis"
 - f) The extremely limited access to the \$27 million property to the general public, while USFS offers the facilities to the very few at fees of \$7500 for each event.
- a) In spite of receipt of a letter from the California Coastal Commission in February of 2003, USFS disregarded the request to describe any development plans that might take place on the Brazil Ranch in order to determine if a consistency determination would be required. USFS response was polite and uninformative. After USFS had begun their commercial activities, USFS representatives informed the Big Sur Chamber of Commerce of the already in place activities. Later they informed the Big Sur Multi Agency Council of their activities. The Chamber of Commerce requested the Coastal Commission to press for a consistency determination. More than two years after the original letter from CCC, USFS finally responded by beginning negotiations with the CCC.

Here we are today – more than two years after CCC made the reasonable request, USFS and management of the Brazil Ranch have been in violation of CZMA and the California Coastal Act. They have actively marketed the Brazil Ranch through costly advertisements, hired a marketing director, held numerous meetings, retreats, workshops, weddings at advertised site fees of up to \$7500 – all in violation of the requirements of CZMA and CCA. USFS representatives in public and private meetings have ignored requests from dozens of community members to cease and desist their activities until this determination is made.

Although the ranch was acquired for public benefit and, allegedly, to forestall the possible building of 9 homes (all out of the view shed) on the 1200 acres at a cost of some 27 million dollars, the commercial activities described above have been promoted and are on going, while public access is generally denied and little or no planning has taken place to begin the programs for public access.

Furthermore, the commercial (recreational?) activities take place allegedly in accord with CCA Section 30221 which states:

"Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area."

However, all of the Brazil Ranch commercial activities (meetings, retreats, family reunions, weddings etc.) are easily and readily and adequately accommodated by many

Big Sur and Carmel privately owned properties. All of the privately owned facilities pay their taxes, permit, license and use fees without complaint as part of the cost of doing business. Brazil Ranch avoids all of these. I doubt that many, if any, charge \$7500 site fees. The competition is clearly unfair, but of much greater importance, unnecessary.

b) Over the last more than twenty five years I have been actively engaged in meetings, discussions and negotiations with public agencies, including the Coastal Commission, California State Parks and Recreation, Big Sur Land Trust, Monterey County and the USFS. Although California and Private Land Trusts are required by law to adhere to the standards of California and County law, we know that federal agencies have a slightly different standard; the Coastal Zone Management Act. In spite of this difference, representatives of the USFS have traditionally agreed to abide by the same standards and laws that the state and county agencies and private citizens must adhere to. They have always agreed to act in good faith as good neighbors and active community members. We have always trusted that commitment.

Our quarterly Big Sur Multi Agency Advisory Council Meetings provides a forum for announcement and discussion of any developments on public or private lands. USFS never offered this group the opportunity to discuss Brazil Ranch plans.

In this case, managers of the Brazil Ranch and Forest Service representatives have not adhered to that long-standing "gentlemen's agreement." They have instead, not been forthcoming about their plans, their activities and their future intentions. They have been frankly, less than completely truthful.

I recognize that this is not a reason to deny USFS consistency regarding their continuing commercial activities, but it is important to consider when looking at the commitments they are making and that you presently accept in your recommendation, regarding their future activities.

c) The Coastal Commission has often in the past relied on LCPs to guide consistency determinations. Here are two precedent setting examples

The Big Sur Land Use Plan is referred to frequently and played an important role in the 1988 consistency determination No. CD-18-88 (U.S. Forest Service) – Land and Resources Management Plan for Los Padres National Forest.

The Coastal Commission referred frequently to the Local Coastal Plan in the determination made regarding the reconstruction at Big Sur's Pfeiffer Beach in 1997 – Consistency determination CD-47-97.

Your recommendation for concurrence relies on the broad principles of the California Coastal Management and in several instances to our Local Coastal Program; the Big Sur Land Use Plan. While the Big Sur Land Use Plan is clearly the more restrictive plan it is ignored in the most critical instances. It seems inconsistent to pick and choose where and when and how the LCP is referred to in the current staff report. Given that the LCP is

available to you, according to the law, as "background information" picking the best elements to support the recommendation of consistency and ignoring those elements of the LCP which would clearly refute consistency is improper. The Big Sur Land Use Plan is the backbone of Big Sur's preservation. Ignoring it violates its meaning and substance. It is unfair to the hundreds of public and private citizens who have invested their time and energy and lives in its production and success.

I urge you to reconsider and look more carefully at the Big Sur Land Use Plan, especially the restrictions of commercial use in Watershed and Scenic Conservation Zones. Reliance on Local Coastal Programs are allowed and called for, at the very least as background information, in the standard for review for federal consistency determinations. Since the commercial use is clearly inconsistent with the certified Local Coastal Plan, a negative determination must be made.

d) As referred to above, the Big Sur Land Use Plan – certified and thus an element of California Law – Watershed and Scenic Conservation Zoning does not allow ongoing commercial activities.

Nearby neighbors have been cited and prohibited from renting their properties for private weddings. Monterey County Building and Planning Department officials have stated at public meetings that such commercial use would not be permitted on private properties in WSC zones.

How does that square with the Forest Service engaging in activities that are disallowed to private citizens?

f) The Forest Service refers to their commercial activities as "small scale" – "temporary" – "occurring on a limited basis."

Those terms are misleading. I am in the hospitality business and an active member of several hospitality and restaurant trade associations. I think I can speak with some knowledge and authority. A gathering of 150 people (never mind 400) is by no means small scale. When we plan for an event for 150 people we make sure that parking space for at least 60 cars is available just for the guests. Staff to handle the guests require another 15 spaces. Brazil Ranch requires catering services; musicians from outside the facility; security personnel – at least another 10 to 15 spaces. Extrapolate that to accommodate as many as 400 guests and imagine the scale.... Certainly not small. And according to USFS, these would occur more than twice each month. That is not a limited basis occurrence. In our business we would call it frequent and very desirable business. Others in our business, in Big Sur especially, would welcome these events and do all that is possible to obtain the business – at less than \$7500 site fee.

It is doubtful that USFS has or will pay for and obtain the necessary licenses from the Alcoholic Beverage Control Board for serving of alcohol beverages or the permit required for live entertainment from Monterey County.

If all this commercial activity, in and of itself, is not an intrusion on neighboring properties, the highway, and very likely with temporary parking at their staging areas in the scenic viewshed, an intrusion on the quiet nature of that part of the community..... why is not allowed to anyone else?

And where is the environmental review? This commercial activity has all been undertaken without community input or even knowledge. Private citizens embarking on a project of this rather large scale would surely be required to complete a rigorous environmental review.

I question the temporary nature of the activities as well. The four color – full page advertising being done in commercial magazines (Here Comes the Guide) and on the Brazil Ranch website does not make this look like a temporary venture. Weddings are booked sometimes two years in advance - and since they have already been at it for two years, the efforts would have to be scaled down fairly soon. It doesn't seem like that is the intent.

The USFS contends that the previous owner frequently used the ranch for commercial activities. The contention in the first place is questionable and even if true, those activities were clearly violations of the Coastal Act, The Big Sur Land Use Plan and should have been stopped by Monterey County. USFS using those un-permitted activities as a rationale for their continuance is a very dubious argument. Does commission of a past violation justify continued violations? We might as well say that the successful robbing of banks should make all bank robberies a legitimate enterprise.

USFS contends that revenues from the commercial activities are needed to pay for maintenance of the ranch. Certainly monies are needed, in much the same way that other Big Sur non-profit, public benefit organizations need to raise substantial sums to survive. The Big Sur Volunteer Fire Brigade and the Big Sur Health Center are examples of volunteer run organizations that face the same financial problem. Both organizations serve not only the Big Sur community but the general public as well.

I have served on the Board of the Big Sur Health Center for more that 25 years and we have to raise \$150,000 every year to continue to serve the entire Big Sur Coast – from Carmel to Cambria. Our patients consist of thousands of tourists, workers, residents, and public agency employees – including USFS employees. I am proud to say that I have been instrumental in the continuing effort to raise that money and we do it – with lots of hard work. I have volunteered to serve on the Brazil Ranch Board of Directors to help that organization raise the money needed to operate and maintain the facility. I think because of my outspoken resistance to their activities, they have not accepted my offer to serve and help. But the offer stands. I would be delighted to join them. Hard work will produce the \$150,000 needed funds.

g) United States and California citizens paid over \$27 million for the Brazil Ranch and we, citizens, cannot get to see it except by invitation. Although your

recommendations call for gradually increased hiking access, that seems like an enormous price to pay for practical non use – just something to look at from the highway. The Big Sur Community, if ever asked to really participate in developing a plan for purposeful use of the ranch, could propose several approaches that make real sense – toward preservation and sensible use. In the meantime – nothing is happening there beyond the commercial activities and faint promises of future hiking opportunities. It looks like the CCC requirement for public use goes unattended to.

The Big Sur Community has an enormously strong desire to maintain the integrity of the Big Sur Land Use Plan (LCP) by assuring that all stakeholders adhere to the same rules and regulations regarding land use and development – to assure that the beauty and grandeur of Big Sur is maintained regardless of who owns the property. I know that I speak for literally dozens of people – not only Big Sur residents, but neighbors in nearby communities as well. Citizens from all over the country and the world want to see Big Sur remain unfettered and undisturbed. We know that our Land Use Plan is strong and safe. If the Forest Service is allowed to ignore it in perhaps what seems to you a minor way, what will the next intrusion be?

The USFS developments at Brazil Ranch do not meet the standards of California law. The developments do not meet the intent or the spirit of the law.

The USFS commercial use is just plain wrong and should not be allowed.

Please revise your findings and declare – correctly – that the USFS development is NOT consistent with the requirements of the California Coast Act.

I urge you to adopt a true and sincere sense of fairness wherein there is assurance that democratic processes are adhered to; that this determination is adjudicated in the American Way – where power and privilege does not outweigh the desires and will of the people.

Sincerely,

Alan Perlmutter

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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Additional Correspondence

**Consistency Determination No. CD-83-05
U.S. Forest Service
General Consistency Determination
Brazil Ranch, Monterey County**



August 26, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Gentlepeople:

This letter is in support of the US Forest Service's submittal of a General Consistency Determination for activities of the Big Sur Environmental Institute at the Brazil Ranch in Monterey County.

I have been fortunate enough to have been on site at the Brazil Ranch several times in the past 18 months, where in addition to marveling at the beauty of the site, I have heard many ideas for programs based on a balance of educational and commercial enterprises. As an environmental educator I am wholeheartedly in favor of the educational uses while I know that for program sustainability a strong yet compatible business approach must also be present.

From the perspective of the Watershed Institute of CSU Monterey Bay, I would hope to see continued opportunities for partners such as ourselves to use the conference facilities for meetings, workshops, and retreats. In addition, I see opportunities for joint research projects between our two staffs, and for sites for student capstone projects.

As a founding Board Member of Camp SeaLab, I also look to Brazil Ranch as a possible site for some of the Camp SeaLab residential experiences.

I am very pleased that the ranch now has a parent organization, the Big Sur Environmental Institute to guide its future use. Keeping compatible educational, environmental and commercial options open will ensure the program's sustainability into the years to come.

Please feel free to contact me directly for further comments.

Respectfully,

Laura Lee Lienk
Co-Director, Watershed Institute
CSU Monterey Bay



California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

To Whom It May Concern:

I am writing in support of the Big Sur Brazil Ranch and its development as a small conference and institute focused on improving the local, national as well as global environment through education on conservation, sustainability and stewardship. The FEAC Institute provides education and certification in enterprise architecture for government agencies and their contractors. Enterprise architecture insures that the business processes and activities of an organization are fully supported by the information technology infrastructure, and that the latter is fully aligned with strategic direction. We provide both training and conferences dealing with these topics, and are very interested in the possibility of utilizing the resources of the Brazil Ranch to organize meetings around the relationship of technology and the environment. We believe the Ranch offers a wonderful retreat for leaders concerned with this topic to meet and explore how better to utilize IT to insure environmental sound policy from the local to international levels.

We understand the Brazil Ranch has proposed as part of its fund raising efforts to provide limited use permits to various private organizations. We ask the CCC to support this temporary utilization of the Ranch to enable it to develop the full resources necessary to make it the world-class environmental Institute that it envisions. These limited use permits are not intrusive to the area, and would not bring in unnecessary traffic or other congestion to the area as they involve relatively small numbers of people attending a few intermittent events.

The support of the CCC will enable the Ranch to develop capability to support programs specifically aligned with its goals, and for organizations such as ours' to organize events that support its important mission.

Sincerely,

Beryl Bellman, Ph.D.
Academic Director
FEAC Institute
1130 Montrose Avenue
South Pasadena, CA 91030

RECEIVED

AUG 30 2005

CALIFORNIA
COASTAL COMMISSION

To: The Members of the California Coastal Commission

c/o: Mark Delaplaine, Federal Consistency Supervisor

Re: CD-83-05 Forest Service General Consistency Determination, Brazil Ranch

We are writing you as coastal property owners, and one of us also as a Board Member of the Big Sur Environmental Institute (BSIE). We would like to urge the Commissioners to accept the recommendations of its staff in regards to the Forest Service General Consistency Determination for activities at Brazil Ranch.

My wife and I own the property just north of the Bixby Bridge (and the Brazil Ranch), which was part of the Ranch until 2000. Frankly, of all the property owners on the Big Sur Coast, none will be more adversely impacted by the proposed recommendations than us. The privacy and solitude of our home will be directly affected and our property will be constantly scrutinized from the proposed new hiking trail and possible parking spaces that will be put on the west side of highway 1. Still we consider this a small price to pay if the work of the Big Sur Environmental Institute may achieve its intended goals.

The Coastal Commission was formed almost forty years ago as a direct result of an environmental disaster on our coast. Right now, we all know that the whole world faces extraordinary pressing environmental problems that will affect our own lives and those of our children and grandchildren in unprecedented ways. These global environmental problems recognize no national boundaries and will affect the wellbeing of all us here in California.

BSIE has as its goal to foster environmental education and awareness at all levels from grass roots to post graduate education, and to recreate the strong unifying national environmental spirit and conservation movement that was present in the early seventies. It wants to present public forums for discussion of current environmental and sustainability problems and solutions, and be a venue where scientists may explain their work to the layman. This can be done here, not through sound bites, but through meaningful and thoughtful discussions. Proposed solutions may be reviewed in an objective, non partisan, non-political way. BSIE aims to use its unique

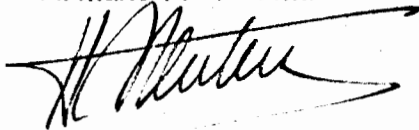
inspirational location for the formation of a small institute yet one with international reputation and influence. It proposes to deal with issues of both local and global concern, and has attracted significant interest from local academic institutions and sustainability groups. It plans to be a home and meeting place, at a truly stunning site of our Coast, for thinkers, artists, visionaries and every one concerned with building a sustainable world. What work could be more aligned with the broader conservation goals of the California Coastal Commission?

From a practical point of view, the proposed activities in conservation education as well as the special uses to support the educational activities are fully consistent with the California Coastal Management Program and the Federal Coastal Zone Management Act. It appears that the proposed activities are also fully consistent with the Big Sur Land Use Plan, within areas zoned as Watershed and Scenic Conservation. In our opinion, the Forest Service is properly balancing the goals for expanded public access against the need for preservation, proper visitor use and concern for the adjacent private property rights. The Service has already provided public access during open houses, guided hikes, education programs and various special use events, and is planning further public access for hiking and other activities. In our view, the activities of BSIE will actually benefit commercial businesses in Big Sur and the Monterey peninsula, because conference and meeting attendees will use such local services as stores, restaurants and lodgings.

In summary, the proposed uses by the Forest Service for the land by BSIE are a good balance of public access and inspired land steward ship. We urge you to vote for the Forest Service proposal on General Consistency Determination.

Respectfully yours

Armand Neukermans



4 Horseshoe Bend
Portola Valley, CA 94028

Eliane Neukermans



39140 Highway 1 ,
Monterey, CA , 93940

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination by
U.S. Forest Service for Management Guidelines for use of Brazil Ranch

Dear Mark:

I am writing to express my support for the Forest Service Consistency Determination at Brazil Ranch in Big Sur. I realize you have a public hearing on the subject on September 14.

The Forest Service and a non-profit agency (the Big Sur Environmental Institute) should be applauded for their efforts to sustain Brazil Ranch and should be given the green light to go ahead with their plans. The proposed uses of Brazil Ranch, which are primarily environmental education and conservation programs, are consistent with the Federal Coastal Zone Management Act and the Big Sur Land Use Plan. The educational programs will be developed by the Big Sur Environmental Institute. Children will learn thorough planned activities and field trips to Brazil Ranch that that they are responsible for protecting the environment. The public will be invited for hiking and other activities as well. The public will have access to Brazil Ranch; the Big Sur Environmental Institute will manage this access in a responsible, logical way.

Brazil Ranch proposes to host a limited number of commercial events (such as weddings and retreats) at the property as well, which will help pay for its special use activities. Without these events, Brazil Ranch could not become self-sufficient. I am speaking as a resident who has already benefited from one of those special-use permits, as my business held a retreat there some months ago.

Please relay to the Commissioners that the Forest Service is in compliance with the California Coastal Management Program. This County needs Brazil Ranch as a resource for environmental education and events. Adults and children will benefit from its proposed use.

Sincerely,

Amy Allard

Amy Allard
Resident, Monterey County

Cc: Dave Potter, Central Coast Representative

Wiley Ramey
19019 Hwy 1, Ragged Point, Ca 93452

RECEIVED

AUG 29 2005

CALIFORNIA
COASTAL COMMISSION

24 August 2005

Marc Delaplaine
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Re: Consistency Determination USFS Brazil Ranch

Dear Mr. Delaplaine,

The Coastal Commission Staff Report justifies the private commercial use of the Brazil Ranch. This determination is inconsistent with current land use policies. I urge the Coastal Commission to apply current land use policies in determining consistency for the Brazil Ranch in the same manner those policies would be applied to any private land owner requesting the same usage of that piece of property.

The staff report requires the development of parking area(s) along Highway One. No private business or property owner would be allowed ~~by~~ this type of development, as it is in direct conflict with the Big Sur LCP.

No private property owner would be able to conduct commercial activities, including corporate retreats and weddings, on their property because it is prohibited by zoning regulations. These same zoning standards dictate appropriate uses of the Brazil Ranch property.

The staff report suggests that commercial use of the Brazil Ranch is legitimized because of commercial use of the property prior to USFS acquisition. If this is the case, the commercial use was also against zoning restrictions and therefore illegal. If any private property owner in Big Sur used their property for activities prohibited by zoning regulations, would it then be allowed and deemed legal in the future? Does this in some way change the zoning of that piece of property?

Allowing the commercial use of the Brazil Ranch is completely unfair to the visitors, residents and private property owners of Big Sur. Zoning restrictions apply equally to all users of Big Sur's resources. The Brazil Ranch property was purchased and transferred to the Forest Service to prevent the possible development of up to six single family

homes. Now we are faced with the Forest Service's (possibly extensive) commercial use of the property. The California Coastal Commission should prevent this from happening by applying our land use policies in a fair manner.

Regards,

Wiley Ramey

Wiley Ramey

Franklin P. Conlan

RECEIVED

August 26, 2005

AUG 29 2005

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Delaplaine,

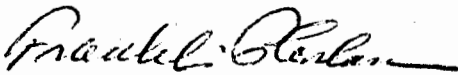
I am writing in support of the Big Sur Environmental Institute, which has recently been formed at the Brazil Ranch, Big Sur. I understand that there are a few business interests who are opposed to the use of the property for environmental studies and other events.

This comes as a big surprise to me because I have attended a number of events there, which were not only quite orderly but also tastefully conducted. Both the caretakers, the Moons, and the BOD have organized the Institute with extreme care, and the Forest Service has done so as well.

The Ranch is a breathtaking property which should be shared by people interested in the environment. I can't imagine any opposition unless it is commercial in nature. Even so, the Institute should bring indirect business to the community of Big Sur.

We are residents of Carmel Valley, and we whole heartedly support the objectives and purposes of the Big Sur Environmental Institute

With kind regards,



Franklin P. Conlan

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

Roger A. Williams, MD
P. O. Box 2402
Carmel by the Sea, CA 93921

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AUG 28 2005
CALIFORNIA
COASTAL COMMISSION

August 26, 2005

California Coastal Commission
c/o Mark Delaplaine, Federal Consistency Supervisor
45 Fremont St., Suite 2000
San Francisco, CA 94105

Re: Brazil Ranch Forest Service Consistency Determination

Dear Mr. Delaplaine:

I urge support of the Forest Service Consistency Determination at the Brazil Ranch. The primary goal of the Forest Service and Big Sur Environmental Institute is to establish an environmental educational program at the Brazil Ranch. This program will be in accordance with the goals of the Coastal Commission to protect and enhance the coastal environment.

The educational programs will not adversely effect the local environment and will assure public access through public participation in conferences and other educational activities. At the same time, the Brazil Ranch must be financially self-sustaining. To generate enough income to support the ranch's educational activities and maintenance, some commercial activities, with low environmental impact, such as weddings and photography events, will be necessary. Similar commercial activities of this type currently take place elsewhere in the Big Sur, with little or no adverse impact

The Forest Service Consistency Determination describes methods for adequate public access on an open basis for the coastal bluffs and on an invitational or scheduled basis for the remainder of the property.

Sincerely Yours,



Roger A. Williams

ANTONIA ROBERTSON

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AUG 29 2005

CALIFORNIA
COASTAL COMMISSION

August 26, 2005

Mark Delaplane
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Dear Mr. Delaplane:

I understand there is an upcoming General Consistency Determination regarding activities at the Big Sur Environmental Institute at Brazil Ranch (BSEI). I am very familiar with Brazil Ranch and with the Big Sur area and would like to express my strongest endorsement for the Coastal Commission to grant a positive consistency determination for BSEI.

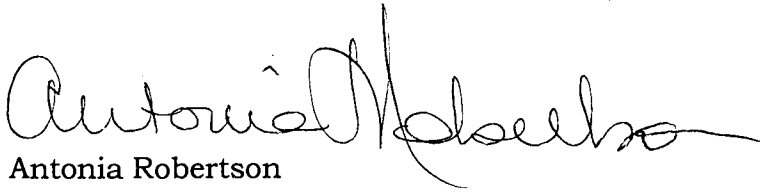
As you are no doubt aware BSEI occupies a scenic and historical location unique in value and potential to the local and national community. BSEI in collaboration with the Forest Service has undertaken to preserve Brazil Ranch for the public benefit and access, and to use the facility to promote sustainability, conservation and environmental education by means of educational events, seminars and workshops. Such an undertaking, along with keeping the lights on and ranch maintenance and improvement, is extremely expensive and to that end BSEI not only desires to host educational events but also a certain number of income producing events such as weddings, retreats and meetings, leadership is given for all these events to follow a green model. This seems to be a very reasonable procedure and does in fact benefit the economy of the Big Sur community. For example, Marcia Burt (founder of Southern California Artists Painting for the Environment) taught a recent plein air landscape workshop at BSEI and the students lodged and dined at Big Sur hotels and restaurants during that week.

BSEI can only fulfill its wonderful educational mission for environmental stewardship and expand public access at Brazil Ranch if it is economically viable. The uses it proposes would appear to be entirely consistent with the Big Sur Land Use Plan and the California Coastal Management Plan. Therefore I would urge that the Coastal Commission give its support to this worthwhile endeavor and grant a favorable consistency determination to BSEI.

August 26, 2005

Thank you for your consideration. Please do not hesitate to contact me if further information is desired.

Very truly yours

A handwritten signature in cursive script, appearing to read "Antonia Robertson". The signature is fluid and extends across the width of the text area.

Antonia Robertson

cc David Potter, Rich Tobin, Armando Arias

475 TORO CANYON RD. • SANTA BARBARA CA. 93108
PHONE: 805-969-2333 • EMAIL: ANTONIAROB@AOL.COM

Armando A. Arias, Jr., Ph.D.

Executive Director

Big Sur Environmental Institute

Telephone: 831.455.8335

Email: aarias48@hotmail.com

August 29, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105
Email: mdelaplaine@coastal.ca.gov

**RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination
by U.S. Forest Service for Management Guidelines for use of Brazil Ranch**

Dear Mr. Delaplaine:

The Big Sur Environmental Institute wants to help the California Coastal Commission to protect California's coast by assisting Los Padres National Forest in the management responsibility of the Brazil Ranch.

Moreover, the Institute has partnered with the Forest Service to open public access to the Brazil Ranch primarily as a place to convene educational programming, seminars and policy forums concerning conservation, stewardship and sustainability issues. To help pay for maintenance of the ranch and support educational programs, the Forest Service has proposed issuing a limited number of special use permits. We believe these activities are an appropriate use of the Brazil Ranch and will not adversely affect the resources of the coastal zone.

Relatedly, our research shows that the General Consistency Determination by the U.S. Forest Service for Management for use of the Brazil Ranch are in compliance with the Coastal Act. Hence, their proposed activities will in no way harm coastal resources or local business and at the same time provide opportunities for general public enjoyment. My sense is that the Commissioners will have the same perspective.

We fully support the California Coastal Act goal of providing educational opportunities to ensure citizens are aware of and encouraged to accept their share of the responsibility for protecting and improving the natural environment in the following ways:

1. Activities at the Brazil Ranch will raise awareness and encourage individual responsibility for protecting the environment. We face critical environmental problems, and the Brazil Ranch provides the opportunity to discuss these issues.

2. The proposed uses (both conservation education as well as the special uses to help finance the educational mission of the Brazil Ranch) are fully consistent with the California Coastal Management Program and the Federal Coastal Zone Management Act.

3. The proposed uses are fully consistent with the Big Sur Land Use Plan, which allows these types of uses within areas zoned as Watershed and Scenic Conservation.

4. The Forest Service has provided public access during open houses, hikes, education programs and special use activities. Expanded public access for hiking and other activities is planned.

5. The Forest Service is balancing the goal of expanded public access with the need to respect adjacent private property, properly manage visitor use, and respect environmental constraints of the resource. They want to work with the Coastal Commission to expand public access.

6. The Brazil Ranch complements businesses in the Monterey Peninsula and Big Sur by bringing visitors to the area who use local services, restaurants and lodging. The Brazil Ranch is supported by many businesses in the region. The Brazil Ranch expands business opportunities for local businesses.

7. The proposed uses of the Brazil Ranch are a good balance of environmental protection, consistency with law, and creative ways for visitors to access these public lands. This is especially true given limited financial resources to manage public lands and provide educational programs on conservation, stewardship and sustainability.

We look forward to working with the Coastal Commission and the Forest Service to fulfill the stated goals of the California Coastal Act to "carry out a public education program that includes outreach efforts to schools, youth organizations, and the general public for the purpose of promoting understanding of, fostering a sense of individual responsibility for, and encouraging public initiatives and participation in programs for, the conservation and wise use of oceans and other natural resources."

Sincerely,

Armando A. Arias, Jr., Ph.D.
Executive Director



**REACTION
MANAGEMENT, INC.**

RECEIVED

AUG 30 2005

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency
Determination by U.S. Forest Service for Management Guidelines for Use of
Brazil Ranch

Dear Mr. Delaplaine:

Reaction Management, Inc. provides customized design and support for meetings and special events throughout the United States. In November 2004, we had the privilege of working with the Forest Service at the Brazil Ranch under special use permit. The purpose of our visit was to showcase new environmentally-oriented hybrid vehicles from Lexus and Toyota to the automotive industry. Our activities consisted of professional still photography and allowing a Toyota engineer to speak with automotive industry reporters who drove to the Brazil Ranch in one of our test vehicles. We worked closely with the Forest Service to ensure our activities were protective of coastal resources and respectful of adjacent landowners. Vehicles were driven only on the authorized paved surfaces and parked adjacent to the barn as directed.

I understand the California Coastal Commission is considering whether or not these types of activities affect coastal resources and are in compliance with State law. While I cannot speak to the specifics of the California statute, I can tell you from my many years of experience in managing special events that the Brazil Ranch provides a wonderful opportunity to protect coastal resources and make available environmental education programs funded by carefully controlled special events. The Forest Service is an excellent steward of the land, ensuring that the ranch is protected and neighbors not disturbed. The Brazil Ranch is a unique location for conservation education forums and occasional special uses. The local lodging, restaurants and other service providers benefited from our visit to the area. We especially appreciated that our payment for use of the Brazil Ranch would help further the conservation education mission of the Big Sur Environmental Institute. Were it not for the Brazil Ranch and the collaborative effort shown by the Forest Service, we would not have undertaken this project in the Big Sur-Monterey area. In my judgment, our activities at the Brazil Ranch

REACTION MANAGEMENT, INC.

3655 W. Anthem Way, Suite A-109

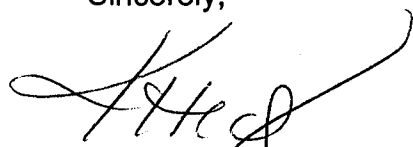
PMB 420

Anthem, AZ 85086

were benign in environmental effect, beneficial to local business, and supportive of conservation education. I strongly support the Forest Service's continued use of the Brazil Ranch for educational purposes supplemented by occasional special use activities that help fund these needed programs.

Thank you for considering my views.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Healy', with a long, sweeping horizontal line extending to the right.

Kathi Healy | President
Reaction Management, Inc.
623-551-1847

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
by email to mdelaplaine@coastal.ca.gov

Dave Potter, Supervisor, District Five
Board of Supervisors
by email to district5@co.monterey.ca.us

Honorable Sam Farr, U.S. Congressman
by fax 831-424-7099

Re: CD-83-05 (Forest Service, Monterey County)
General Consistency Determination by U.S. Forest Service for
Management Guidelines for Use of Brazil Ranch

Dear Commissioner Delaplaine, Supervisor Potter and
Congressman Farr:

I am writing in support of the adoption by the Coastal
Commission of the General Consistency Determination regarding
the Brazil Ranch.

I am a member of the Board of the Big Sur Environmental
Institute at the Brazil Ranch and hold the office of Secretary,
but this letter is written only on my personal behalf and not on
behalf of the organization.

I have resided both in Big Sur and Carmel for over 30 years
and continue to serve on the boards of other organizations in
both communities, such as the Big Sur Health Center and the
Carmel Chamber of Commerce.

After the sale of the Brazil Ranch by the family of the
late Alan Funt the conservation and environmentally minded
communities rallied together to support the purchase of this
property from avowed development interests. Ultimately it was
transferred to The Los Padres National Forest and a non-profit
organization was formed to administer and direct its growth as a
world-class center for education and conferencing on
sustainability and environmentally attuned activities and
efforts.

The Big Sur community is comprised of many individuals who distrust government in any form, and some are vocal opponents of any projects that in any way involve the federal government, Forest Service or State agencies. You will undoubtedly hear from some of these individuals in opposition to this consistency determination.

A few Big Sur businesses also harbor some fear or resentment regarding the limited commercial activities that have transpired on Ranch property in this first eighteen months of the Ranch's existence, that were undertaken (in a manner consistent with all applicable local rules, in my opinion) to sustain this nascent organization while it focuses and retools to its core mission.

Many other local residents and local businesses see the Brazil Ranch as a good neighbor and an important addition to the Big Sur Community.

The Board of the Big Sur Environmental Institute and the Forest Service have committed themselves to designing this project to "tread lightly upon the land" both with regard to impact on the natural environment and social impact upon the neighboring Big Sur community. Extensive mitigations have been considered and adopted and limitations upon the uses as to number and intensity have been committed to.

It is my personal hope that the Coastal Commission and other concerned public officials will support the efforts of the Forest Service in this matter and help engender the benefits to the local and global communities that should naturally flow forth from this endeavor.

Thank you for your kind consideration.

Yours truly,

Thomas V. Nash
P.O. Box 6021
Carmel, California 93921



CALIFORNIA STATE UNIVERSITY
Monterey Bay
SERVICE LEARNING INSTITUTE

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105
(415) 904-5400 (Fax)
mdelaplaine@coastal.ca.gov

RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination by U.S.
Forest Service for Management Guidelines for use of Brazil Ranch

To the California Coastal Commission:

As Director of the Service Learning Institute at California State University, Monterey Bay, I am writing to voice my support for the plans of the Big Sur Environmental Institute with regard to future use of the Brazil Ranch property. This is a very special property, and has the potential to contribute greatly to our region's environmental education and awareness raising programs.

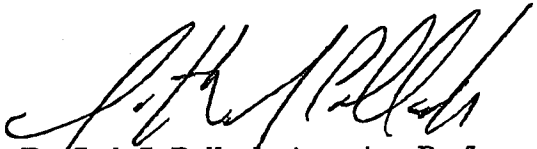
California State University, Monterey Bay is committed to developing strong connections with local community organizations to address our region's critical social and environmental problems. Each year, 50% of CSUMB students are enrolled in service learning classes, and contribute their time, energy and insight to the important work that is taking place in our region's communities. In 2004-05, 1,666 CSUMB students contributed over 50,000 hours of service to over 200 local schools, non-profit organizations and governmental agencies. The impact that these students have had in the community is considerable.

We look forward to partnering with the Big Sur Environmental Institute on future endeavors related to environmental education, especially for our under-served populations. We face critical environmental issues, and the Brazil Ranch provides an ideal setting to discuss these issues and develop new insights and solutions. Based on our understanding, the proposed uses are consistent with the California Coastal Management Program and the Federal Coastal Zone Management Act, as well as with the Big Sur Land Use Plan.

We have worked with many school groups in East Salinas and the Salinas Valley, building a broad coalition of support to the goal of restoring and maintaining the high quality of our local watersheds. The Brazil Ranch can play an important role in furthering these efforts.

We sincerely hope that the California Coastal Commission will support the proposed plan to continue environmental awareness and educational activities at the Brazil Ranch, and will allow the Big Sur Environmental Institute to develop a plan to make the property more accessible to the public.

Sincerely,



Dr. Seth S. Pollack, Associate Professor
Director, Service Learning Institute
CSU Monterey Bay
100 Campus Center
Seaside, CA 93955
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seth_pollack@csumb.edu

California Coastal Commission
C/O Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco CA 94105

August 27, 2005

RECEIVED

AUG 30 2005

CALIFORNIA
COASTAL COMMISSION

Dear Sirs,

I am writing in support of the Brazil Ranch as a neighbor living in Bixby Canyon and as a businessman in Big Sur managing Ventana Inn & Spa. My view is that the Ranch is in compliance with the use consistency of the California Coastal Management Program.

The Brazil Ranch has from the beginning of its current management by the Forest Service regularly reached out to the community in an inclusive manner for local input on all aspects of this project. Rich Tobin and the forest service team have worked with patience and care to create a harmonious niche in the Big Sur community.

The proposed uses are primarily focused on creating a critically needed center to raise the public's environmental awareness and discuss ways to protect the threatened California coastal beauty in your charge. This is a right use for this property.

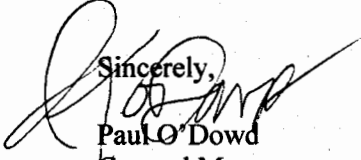
The Brazil Ranch complements regional and Big Sur business providing much needed work for local small businesses with the educational and social functions hosted on the property. The proposed uses provide for public access, educational programs for our children, a balance environmentally and in consistency with the law.

To the vocal nay Sayers I view their approach to this issue as if they where at a grand buffet line. They are leaving the line with their plate full. As they depart to seat themselves they look back and see someone's plate with an item they don't have on their plate. How did they get something I don't have? Haven't I been cheated they remark to all that will listen. They share that we should have the process be as unpalatable as their joyless meal is to them.

The obstructionist would drag this out so that we spend more public money to get to the same result in the end.

In a time when public land management is an ongoing expense to the taxpayers we have an opportunity to support a project that is working to create it's own balanced sustainability.

Sincerely,


Paul O'Dowd
General Manager
Ventana Inn & Spa
Highway #1
Big Sur CA 93920

August 30, 2005

Honorable Chair Caldwell and Commissioners
California Coastal Commission
C/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, California, 94105

Dear Chair Caldwell and Commissioners,

We are writing regarding CD-83-05 (Forest Service Monterey County) General Consistency Determination by U.S. Forest Service for Management Guidelines for Use of Brazil Ranch.

This historic property on the Big Sur Coast has the potential to be a place where local, regional, national and international leaders can gather and address the critical environmental issues facing our planet. They are challenges that belong to all of us and this venue and the future of its programming have great potential for building new approaches to these critical, complex issues.

To make the transition from a privately held piece of land to an international environmental center requires special cooperation, already evidenced, between the public and private sectors. The property is jointly managed and operated by the US Forest Service and the newly formed Big Sur Environmental Institute (BSEI). This public private partnership deserves all of our support as it moves toward a sustainable future.

The success of BSEI will bring business and a new dimension to the iconic identity of the local area. Everyone will prosper.

The educational programming that will result from the catalyst role taken by BSEI will provide information, insight and hands on involvement for community members from school children to civic and political leaders. Sustainability and social responsibility will go hand in hand with environmental stewardship and conservation education.

We urge your "yes vote" for agenda item CD 83-05. We believe that the BSEI and its educational vision for the Brazil Ranch property are consistent with the California Coastal Management Program, the Federal Coastal Zone Management Act and the Big Sur Land Use Plan.

Sincerely,

Christina A. Holloway
BSEI Board Member

Charles A. Holloway
Professor, Stanford Graduate School of Business

730 Santa Maria Ave., Stanford, CA 94305, 650-327-1427



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August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
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San Francisco, CA 94105
Fax: 415.904-5400
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RE: CD-83-05
(Forest Service, Monterey, Co.)

RECEIVED

AUG 30 2005

CALIFORNIA
COASTAL COMMISSION

RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency
Determination
by U.S. Forest Service for Management Guidelines for use of Brazil Ranch

Dear Mr. Delaplaine;

Please accept this letter with our expression of strong support for the approval of the consistency application with regards to the Brazil Ranch and their exciting plans for educational/environmental/social and cultural activities along the central California coast line to which the public would have access.

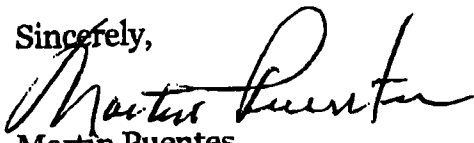
The special uses envisioned by this group of socially responsible citizens suggests to us that not only would the public have access but the use would ensure that eventually, a self-sustaining, environmentally conscious and educationally stimulating series of activities would attract people from around the globe, who have common goals and agendas.

The Monterey Bay Blues Festival (MBBF) is a local non-profit organization that prides itself on conservancy, that of the true American art form, the Blues, and for over 20 years has worked tirelessly to achieve that goal, especially with the community's youth. The Forest Services' Brazil Ranch along with the Big Sur Environmental Institute's proposed educational programs are particularly attractive to MBBF in that by virtue of its goals of environmental conservation, social responsibility, public access and the melding of culture and the arts into the fabric of a community, such a vision could be realized in an economically responsible manner.

MBBF could support this vision by partnering with the Brazil Ranch/BSEI on events that would include the community's youth and emphasize the relationship of the environment to music, social responsibility, conservation of a true American art form, the Blues, and by using that effort as a powerful symbol that could communicate and support common goals.

It is therefore, with great enthusiasm, that MBBF strongly encourages your support for the Forest Service Consistency Determination at the Brazil Ranch.

Sincerely,



Martin Puentes
Executive Manager

Xc:

Dave Potter, Supervisor, District Five
Board of Supervisors
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Honorable Sam Farr, U.S. Congressman
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CALIFORNIA STATE UNIVERSITY
Monterey Bay

DIVISION OF SCIENCE AND ENVIRONMENTAL POLICY

30 August 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination by
U.S. Forest Service for Management Guidelines for use of Brazil Ranch.

Dear Mr. Delaplaine,

I am writing as Chair of the Division of Science & Environmental Policy (SEP) at California State University, Monterey Bay to recommend that the California Coastal Commission support the Brazil Ranch / Big Sur Environmental Institute in its efforts to promote wise, sustainable use of resources through environmental education, research, and community involvement.

Our university offers a bachelor's degree in Earth Systems Science & Policy (ESSP). This applied environmental science program serves about 400 students and brings together a diverse faculty with expertise spanning many sciences (e.g., chemistry, physics, geology, biology, ecology) as well as engineering, economics, and policy. The program shares with Brazil Ranch and the Big Sur Environmental Institute a commitment to wise stewardship of our resources and a focus on pragmatic, collaborative approaches to the solution of pressing environmental problems, both locally and on a global scale.

From my perspective as an educator, scientist, and department chair, Brazil Ranch with its vision and management plan is an extremely valuable assets to the central California

coastal community, as well as the to this nation and the world. Here are some of my reasons for this view:

- Brazil Ranch is, to the best of my knowledge, unique within the U.S. Forest Service as a facility devoted explicitly to "achieving sustainable, socially-responsible, management of natural resources -- locally, nationally, and globally" It does this through community involvement and environmental education. Like the California Coastal Commission, it seeks to address the current needs of individuals and groups while protecting the long-term interests of society.
- Brazil Ranch has been proactive in establishing meaningful collaborative relationships with a wide variety of community organizations, including many educational institutions and programs. For example, they first contact us here in the Science & Environmental Policy program at CSUMB in early spring of 2004 to explore ways in which we might work together to promote education and wise stewardship of resources. On May 27, 2004, they graciously hosted one of our departmental retreats in exchange for the opportunity to dialogue with our faculty and staff about potential collaborations, including both short and long-term student research projects devoted to sustainable resource management. They have also established relationships with other departments on our campus as well as other regional organizations and even international organizations like Jane Goodall's "Roots to Shoots" kids environmental education program and the Earthwatch Institute.
- Brazil Ranch is an ideal outdoor classroom for environmental education. It is remote and undeveloped enough to convey a sense of wilderness and hope for a sustainable future, yet offers convenient, paved access and emergency medical support from Monterey and Carmel areas. It also has excellent small-group facilities with potable water, power and other amenities. It is less than 40 minutes from our campus by paved roads. The property encompasses a remarkable diversity of ecological habitats for study, including redwood forests, riparian zones, chaparral, grasslands, coastal bluffs, and a dramatic coastline with views of offshore islands. All of these are within walking distance of the main ranch house area. Its earlier use as a ranch inspires students to study the history of the area and the influence of human land use history of vegetation patterns and wildlife populations. The management is receptive to well-considered student and faculty research projects devoted to improved techniques for habitat restoration and similar issues.
- Brazil Ranch -- situated as it is near the coast in the beautiful Big Sur region of California -- is an inspiring venue for "think tank" meetings where the best minds in environmental conservation and sustainability from all over the world can gather to work out viable solutions to pressing environmental problems that affect us all. They have already hosted international meetings of this type.

- Brazil Ranch offers a unique blend of public accessibility and secure grounds. Much of the data that ecologists, climatologists, and other environmental scientists (including myself) collect is obtained with expensive scientific instrumentation that must be deployed in the field. This instrumentation is prone to theft and vandalism in areas with uncontrolled public access, but it loses much of its educational and public awareness value if hidden away on private lands. Isolating science -- particularly that done for the public good -- from the public eye and student brains is counter-productive, because most of that science ultimately depends on public support in the form of tax dollars and an educated public that understands the nature and value of that data. Brazil Ranch offers a place where scientists can safely deploy and showcase this kind of equipment, while involving small groups of students and the general public in some of the data collection activities. This benefits everyone. As a specific example, I have recently been awarded a \$10,000 grant from the Lindbergh Foundation to purchase wildlife surveillance equipment for school children to deploy at Brazil Ranch, so they can study the distribution and behavior of nocturnal wildlife in different habitats there.
- Brazil Ranch management recognizes that, while science provides some of the information needed for wise environmental stewardship, it is the arts (music, dance, poetry, painting, photography, etc.) that inspire people to make good use of the available scientific information. Brazil Ranch has hosted photography workshops and worked to establish collaborative relationships with the art department here at CSU Monterey Bay. Kudos to them for this holistic, interdisciplinary approach, marrying science and art to improve public environmental awareness and education.
- Brazil Ranch management is sensitive to neighbor's concerns about noise and disturbance. I was present at a community meeting (Aug 28, 2004) where Brazil Ranch had invited a large number of stakeholders, including the owners of adjacent properties, to a barbeque. Some of the neighboring land owners expressed concern that group activities at Brazil Ranch would create unwelcome noise and disrupt the peaceful ambiance of Big Sur, but some of those same people were blissfully unaware that several such activities had already taken place. Clearly, Brazil Ranch is sensitive to this issue and is being careful to select activities that are quite and unobtrusive. The location of the ranch house and other main facilities near the center of the 1,200 acre property, where they are largely out of view or earshot of neighbors and the main highway (Hwy 1), makes it easy for peaceful group activities to proceed without disturbing anyone nearby.
- Brazil Ranch has developed a very sensible model for funding its education and public outreach missions. The school groups and other educational programs that Brazil Ranch rightly seeks to attract and nurture can barely support their own day-to-day operating costs, much less fund the staffing and facilities maintenance needed to make Brazil Ranch viable. Recognizing this, the Brazil Ranch management rents the facilities, on a very selective and very occasional basis, for

short-term, quiet, minimal impact activities, such as film shoots for tractor commercials, to raise money that can be used to subsidize the educational programs. Brazil Ranch management is sensitive to the potential conflict with its mission and its neighbors and limits these fund-raising activities to the minimum needed to support its educational / conservation mission.

I hope you will join me in supporting Brazil Ranch's efforts to promote wise stewardship of environmental resources through its community outreach, research, and education programs.

Respectfully,

Steven W. Moore, Ph.D.
Professor and Chair
Division of Science & Environmental Policy
California State University, Monterey Bay
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steve_moore@csumb.edu

cc:

Dave Potter, Supervisor, District Five
Honorable Sam Farr, U.S. Congressman

Cari Herthel
Ohlone/Costanoan-Esselen Nation
Tribal Chairperson
508 Forest Avenue ♦ Pacific Grove, California 93950
(831) 375-8224
jherthel@sbcglobal.net

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Dear Mr. Delaplaine,

As a leader of the indigenous people of the Monterey region and elected Chairperson of the Ohlone/Costanoan-Esselen Nation, I write to express my support of the General Consistency Determination for activities at the Brazil Ranch. The environmental programs that are planned for this beautiful parcel on our scared coast are very much in keeping with the goals of the tribe.

As a Native American I am in support of activities that will raise awareness and encourage individual responsibility for protecting the environment. We live in dangerous times and it is imperative that citizens become educated as to the environmental problems we all share. The Brazil Ranch activities will provide an opportunity to discuss these issues, so important to us in our homeland.

The activities at the Brazil Ranch will not only provide public access achieved through open houses, hikes, education programs and special use activities, it will also provide access for native peoples of the region to be on the land.

I believe that the proposed uses of the Brazil Ranch offer a balanced and hands-on approach to teaching about how to protect the environment and for offering ways for visitors to access these public lands.

The Ohlone/Costanoan-Esselen tribe wants to leave a legacy of their culture while protecting the land, which has so much cultural significance for us. Our ancestors are buried on this land and we seek to protect their final resting places. We live in times where people have become separated from nature. I think that our great hopes for the future will be served well by the plans proposed for the Brazil Ranch and be a renewal of environmental service.

Respectfully yours,

Cari Herthel

Mark Delaplaine

From: George Baldwin [george_baldwin@csumb.edu]
Sent: Tuesday, August 30, 2005 5:03 PM
To: Alec.arago@mail.house.gov; district5@co.monterey.ca.us; mdelaplaine@coastal.ca.gov

August 30, 2005

Honorable Sam Farr, U.S. Congressman
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California Coastal Commission
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Re: Brazil Ranch - Consistency By Design

Dear Congressman Farr, Supervisor Potter & Federal Consistency Supervisor Delaplaine:

As part of the original founding faculty hired to create CSU Monterey Bay at Fort Ord, I came into contact with numerous individuals from the Big Sur area that were very much opposed to the idea of bringing a new university to this area. I am not surprised to find that the same individuals are also opposed to the idea of the Forest Service managing the Brazil Ranch. They complained of the university's Vision Statement that was designed to direct the University to serve the State's diverse population. Now they are attacking the Vision of the Brazil Ranch which has similar goals -- educational programming, seminars and policy forums concerning conservation, stewardship and sustainability issues.

I am a social scientist, community planner and avid outdoorsman. I am an American Indian and I spend a good deal of time hiking in the Big Sur region with my family. Because of my science and my cultural background, I have a very good sense for how people establish an identity with the land based on social and economic routines. This phenomenon of "cultural attachment" lends itself to people feeling that they own something that they do not, and excluding others from access. One or two individuals who oppose the Consistency Application of the Forest Service exude the "cultural attachment" characteristic and do not want to see any type of change whatsoever, nor do they want to open their minds (in the least) to take into account forward looking visions (a la unique partnerships) and the like. You have no doubt heard them assert that the Forest Service's application is not in compliance with the Coastal Act, yet when you examine their behavior you will find that their business practices are often out of compliance with such things- enlarged signage, conducting weddings without permits and such. Big Sur is a national treasure that must be protected and shared with a wider range of citizens than a select few.

You may be interested to know that there are a number of professors at this university who support the consistency application before you as well as the educational programming activities set-forth by the Big Sur Environmental Institute at the Brazil Ranch as these will not adversely affect the resources of the coastal zone. The university is aligned with the vision of the Forest Service because we are in the business of raising awareness and encourage individual responsibility for protecting the environment. Together with the Brazil Ranch we look forward to grappling with the critical environmental problems we face in our county, nation and world.

Through a partnership with the Brazil Ranch we plan to assist in providing public access during open houses, hikes, education programs and special use activities. I personally look forward to leading hikes through the Brazil Ranch as have some of our professors in order to expand public access for hiking as well as for other activities, such as service learning placements for students. Lastly, I know the Forest Service wants to work with the California Coastal Commission to expand public access.

Sincerely,
Dr. George D. Baldwin, Professor and Founding Faculty
Director, Division of Social, Behavioral, and Global Studies /
Institute for Community Networking
California State University Monterey Bay
100 Campus Center, Bld. 17
Seaside, CA 93955

<http://home.csumb.edu/b/baldwinged/George/world/gbaldwin>
Voice: 831-582-3625
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"CSUMB --- IT'S ALL ABOUT OUTCOMES! "

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
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RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination
by U.S. Forest Service for Management Guidelines for use of Brazil Ranch

Dear California Coastal Commission,

I am writing you as an educator about American culture and citizenship to support your role in the protection of California's coast through the General Consistency Determination Application in regards to Forest Services' management of the Brazil Ranch.

I am director of the California State University Monterey Bay's Integrated Studies Special Major. As you may know, this University, working with federal mandates and leadership from the Leon Panetta family, was created ten years ago to serve the Central Coast and the state's citizens who are historically underserved and under-represented. The school is distinguished nationally by a mission of public service and social responsibility. What is "special" about this original founding major of the University is that it allows exceptionally ambitious and motivated students the opportunity to develop a focused career and life goal drawing from several majors and applying this "integrated knowledge" to projects of social significance in our community.

For this reason, I am especially excited by the development of the Brazil Ranch and its partnership with the Big Sur Environmental Institute, because its mission is specifically to advance, support, and promote an interdisciplinary approach to environmental studies. The topic of most interest to our diverse students is Wilderness

Leadership and Education. Our students are so concerned about the ability of our state and national government to protect our environment and look to you to provide stewardship of our resources. They are preparing themselves to be our leaders in politics, public policy, education, journalism, culture (including television and film, theater, music, arts, and performing arts), and science. Many are combining fields from environmental sciences and education.

The future of the activities being proposed for the Brazil Ranch are of significance to our students for several reasons. First, it will provide students the opportunity to serve as interns. It will provide our students the opportunity to do community service. All of our students are required to serve community both in their first two years and in their upper division work for their majors. In addition to students wishing the opportunity to serve at the Ranch, a unique chance to bridge their learning and career goals, we have a developing cohort of students who wish to work with and at the Brazil Ranch on various "capstone" projects all students must create and present to the community in order to graduate. They produce films, documentaries, books, studies, research, reports, internet education sites, curriculum, and other projects of use to our society. Several have already expressed to me their interest and excitement in a project that is based on work at the Big Sur Environmental Institute.

The partnership between the Forest Service (Brazil Ranch) and the Big Sur Environmental Institute is unique in this region and in the U.S. As an educational center, it will become a significant venue for teachers and scholars as well as students, who are interested in the arts and sciences of wilderness education. For example, I lecture and write internationally on the role of arts and humanities to affect public policy for California wilderness and the cultural leadership and legislation that created our national and state parks and forests. I am working with leadership academies on public policy, and I have served in federal and national roles including as Senior Fellow at the American Council on Education and as the U.S. Scholar in Residence for the U.S. Department of State, working with educators, legislators, journalists, artists, and scholars in over 30 countries on American cultural history, education, and values that lead to our public policy. I have been a senior Fulbright lecturer twice, and I lecture on John Muir at the LeConte Memorial Lodge at Yosemite National Park in the summers. I am writing a book entitled *University of the Wilderness: What We Learn from the Arts and Sciences of John Muir*. This book sets out the importance of the role of integrating arts, humanities, social sciences, and sciences, in order to understand, value, and provide public leadership of our natural resources.

Since my purpose is to show the legacy of Muir, who combined the careers of scientist, author, lecturer, and public policy advocate for the wilderness, on current affairs, I will write about the Big Sur Environmental Institute as an exemplar of the ways our society is going about the permanent and long-term, vigilant wise protection of our resources. That is why I especially value the role of the California Coastal Commission and appreciate your support of this Institute.

I am also writing to inform you that I will be happy to support and contribute to the work to develop the Big Sur Environmental Institute as a scholar and citizen, and to your work as a Commission. I lecture on behalf of public policy and the environment for numerous organizations, ranging from the University of California Boalt School of Law to community fundraisers throughout our region. I serve on various boards to promote

culture and education of the environment. Please let me know if there is any information I can provide you in your work with the Brazil Ranch and the Institute.

I think that the opportunity for California to once again play a leading role for the nation in public wilderness education is significant with the Brazil Ranch. As our region builds on the public support that created the conversion of the Brazil Ranch to educational and conservation purposes, I am reminded of the original legislation to create Yosemite National Park. California Congressmen worked with business leaders on the legislation that made the Sierra region public--with Abraham Lincoln's 1864 Act giving the land to the state. Preserving the land from commercial development was seen as actually enhancing its value to the good of every party, and this is why the business community brought the idea forward, with artists documenting the beauty and journalists getting out the word. The work to get our Sierra national parks started involved taking commercial interests that were there, and threatening the preservation of the wilderness area, and converting them to a place of public protection and education.

There were questions about the conversion of the land to a place of public education that are probably relevant to your work as a Commission for assessing the importance of the Brazil Ranch conversion for our community. At the time, people asked John Muir, whose leadership was instrumental in wide public support, if there should be public access to this extraordinary wilderness, or would that not destroy it?

Muir's reply is relevant today to your charge as the California Coastal Commission regarding the Brazil Ranch and its public mission. Muir said that the only way the public would truly understand the value of the wilderness, and therefore, support legislation and acts to preserve it, would be if they had the opportunity to visit it and to learn from scientists, teachers, artists, writers, and families who could go there to learn and experience it. On this basis, he even advocated the use of automobiles in the park since practically speaking, that was the way to get the public to this site. Because of the decision to make our national park lands accessible to the public, a new ethic was developed and new generations now consider that protection of the environment is one of the most important things we do as a society.

As a person who gets to work with this new generation of leaders, I have constant access to the hope and idealism that sparks their career and life plans. I see how excited they are by the opportunity the Brazil Ranch a la Big Sur Environmental Institute provides them, and I am grateful for the wisdom of our community in making it possible. Thank you for all your efforts, and please let me know however I can assist you.

Sincerely,

Dr. Barbara Mossberg
President Emerita Goddard College
Professor and Director, Integrated Studies
Founding Dean, College of Arts, Humanities, and Social Sciences
California State University Monterey Bay
100 Campus Center
Seaside, CA 93955
(831) 582-3797

August 28, 2005

LAURENCE DWORET M.D.
475 Toro Canyon Road
Santa Barbara, Ca. 93108

RECEIVED

AUG 31 2005

CALIFORNIA
COASTAL COMMISSION

Mark Delaplane
Federal Consistency Supervisor
California Commission
45 Fremont St., Suite 2000
San Francisco, Ca. 94105

Dear Mr. Delaplane:

I have been visiting and staying in Big Sur for the last 35 years and have also taken a close interest in the relatively new Big Sur Environmental Center at Brazil Ranch (Brazil Ranch).

I would like to add my fullest endorsement for the Coastal Commission to give Brazil Ranch approval in the forthcoming consistency determination.

Brazil Ranch has a wonderful mission to maintain the ranch in good condition and to provide an environmental and conservation program to foster sustainability locally and nationally. This mission is urgently needed and is entirely for the public benefit. The Coastal Commission should give its fullest support to Brazil Ranch which is aiming to carry out its goals by raising funds through some income raising events such as weddings. Even then Brazil Ranch requires all events to be green to the greatest extent possible.

I cannot think of a more worthwhile way to preserve California's heritage and open space at Big Sur while providing public access and environmental awareness education and programs than that which Brazil Ranch is undertaking. There may be some in Big Sur that have a different vision but I believe they are a tiny (if vocal) minority and do not understand the goals of Brazil Ranch. Would these people prefer the ranch to be run down or developed? I don't think they would see that as enhancing Big Sur.

Let's give Brazil Ranch a round of applause and the chance to be successful and a great benefit to Big Sur and the public.

The Coastal Commission should give full support with a positive consistency determination.

Yours sincerely



Laurence Dworet

cc: Armando Arias
Dave Potter
Congressman Sam Farr

Rich Tobin

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

August 30, 2005

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COASTAL COMMISSION

Coastal Commissioners,

I am writing to support approval of the Consistency Determination that the U. S. Forest Service has presented for management of the Brazil Ranch. The manner of the acquisition of this ranch has been widely criticized in the Big Sur community, but it is a done deal and I think it is time to move on and focus on making the ranch a place that serves both the Big Sur community as well as the wider community.

The idea that Brazil Ranch become home to an environmental institute was in part a response to the neighbors who had concerns over traffic, noise, fire danger and trespass. It is a way to use and preserve both the property and the historic buildings. The property will be available to the general public on an occasional and controlled basis, which will allow the continuation of the historic grazing as encouraged by the Big Sur Land Use Plan.

Acceptance of the Consistency Determination will allow the Forest Service to move ahead with a management plan which will be worked out with cooperation the Coastal Commission Staff.

The Big Sur community has said clearly that they want the Forest Service to be bound by the same regulations that they are. A Consistency Determination is the equivalent of a development permit for an individual, but it is not exactly the same thing. It took a long time for the Forest Service to come forward and file for a Consistency Determination as the community requested, but now they have done so. The document lists citations in both the Coastal Act and the Big Sur Land Use Plan showing

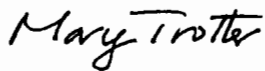
where proposed actions are allowed or encouraged. Clearly the activities they are proposing are allowed.

People seem to be most upset about the weddings, claiming they are taking business away from local establishments. Weddings have gone on for a long time on Pfeiffer Beach, another Forest Service property, and no one has protested. Several other venues in Big Sur host weddings without protest from the business community. In fact these weddings bring business for caterers, ministers, bakers and florists in Big Sur. Brazil Ranch actively encourages use of the local businesses.

A lot of the opposition to the activities at the Brazil Ranch reflects concern in the community about continued public acquisition of private property in the Big Sur area. People are worried that we will end up a National Park or disappear into a newly proposed Big Sur National Forest. I share these concerns, but I believe that this is a separate issue and should not impact your decision to approve the Consistency Determination before you.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Mary Trotter".

Mary Trotter
Big Sur resident and
Member of the Board of Directors
Environmental Institute at Brazil Ranch

29 August, 2005

Mark Delaplaine
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

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CALIFORNIA
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Dear Mr. Delaplaine,

I am writing in support of the US Forest Service in the General Consistency Determination that it has submitted for activities conducted by the Big Sur Environmental Institute at the Brazil Ranch. As an educator, as a director of a natural reserve and as a resident of Big Sur, I am keen to have a neighbor with such potential to effect sustainable approaches to living and to effect a keen awareness of the environment.

Currently we face great challenges to becoming effective stewards of the earth. It is very clear that environmental education is needed, often quite desperately, so that people can appreciate the role of their choices in environmental problems. The Big Sur Environmental Institute is poised to provide such education, and it is especially important that as a kind of "Camp David" for the environment, that the education will be offered to decision-makers who need it most. I am very hopeful that the Institute will succeed in this important mission.

The uses proposed in the General Consistency Determination are all consistent with the educational mission of the Institute, either directly or as fund-raising activities that will allow this nascent non-profit to become established and fully operational in its efforts to serve the public good. All of the proposed activities appear to be consistent with the California Coastal Management Program, the Federal Coastal Zone Management Act, and the Big Sur Land Use Plan. Some of the activities will also benefit local businesses and their employees. Further, the Forest Service has provided public access to the Brazil Ranch property, and it is committed to working with the Coastal Commission to expand public access in the future. Therefore, I urge you to approve the General Consistency Determination that the Forest Service has submitted to you.

Sincerely,



Kurt Merg

Kurt F. Merg, Ph. D.
Resident Director
Landels-Hill Big Creek Reserve
University of California Natural Reserve System
Big Sur, CA 93920

August 30, 2005

California Coastal Commission
% Mark Delaplaine
Federal Consistency Supervisor
45 Fremont Street, Suite 2000
San Francisco, California 94105

Re: **CD - 83 - 05 (Forest Service, Monterey County) General Consistency
Determination by U.S. Forest Service for Management Guidelines for Use of
Brazil Ranch**

I am writing in support of the U.S. Forest Service for Management Guidelines for Use of Brazil Ranch and the commercial and educational applications being advanced with respect to the California Coastal Management Program.

As a citizen of the State of California familiar with the area, a frequent visitor to the Big Sur area, and one familiar with the plans for the Brazil Ranch, it is my perspective that the activities being planned for the Brazil Ranch are not only educationally-based but also environmentally focused and eco-centered in their design and development, providing accessibility and increased awareness to the public of the multi-faceted programmatic themes to be developed by the Big Sur Environmental Institute.

While it is recognized that there are continuing issues and challenges by those who oppose many efforts associated with the pristine ecological and environmental coastal areas, it is my perspective that protection measures should not be developed in isolation from the needs and expectations of the regional interests, population, and other resource users. In order for the Brazil Ranch to have a chance at meeting its goals – and that of the U.S. Forest service as well - , human activities surrounding the areas must be more sustainable. Environmentally sensitive development activities, such as activities relating to environmental conservation, stewardship, and sustainability are integral to Brazil Ranch's future.

Support by the Coastal Commission should be provided for education and awareness-building about forest sector issues such as represented by Brazil Ranch. Increasingly, more support must be given to public education and awareness-building campaigns as being advanced through the collaborative efforts of the Big Sur Environmental Institute and U.S. Forest Service.

Leadership at the Brazil Ranch is stressing cross-disciplinary approaches to complex environmental and societal problems. Through its own research and training and its global partnerships, they are intent on mobilizing science and technology to advance sustainable development, placing special emphasis on the stewardship of environmental resources. From my interaction with the new Executive Director I sense a strong commitment to enhance understanding of global sustainability and its recognition that true success depends upon the concerted efforts of physical, biological, and social scientists in cooperation with an informed and involved citizenry.

With the unique environmental resources as well as human talents that reside in the region the Brazil Ranch and its Big Sur Environmental Institute in collaboration with the Forest Service will be able to serve as a facilitator and catalyst in promoting cross-disciplinary research and education that addresses the complex environmental problems facing our earth, environment, and

society. They will bring University experts together to work on interdisciplinary environmental problems and serve as a gateway for public, non-profit, and private groups to tap into expertise available through colleges and universities as well as other partners in this endeavor. They also plan to carry out awareness programs and information dissemination through leadership institutes and other activities aimed at public policy and environmental themes.

Addressing these issues and problems requires new interdisciplinary approaches and syntheses across traditional disciplines in the life sciences, natural resources, engineering, social sciences, and public health sciences. The growing complexity of environmental problems requires new innovative thinking and synthesis across disciplines if we as a society are to meet these challenges and opportunities with creative and sustainable solutions. To accomplish this mission I believe that the plans include a primary focus on environmental conservation, stewardship, and sustainability. And that they will:

- Encourage high quality, high-impact environmental research that addresses critical needs.
- Serve as a gateway for information on environmental research and education.
- Coordinate and fosters scholarly environmental activities.
- Facilitate collaborations between university researchers and public, private, and non-profit groups.

It is only through an informed public and informed leadership that the political will can be found to make the tough policy decisions required. On another front, much can be done to educate the public on the consequences of their consumption patterns on environmental resources so they might make informed choices in the marketplace. Here again, the public will be well served by the various initiatives to be undertaken as they have been planned.

While I am certain that there are other areas of interest to be considered in this matter, I will refrain from other comments and just express my support and respect for the programs and planning that has occurred by all of the parties involved in this important undertaking.

Again, it is my strong belief that the U.S. Forest Service is in compliance with the California Coastal Management Program.

Sincerely,

S/David E. Leveille

David E. Leveille
1900 Pacific Avenue
Manhattan beach, California 90266
310-796-0723

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CD-83-05
Daniel & Linda Mitrovich

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August 29, 2005

Honorable Chair Caldwell & Commissioners
California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, California 94105

Re: CD-83-05 (Forest Service, Monterey Co.) General Consistency
Determination by U.S. Forest Service for Management Guidelines for Use
of Brazil Ranch

Dear Chair Caldwell and Commissioners:

We are writing to you in support of the General Consistency Determination for
Management Guidelines for use of Brazil Ranch.

The historic Brazil Ranch is making history again today. The Ranch is
transitioning from a private ranch into a world class environmental leadership
forum:

1. Brazil Ranch, through the Big Sur Environmental Institute (BSEI), will become the place where environmental problem solvers come together to find solutions to critical environmental issues.
2. Brazil Ranch is a public/private partnership. Private funds were raised to acquire the Ranch, which was dedicated to the Las Padres National Forest and is jointly managed and operated by the U.S. Forest Service and BSEI.

Honorable Chair Caldwell & Commissioners
California Coastal Commission
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3. Brazil Ranch incorporates a business plan to ensure that sufficient revenues are raised for the management and operation of the Ranch. In these times of budget deficits and shortfalls, independent revenue sources are critical to the conservation and preservation of Brazil Ranch.
4. Brazil Ranch programs and activities will support local business, as people coming to the Ranch will utilize hotels, restaurants, shops, and other local services.
5. Brazil Ranch will provide public access and public educational programs including hikes, open houses, events, and educational programs on conservation and natural resources.

The Management Plan for the Ranch balances many uses and competing interests while ensuring that the Ranch maintains its historic significance, conserves and protects natural resources, contributes to the local economy, and provides public access. At the same, the Management Plan fulfills the vision of BSEI to foster responsible leadership advocating conservation, stewardship, sustainability, and social responsibility.

Conservation and Stewardship – The Management Plan conserves and provides stewardship of the Ranch's 1,200 acres in a manner that is compatible with the continuance of habitat and recreation areas, by maintaining the natural beauty and character of Brazil Ranch as an integral part of the Big Sur coastline.

Sustainability and Social Responsibility – Under the Management Plan, Brazil Ranch will generate revenue for the self-sufficient operation of the Ranch and provide programs that will support the local economy. Public access will be provided in a manner that respects the Ranch's natural resources and adjacent neighbors' right to privacy. Brazil Ranch will be established as the place where thoughtful people come together to solve environmental problems.

Honorable Chair Caldwell & Commissioners
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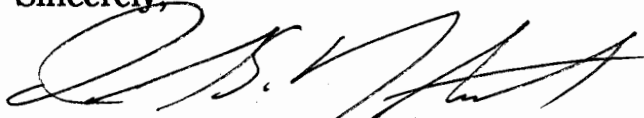
The General Consistency Determination and Management Guidelines are an important step in implementing the vision of Brazil Ranch.

We believe that the General Consistency Determination and Management Guidelines are consistent with the California Coastal Management Program, the Federal Coastal Zone Management Act, and the Big Sur Land Use Plan.

We urge you to vote yes and support agenda item CD-83-05.

Thank you.

Sincerely,



Daniel S. Mitrovich
President
Pacific Atlantic Group, LLC



Linda Mitrovich
President
Solution Strategies, Inc.

/clr



CALIFORNIA STATE UNIVERSITY MONTEREY BAY

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Bobbi Long
Associate Professor
School of Information Technology
and Communication Design

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bobbi_long@csumb.edu

August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105
Fax: 415.904-5400
mdelaplaine@coastal.ca.gov

RE: CD-83-05 (Forest Service, Monterey Co.) General Consistency Determination by U.S. Forest Service for Management Guidelines for use of Brazil Ranch

Dear Honorable Representatives,

During the 2005-2006 academic year, students in the School of Information Technology and Communications Design at California State University Monterey Bay (CSUMB) will be engaged in multiple educational activities at the Brazil Ranch, located near our campus. As an Associate Professor, supervising some of these projects, I am writing this letter of support for the General Consistency Determination in favor of the application presently before the California Coastal Commission. I want you to know what an important resource the Brazil Ranch is and can be for future generations, especially for shaping the positive view of environmental conservancy.

I teach design classes for Web and Print Media. I also teach a Service Learning class called Tech Tutors as well as advise many Senior Capstone Projects in Communication Design. Some of these classes have and will continue to receive public recognition because of the successful collaboration between the students and our community. The Monterey Herald wrote an full page article about the success of the First Night Monterey poster series. Other successes include a website for the Monterey Peninsula Regional Parks District, a website for local teenagers called genMB.net, a website for the Friends of the Marina Library, a logo and website for the Marina Farmers Market, and a website for the Marina Artists Council.

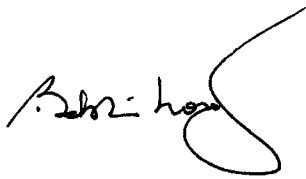
This recognition keeps growing, and last year it attracted the attention of the Monterey Bay Blues Festival, one of our largest local non-profit agencies. Did you know that all its profits go toward music education in local schools in a tri-county area? CSU Monterey Bay students have been invited to design the poster art that will be used on all promotional materials. This is an opportunity for world-class exposure among the Blues Festivals media from around the world.

And now we are collaborating with Big Sur Environmental Institute located at the Brazil Ranch to help it promote its mission towards environmental conservation, sustainability and stewardship because it resonates with our own Vision at CSU Monterey Bay. Together we will utilize the Brazil Ranch to fulfill common educational missions by: attracting, managing, or convening influential dialogues addressing policy and technology related to local, regional, national and international stewardship of the environment by inviting world leaders in policy formulation, research, advocacy and the practice of natural and cultural resources conservation and restoration to convene in a world-class retreat and conference center. These activities are not only important, but they are a good balance of environmental protection, while consistent with public policies and laws that govern the coast. Thus, these activities are creative ways for visitors to access the Brazil Ranch.

My students will be creating digital educational materials to educate the public about the importance of conservation, exemplify socially responsible business practices, while at the same time, integrating, nature with culture and communities.

In addition, I have spent my professional career consulting businesses in the areas aforementioned and can foresee how the plans for the utilization of the Brazil Ranch will increase business in the region; especially in Big Sur. I hope you will recognize the value of our new community partner on the pacific coast as a "national treasure" and provide your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobbi Long", with a large, stylized flourish extending from the end of the name.

Bobbi Long
Associate Professor

Cari Herthel
Ohlone/Costanoan-Esselen Nation
Tribal Councilwoman
508 Forest Avenue • Pacific Grove, California 93950
(831) 375-8224
jherthel@sbcglobal.net

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CD-83-05

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August 30, 2005

California Coastal Commission
c/o Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105

Dear Mr. Delaplaine,

As a leader of the indigenous people of the Ohlone/Costanoan-Esselen Nation, I write to express my support of the General Consistency Determination for activities at the Brazil Ranch. The environmental programs that are planned for this beautiful parcel on our scared coast are very much in keeping with the goals of the tribe.

As a Native American I am in support of activities that will raise awareness and encourage individual responsibility for protecting the environment. We live in dangerous times and it is imperative that citizens become educated as to the environmental problems we all share. The Brazil Ranch activities will provide an opportunity to discuss these issues, so important to us in our homeland.

The activities at the Brazil Ranch will not only provide public access achieved through open houses, hikes, education programs and special use activities, it will also provide access for native peoples of the region to be on the land.

I believe that the proposed uses of the Brazil Ranch offer a balanced and hands-on approach to teaching about how to protect the environment and for offering ways for visitors to access these public lands.

The Ohlone/Costanoan-Esselen tribe wants to leave a legacy of their culture while protecting the land, which has so much cultural significance for us. Our ancestors are buried on this land and we seek to protect their final resting places. We live in times where people have become separated from nature. I think that our great hopes for the future will be served well by the plans proposed for the Brazil Ranch and be a renewal of environmental service.

Respectfully yours,

Cari Herthel

