#### CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST DISTRICT OFFICE 45 FREMONT STREET, SUITE 2000

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#### Prepared November 1, 2016 for November 2, 2016 Hearing

To: Commissioners and Interested Persons

**From:** Nancy Cave, North Central Coast District Manager Renée Ananda, North Central Coastal Program Analyst

#### Subject: STAFF REPORT ADDENDUM for W11a CDP Amendment Number 2-15-1458-A1 (Cartel Management, Inc.)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. Staff has received additional input and information from the applicant and some members of the public since the staff report was published and distributed, and staff is making certain changes to the original staff recommended conditions of approval to address these comments. These changes are specifically related to Special Condition No. 8 that requires women participation in this year's event as well as in future years' events. The staff recommended changes further support the Commission's intent to maximize public involvement in the contest and the applicant's willingness to encourage more women's participation in the surf contest. Importantly, these changes do not alter the basic staff recommendation, which continues to remain "approval with conditions".

Some members of the public are concerned that the staff recommendation does not provide sufficient control(s) to ensure that the applicant would adequately address the participation of women in the contest competition for each of the permitted, future years. In response to this issue, staff is modifying proposed Special Condition No. 8 to ensure compliance with the Commission's intent on the original CDP prior to the contest taking place each future year. The initial version of Special Condition No. 8 in the distributed staff report required at least one heat for women competitors in this year's event as well as in future years' events, and required a yearly evaluation of the success of that component of the project as well as suggestions for future improvements. Although not precluded by that condition, many commenters have suggested that more than a single heat is necessary to provide a bona-fide women's competition. Staff believes that the logistics of doing more than one heat in this year's event could prove unworkable, but notes that the applicant would have the rest of the year to potentially include such parameters for next year's event as well as future events, provided logistics can be worked out. That said, the condition would benefit from additional specificity to provide both a framework for expectations as well as a more clear sign-off for the Executive Director to ensure that the applicant is proceeding with thoughtful due diligence towards inclusivity. Thus, Special Condition No. 8 on staff report page 7 is replaced with the version shown below (where the cross through and underline reflects changes being made to the original condition from last year, as detailed in the

staff report. Special Condition 8 as modified in the October 21, 2016 version of the staff report is no longer being proposed):

8. Plan for Inclusion of Women Competitors in Future Events. The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7. Women's Competition. Each surf contest event shall include, at a minimum, at least one heat for women competitors. As part of the post-event monitoring report required by Special Condition 6, the Permittee shall submit, for the review and approval of the Executive Director, a status report on the inclusion of women competitors in the surf contest. The status report, at a minimum, shall include: 1) an evaluation of the success of the most recent women's competitions, and 3) a detailed plan for the next year's event that includes, at a minimum, an evaluation of providing multiple heats for women. After Executive Director Approval of the status report, the Permittee shall implement the plan. Any additional proposed changes to the approved plan shall occur without an amendment to this CDP unless the Executive Director determines that no amendment is legally required.

#### **Correction of Typographical Error**

a. Change the date the Commission approved CDP No. 2-15-1458 "November 5, 2016" on staff report page 10 (last sentence of second paragraph) to November 5, 2015.

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W11a

Filed:	10/14/2016
180 <sup>th</sup> Day:	04/12/2017
Staff:	R. T. Ananda - SF
Staff Report:	10/21/2016
Hearing Date:	11/02/2016

# **STAFF REPORT: CDP AMENDMENT**

Application Number:	2-15-1458-A1
Applicant:	Cartel Management, Inc.
Project Location:	Pillar Point Marsh parking lot, West Trail, Maverick's Beach and offshore surfing area, as well as designated locations within Pillar Point Harbor and Princeton-by-the-Sea, San Mateo County.
Original Approval:	The original 2015 CDP authorized activities related to the one-day 'Titans of Mavericks" surf contest (between November 1, 2015 and March 31, 2016) near Pillar Point Harbor, including exclusive use of the offshore surfing area, closing a portion of the West Trail and the Pillar Point Marsh parking lot, limiting use of Harbor shoreline areas, and implementing traffic and parking controls throughout Princeton-by-the-Sea in San Mateo County.
Amendment Description:	Request by Cartel Management Inc. to authorize an additional four years of the Titans of Mavericks surf contest subject to similar parameters as originally permitted.
Staff Recommendation:	Approval with Conditions

# SUMMARY OF STAFF RECOMMENDATION

Cartel Management, Inc. is requesting an amendment to CDP 2-15-1458 to extend the permit, initially granted by the Commission for one year only, for an additional four years (i.e. the expiration date would be changed to October 31, 2020). If approved by the Commission, Cartel will be authorized to conduct a one-day surf contest for four additional years, specifically

#### 2-15-1458-A1 (Cartel Management, Inc.)

approved for the following: 1) exclusive use of the Maverick's offshore surfing area near Pillar Point Harbor during the event; 2) to close use of the West Trail; 3) to close and exclusively use the Pillar Point Marsh parking lot and Maverick's Beach; 4) to limit public access use during the contest along the Harbor shoreline southeasterly of the West Trail toward Romeo Pier and the Pillar Point upper bluff trails; 5) to designate for private use only the Harbor locations that include floating dock finger "H" on Johnson Pier, 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster's Office, and one lane of the two-lane public boat launch ramp; and 6) to implement traffic and parking controls throughout Princeton-by-the-Sea (i.e., the area that is located inland of the Harbor in San Mateo County). The "Titans of Mavericks" surf contests that would be held over the next four years would be one-day, invitation-only big wave surf contests taking place on a single day between November 1st to March 31st of each respective year, where the day would be chosen and announced by event organizers 48 hours before the event day itself, based on current surf conditions. Cartel requests this amendment because the Commission's initial permit action was for a one-year authorization that allowed them to request a four year permit extension, and also to bring the Commission's permit action into conformance with the original five-year use permit granted to Cartel by the San Mateo County Harbor District.

The proposed amendment request would grant a multi-year permit for a popular, water-oriented, recreational event that brings visitors and global interest to the Pillar Point and Half Moon Bay region of San Mateo County and California, and there is a great deal of public support for allowing the contest to continue to be held at Pillar Point. However, at the same time the Titans of Mavericks event raises issues of consistency with Chapter 3 coastal resource policies. For example, during the contest, public access within Pillar Point Harbor and at Maverick's Beach would be off limits to the general public in some cases, and the event itself would reduce the overall amount of available public access and recreational opportunity in the area on the specific contest day. In addition, the event itself has the potential to create public access problems for any visitors to the coastal zone in the area, including parking difficulties for those visitors, both due to available parking being limited by the event, and the intensification of traffic associated with the event.

The Commission initially approved the requested development for one year only, and conditioned its approval to require post-monitoring reports regarding impacts to coastal resources. The Commission also required Cartel to prepare a plan for the inclusion of women surfers as competitors in future Mavericks surf events should Cartel pursue an amendment. As a result of that Commission permit action in November 2015, the applicant is now requesting a multi-year permit for the event. Commission staff believes that as conditioned, the impacts to public access and public recreational opportunities are mitigated, and adverse impacts to coastal resources will continue to only be temporary in nature, and managed in such a way as to provide as much access for all members of the public as is feasible while still providing for a safe event, and that potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with compliance with the Commission's required conditions of approval.

After last year's event, the applicant complied with all special conditions of CDP 2-15-1458. The monitoring report (required by Special Condition 6) indicates that the 2015-16 surf event resulted in no significant impacts to coastal resources. None of the other regulatory agencies

involved in permitting Mavericks for 2015-16 reported any significant problems or any other coastal resource impacts. The applicant's request for this amendment was submitted pursuant to Special Condition 7. Specifically the applicant submitted this request prior to the expiration date of the first Commission permit action (October 31, 2016) along with the applicable fee, the post-event report, and their plan for greater women's participation.

In terms of women's participation, Cartel initially suggested an outreach program, and then ultimately expanded that plan on October 14th to agree to create a women's heat starting in the 2017-18 contest window. Given that this was not consistent with the action taken and direction provided by the Commission in their approval of the 2015 permit, staff discussed this issue with Cartel and indicated that delaying the inclusion of a women's heat until that time would not be consistent with the Commission's action, and that staff intended to require a heat starting in 2016-2017 and continuing in all subsequent years of the contest authorized by the amended permit through 2020. In staff's view, holding a contest without a women's heat would not maximize access for all, rather it would reduce access opportunities for a specific subset of the population. After discussing this issue with Commission staff, Cartel revised its proposal on October 19th to include a women's heat in this year's contest and in subsequent years. Staff continues to suggest a condition codifying this requirement.

As conditioned, staff believes the applicant's plan for the inclusion of women meets the Commission's intent to ensure increased participation of women in the Titans of Mavericks surf contest. Therefore, as conditioned, staff believes that the approved development will continue to assure consistency with the Coastal Act and with the certified San Mateo Local Coastal Program (LCP). Thus, staff recommends approval of the CDP for the proposed project as originally conditioned to annually require the applicant to implement certain BMPs to protect coastal resources, to submit traffic and parking plans for the Princeton area, and to monitor event impacts so as to allow changes to be made as necessary for future events, including changes to the women's heat portion of the contest.

As conditioned, staff recommends that the Commission approve the CDP amendment. The motion is found on page 5 below.

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#### **APPENDICES**

Appendix A – Substantive File Documents

#### **EXHIBITS**

Exhibit 1: Project Location Map

Exhibit 2: Site Plans

Exhibit 3: Adopted Staff Report

Exhibit 4: Post-event Monitoring Report

Exhibit 5: Letter - Committee for Equity in Women's Surfing

Exhibit 6: Applicant's Permit Amendment Application

Exhibit 7: Comment Letters

Exhibit 8: Letter - San Mateo County Harbor District

Exhibit 9: Applicant's Amended Amendment Request

#### I. MOTION AND RESOLUTION

Staff recommends that the Commission adopt the following motion:

*Motion:* I move that the Commission *approve* Coastal Development Permit Amendment Number 2-15-1458-A1 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **Resolution:**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development, as amended and conditioned, will be in conformity with the policies of the certified San Mateo County Local Coastal Program and with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

# **II. STANDARD CONDITIONS**

**NOTE:** All Standard Conditions of Coastal Development Permit 2-15-1458 remain in full force and effect on the amended permit.

# **III. SPECIAL CONDITIONS**

**NOTE:** Special Conditions of Coastal Development Permit 2-15-1458 shall be modified as identified below in strikeout and <u>underline</u>.

- Approved Project. This CDP <u>amendment</u> authorizes development associated with the <u>Titans</u> <u>of</u> Mavericks Surf Contest as described in the proposed project description <u>dated September</u> <u>9, 2016</u> (titled *Coastal development Permit Application 2-15-1458, Cartel Management, Titans of Mavericks, Response to September 23, 2015 CCC Incomplete Letter* dated and received in the North Central District Office on September 28, 2015) as modified by these conditions for a single\_day event to take place annually between November 1, 2015 and March 31, 2016 only commencing November 1, 2016 and ending March 31, 2020.
- 2 Other Agency Approvals. PRIOR TO THE DAY OF THE EACH ANNUAL EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, or are not required, by all

applicable agencies (including the San Mateo Harbor District, the Monterey Bay National Marine Sanctuary, and the United States Coast Guard). Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

- **3. Traffic and Parking Plan.** PRIOR TO THE DAY OF THE EACH ANNUAL EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit two copies of a Traffic and Parking Plan to the Executive Director for review and approval. The Plan shall identify all measures to be taken to control and direct traffic, and to provide the public with adequate parking in the area of the event on the event day. The Plan shall be premised on minimizing traffic and parking impacts to the public, shall identify all measures and methods to be used to control traffic and parking (including in terms of personnel, signs, barriers, web alerts and other notifications, etc.) and shall be submitted with evidence of San Mateo County Harbor District, San Mateo County Sherriff's Office, California Department of Transportation and California Highway Patrol review and approval.
- 4. Event Notification. AT LEAST TWO DAYS PRIOR TO THE DAY OF THE EACH <u>ANNUAL</u> EVENT, AND EARLIER IF POSSIBLE, the Permittee shall identify the day of the event for planning staff of the Commission's North Central District Office.
- **5. Best Management Practices.** The Permittee shall place trash and recycling receptacles and containers at appropriate locations throughout the event area during the event, and shall properly service said receptacles to avoid overflowing and discharge of debris and other materials. Rinsing of water vessels shall be conducted at appropriate locations as designated by the San Mateo County Harbor District. Debris and other potential water pollutants shall be prohibited from discharging into Pillar Point Marsh, on access trails, and into adjacent coastal waters of the Harbor and ocean. Debris and trash shall be contained and disposed of in a proper manner to avoid environmental impacts. The Permittee shall ensure that all areas affected by the event are returned to their pre-event condition or better within one day of the event day.
- 6. Monitoring and Post-event Reporting. The Permittee shall monitor all event activities, and shall submit two copies of a monitoring report to the Executive Director for review and approval within 60 days of the each event's conclusion. The monitoring report shall document any and all impacts associated with the event, including but not limited to identifying any observed impacts to Pillar Point Marsh, any observed marine wildlife in the area, and any documented disturbances to marine wildlife from event activities. The monitoring report shall contain written and photographic documentation of the condition of the affected project areas prior to, during, and after the event. The Permittee shall also consult with other event-support agencies, such as the San Mateo County Harbor District, the California Highway Patrol and the County Sheriff's Department, after the event to obtain data, information and observations from these agencies regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and shall include such information in the submitted monitoring report. The monitoring report shall also include an assessment of traffic and parking control measures

effectiveness. The monitoring report shall document all measures taken to restore the affected project area to pre-event conditions or better. The monitoring report shall include a site map annotated with points that refer to photographs or other visual documentation.

- 7. CDP Expiration and Extension. This CDP, as amended, shall expire on October 31, 2016 2020. unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP amendment. Any such extension request must be accompanied by the appropriate application fee, may request up to four additional years of authorization, and must include information regarding event as required pursuant to Special Condition 6.
- 8. Plan for Inclusion of Women Competitors in Future Events. The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7. Women's Competition. Each event shall include, at a minimum, at least one heat for women competitors. As part of the post-event monitoring report required by Special Condition 6, the Permittee shall submit, for the review and approval of the Executive Director, an evaluation of the success of the most recent women's competition, and suggested improvements to be implemented for future women's competitions.

# IV. FINDINGS AND DECLARATIONS

#### A. PROJECT LOCATION

The proposed project is located within and adjacent to Pillar Point Harbor, including offshore waters adjacent to the Harbor, in Princeton-by-the-Sea, an unincorporated community of San Mateo County (**Exhibit 1**). The proposed project is a one-day event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including the Maverick's surfing area offshore, the Harbor District's West Trail and the access point to Maverick's Beach located from the West Trail, Maverick's Beach itself, the Pillar Point Marsh parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities located within the inner harbor area include Johnson Pier (specifically exclusive use of floating dock finger "H"), portions of the harbor parking area, and exclusive use of one of the two public ramps at the public boat launch within the Harbor (**Exhibit 2**). Events proposed on land locations within the coastal zone are owned and operated by the San Mateo County Harbor District (SMCHD) and San Mateo County Parks. Street and parking areas affected by the proposed project are owned by SMCHD, San Mateo County, and Caltrans. The focal point of the proposed event will occur offshore at the Maverick's surf break, sited in waters off-shore of Pillar Point Harbor. Activities occurring in offshore waters are located within the Monterey Bay National Marine Sanctuary (MBNMS).

Maverick's Beach is a public recreational destination used by a broad spectrum of the public as it can easily be accessed by individuals with varying levels of physical capabilities by using the West Trail. The West Trail is a public access trail that extends between the Harbor's outer breakwater, Maverick's Beach and the Pillar Point Marsh parking lot. The trail is approximately

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1.2 miles long, 15 feet wide, and fairly level. Public recreational activities that occur here include predominately passive recreational opportunities such as walking, dog-walking, watching the sun set, and bird watching. Maverick's Beach is a sandy beach located outside of the Pillar Point Breakwater. The beach becomes narrow at high tides and vulnerable to wave run-up. Additional public access trails can be found at Pillar Point Bluff County Park, located to the north of Mavericks Beach, and on the upper bluff uplands located landward of the West Trail, which includes SMCHD and U.S. Air Force property. A large portion of the Pillar Point bluff top is located within an Air Force facility and is excluded from public use.

Pillar Point Marsh is a fresh water stream marsh that drains into a brackish water marsh. It serves as important bird habitat for local and migrant species and may support state and federally listed protected California red-legged frog and San Francisco garter snake. South of the Pillar Point Marsh parking lot and adjacent to Pillar Point Marsh is a shoreline beach that provides access along the waterfront from the West Trail to Princeton-by-the-Sea. Pillar Point Harbor is a very active harbor that is open to both commercial fishermen and the public. Johnson Pier provides berths for both commercial and recreational vessels. Johnson Pier is a commercial fishing hub and is a base for one of California's top operating commercial fishing fleets. Johnson Pier also accommodates a fueling dock and pump-out station. See **Exhibit 1**.

#### **B. PROJECT DESCRIPTION**

The proposed project is a request for a four-year extension of CDP No. 2-15-1458 to be able to conduct a one-day, big-wave surfing-by-invitation-only event called the "Titans of Mavericks" surf contest on an annual basis through March 2020. Each event would occur on one day from November 1<sup>st</sup> to March 31<sup>st</sup> of each respective year, with the actual day of the event chosen when surf conditions are forecast to be best for the contest. The applicant indicates that there would be about 48 hours advance notice of the actual contest. Ideal wave conditions for the event call for waves that reach heights in excess of 25 feet. The event would span a total time period of 18 hours, from 5:00 AM to 11:00 PM; this includes time allotted to set-up and shut-down activities. Event set-up activities include the California Highway Patrol (CHP) and County Sherriff's Department installing electronic traffic control signs along Highway One that alert the travelling public to traffic changes, posting "No Parking" signs along Highway 1 that extend from the Half Moon Bay Airport to just north of Sam's Chowder House property at 4210 Highway 1 for the duration of the event to ensure pedestrian safety, stationing law and traffic enforcement personnel at the intersection of Highway 1 and Capistrano Road, and staging safety, emergency, and production personnel at temporary closure points within Princeton-by-the-Sea and the Harbor and at certain access areas during the event (including at Maverick's Beach, West Trail, Pillar Point Marsh parking lot, and the shoreline beach adjacent to Romeo Pier).

On November 5, 2015, the Commission conditionally approved a one-year CDP for Titans of Mavericks to conduct the requested surf event during the November 1 to March 31, 2016 contest window. The Commission conditioned its permit with requirements that the event be fully monitored and assessed for its impacts on public access and recreation and marine resources. The Commission's CDP also allowed Titans of Mavericks to request an amendment to the CDP after the first year, for a four-year extension of the CDP if the applicant included a plan for the inclusion of women competitors in subsequent event years.

The applicant has submitted the current CDP amendment request, asking for four more years to conduct the surf contest. Without details, Titans of Mavericks proposed to include women as competitors starting in the 2017-2018 event calendar, and as of October 19th included a women's heat starting in 2016-2017 with a purse of \$30,000.

In addition, the applicant has proposed some changes to the proposed development based upon their experience last year. The extent of parking allotted for the past year was not needed, however these areas will be used for staging, as no staging will be placed at all this year on the U.S. Air Force property at the top of Pillar Point bluff (as was done last year). Other proposed changes to the project include the use of 93 passenger car parking spaces, four designated ADA accessible spaces, and nine spaces that will accommodate vehicles with attached trailers. Unlike last season, a scissor lift with a production camera will be temporarily stationed behind the sea wall on the jetty at the intersection with Mavericks Beach. An "Annex Dock" is also included. See **Exhibit 2**.

West Trail, the public trail extending from the Pillar Point Marsh parking lot to Mavericks Beach, would be closed from 5:00 AM to 4:00 PM, and the other specified areas patrolled by County public safety teams would close between the hours of 7:00 AM and 3:00 PM on the day of the event. The public during the 2015-16 season was allowed to hike on the County/Air Force upper bluff trails, but was not allowed to stop and watch the surfing event from those locations. Since the event was conducted in February 2016, the trail and areas along the bluff top within approximately 10 feet of the bluff edge and above Mavericks Beach have become more unstable and hazardous. County Parks placed hazard warning signs and split rail fencing along some portions of this stretch of bluff top; and is in the process of having a geotechnical hazard assessment of the bluff for a proposed project to re-direct the trail away from the bluff edge. Due to more hazardous condition of the upper bluff trails, the County is prohibiting use by the public during the event proposed for 2016-17. A "soft closure" of the trail did not provide adequate protection of the bluff area and public safety from potential hazards during the 2015 season as rangers from County Parks had to address isolated incidents of public misuse of the area. The resources will continue to be monitored and protected from the marsh area to the top of the Pillar Point by 15 Country Park Rangers, County Deputy Sheriffs, and volunteers during the event. County Parks has determined that a full closure of the Pillar Point Bluffs trails and Marsh areas is necessary going forward to protect sensitive habitat and ensure public safety. <sup>1</sup> The Pillar Point Marsh parking lot would continue to be closed to the public as it was last year and will be used exclusively for emergency services and staging by event personnel, including American Medical Response and the California Department of Forestry and Fire Protection (CalFire), law enforcement mounted horse patrol trailers, beach marshals, security, and also for porta-potties for use by personnel and event contestants. Event security personnel would be stationed along the shoreline and beach west of Romeo Pier. Public use of this area during the event going forward would be limited to allowing the public to pass and repass along the strand but not allowing the public to assemble or congregate, similar to last year. The annual surfing event may include a small check-in station located at Perched Beach within the Harbor. However, one of the two public launch ramps and the shoreline to the west of the boat launch and along Perched Beach would remain open and accessible to the public during the event.

<sup>&</sup>lt;sup>1</sup> Lombardi, Scott. Superintendent of San Mateo County Parks. Personal Communication October 20, 2016.

The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) for emergency rescue and safety purposes, as well as monitoring and filming the event. Johnson Pier, specifically dock finger "H", will be used for MPWCs during this event. Competitors and support and production teams will load in and out from this location. (**Exhibit 2**) The applicant will be coordinating with SMCHD to minimize potential impacts on SMCHD's other ongoing Harbor operations. See **Exhibit 8**.

#### C. PROJECT BACKGROUND

#### Prior to 2016

The Mavericks surf event and the public's interest in the event has grown each year the event has taken place (since 1998). Historically, the proposed event vicinity, including West Beach Trail, adjacent lower bluffs, and the upper bluff hillside trails, was heavily used by the public trying to view the offshore event during the annual surf competition. During at least one year, visitors that came to Princeton-by-the-Sea and Pillar Point Harbor for the surf competition also attended a festival held outside of the Oceano Hotel where a big screen was set up for live-streaming the contest, and food was sold, music played, and an awards ceremony conducted. Historically, large crowds of spectators also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on trails, the Harbor inner beach, and the within Pillar Point Marsh adjacent to the harbor waters. The large mass of people created unsafe conditions and caused damage to the bluffs and associated habitats, overburdening and crushing vegetation, and exacerbating some erosion of the hillside and upper bluff. The Project Background section contained in the original adopted Staff Report (Exhibit 3) provides a description of the history of surf events prior to 2016. In 2016, the Commission determined that the surf event required a CDP because of its impacts on marine resources and public access and recreational opportunities protected in Chapter 3 of the Coastal Act. The Commission approved CDP No. 2-15-1458 on November 5, 2016, allowing the event to proceed in 2015-16. The Titans of Mavericks surf event occurred on February 12, 2016.

#### 2016 Event-year

The event organizers gained experience in handling the crowds, and the additional safety closures requested for the day of the event proved to be effective. The 2016 event did not include an onsite public festival as was held in prior years and was more focused on the surf contest to showcase the skills of contestants. The applicant, as required by CDP 2-15-1458, coordinated with many agencies, including the U. S. Coast Guard, Cal Fire, San Mateo County Emergency Services, California Highway Patrol, California State Parks, San Mateo County Sheriff, San Mateo County Parks (County Parks), San Mateo County Harbor District (SMCHD), and the Monterey Bay National Marine Sanctuary (MBNMS). Many of these agencies including SMCHD, County Parks, and MBNMS also required temporary closures to public use and the public access restrictions in the project area authorized by the Commission-issued CDP No. 2-15-1458. The respective agency authorizations are conditioned upon these closures which ensured the public's safety and also protected sensitive resources.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Since 2010, SMCHD has required that access to its parking lot, the West Trail, and Mavericks Beach be closed in order to protect the sensitive resources, including Pillar Point Marsh, and to protect the safety of the public. Although Pillar Point Bluff County Park staff allowed recreational use of the trails during the event during the

The Commission approved CDP No. 2-15-1458 on November 5, 2015 subject to eight special conditions, including Special Condition Nos., 2, 3, and 4 for requirements prior to the day of the event; Special Condition No. 6 regarding post-event requirements; and Special Conditions 7 and 8 regarding future event requirements (see **Exhibit 3**). The 2016 surf event was successful in that the permit conditions were effective and there were no reports of damage to coastal resources and public safety was maintained. See the post-event monitoring report (**Exhibit 4**) for the results of the conditions implemented during 2016.

#### **Current Request**

Special Condition No. 8 requires the permittee, Cartel Management, to submit a plan for the inclusion of women competitors if the permittee seeks an amendment for a multi-year permit from the Commission. In 2015, the Commission considered Cartel Management's current system of including women as competitors and determined that the existing system did not satisfactorily include all members of the public as competitors in the event. Consistent with Special Condition No. 8 of the original permit, this amendment request from Cartel Management now includes a proposed plan to include women as competitors starting in event year 2016-17. The final submitted plan contained in the applicant's amended request, dated October 19, 2016, provides for a women's heat in the 2016-17 season and for future contests through to the 2019-20 season (i.e., the full term of the CDP amendment) (see **Exhibit 9**).

Commission staff met with a group of women surfers on February 22, 2016, at their request, regarding the issue of women involvement in the Mavericks surfing competition. The group agreed to formulate suggested elements for consideration that they would like to see included in such a plan. On September 20, 2016 staff received a letter from the group, now formalized as the Committee for Equity in Women's Surfing (CEWS). The letter requests staff consideration of conditions that should be required of the applicant if the current amendment is approved. Most notably the CEWS asks that women be included in the 2016-17 (current) Titans of Mavericks competition. After discussions with Commission staff, the applicant's amendment request now includes such a plan. Further the plan incorporates outreach to address the inclusion of women; specifically, the event organizers will seek further input from women surfers and other surf event organizers (**Exhibit 5**).

#### **D. STANDARD OF REVIEW**

The project is located within both the Commission's and San Mateo County's CDP jurisdictions. In 2015, the County, the applicant, and the Executive Director all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, the standard of review for an amendment request to that consolidated CDP continues to be the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

<sup>2015-16</sup> season, the trail will be closed this season. The County explicitly states on its website that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The MBNMS permit, additionally, does not allow spectators on Mavericks Beach.

#### **E. PUBLIC ACCESS AND RECREATION**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1. Sections 30210 through 30223 and Section 30240 (b) of the Coastal Act specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection and maximization of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

§ 30210. In carrying out the requirement of Section 4 of Article  $X^3$  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.

*§ 30211.* Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

*§* 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 ...

§ 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

*§ 30213.* Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

*§ 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:

<sup>&</sup>lt;sup>3</sup> Article X, Section 4 of the California Constitution states: No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

- (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 are 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...

*§ 30220.* Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

*§ 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.

§ 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act section 30240(b) also protects park and recreational areas, stating in applicable part:

*§* 30240(*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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

#### Analysis

Section 30210, as cited above, requires that maximum access and recreational opportunities shall be provided to all people consistent with public safety needs while still protecting natural resources from overuse. Section 30212(a)(1) in particular provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety or the protection of fragile coastal resources. The Coastal Act requires that maximum access and recreational opportunities be provided in new development. This direction to maximize public access represents a different threshold than to simply provide for or protect existing access; in other words, it is not enough to simply *provide* access to and along the coast, and not enough to simply *provide* access to maximized.

The public beaches and access trails located along the Pillar Point and Princeton-by-the-Sea shoreline, and trails on adjacent bluff tops within the project area, provide the public with a variety of recreational opportunities such as walking, watching the sun set, and bird watching. The West Beach Trail serves as an easily accessible pedestrian pathway and also as an important emergency services access route to the outer breakwater and Maverick's Beach. Less formalized public access trails can be found located on the bluff areas above the West Beach Trail. Individuals looking for more strenuous hiking opportunities can also enjoy the upper bluff trails above the Harbor and Maverick's Beach. Maverick's Beach also provides access to all of the

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public to the offshore Maverick's surfing area. The Pillar Point Marsh parking lot provides support facilities for public access in this area, as the public can conveniently park in this lot while using the trails and beach areas. The Pillar Point Marsh parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of cost. Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are bluff top trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Maverick's surf break occurs far out in the ocean and is further obscured by a large rock formation; therefore the competitors in the event cannot be easily seen by the public from any vantage point on Maverick's Beach or the Pillar Point bluffs. Maverick's Beach access is dangerous during ideal surf event conditions, as it becomes narrow at high tides and the coastline is more vulnerable to wave run-up impacts. Any member of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach is at risk from dangerous rogue waves. The event takes place during the winter storm season along the coast. As such, the surf conditions found to be ideal for this competition also can result in a very dangerous setting for those members of the public who may wish to view the contest from the near shore environment. See **Exhibit 3**.

New development proposals must provide maximum access and recreational opportunities to all members of the public consistent with public safety needs, in addition to the protection of natural resources, as provided by Sections 30210, 30212(a)(1), and 30214 cited above. The proposed event would restrict public access in the area of the contest for one day for each of the coming four years by closing the parking lot, West Beach Trail, the upper bluff trails and Maverick's Beach, and by limiting public congregation along the adjacent upper bluff and shoreline areas on a one-day basis during the surf event. These access restrictions, however, will provide protection for both the event contestants and the general public. The closures will additionally provide protection of natural resources located within the area, which include Pillar Point Marsh habitat and its associated coastal bluff, so that the public can continue to enjoy these resources once the contest is over and public access limitations have been lifted. In addition, public access limitations will be temporary, limited to less than 24 hours, and some public access in the form of pass and repass will still be allowed throughout Pillar Point Bluff County Park, and along the shoreline south of Pillar Point Marsh throughout the duration of the event.

To ensure that the traffic control measures proposed are effective, Special Condition 3 of the CDP as amended requires a traffic/parking plan and Special Condition 6 requires an evaluation of the effectiveness of the plan. Special Condition No. 6 also requires the submittal of a post-event monitoring report. The monitoring report submitted in 2016 with respect to the event's impact on public access shows that the 2015-16 event did not have a significant impact on public access. Agency representatives from the California Highway Patrol (CHP), San Mateo County Harbor District (SMCHD), and San Mateo County Parks (County Parks) worked the event and reported that there were no issues with respect to public access during the event. The County Parks' post-event assessment is that more people are needed as volunteers to assist County Parks

for the next season, and County Parks plans to utilize additional interested volunteers.<sup>4</sup> The National Oceanic and Atmospheric Administration (NOAA) Resource Protection Specialist, as representative for the Greater Farallones National Marine Sanctuary, also attended the event. The Resource Specialist additionally states that the 2016 event was well organized and no wildlife disturbances were observed. Further, he reports that keeping the crowd off of the bluff area and away from the beach worked well. The Harbor District Patrol reported that from their perspective the event went very well and no one submitted complaints with respect to the land area. Thus, the monitoring for the 2015-16 event demonstrates that the applicant complied with the related conditions of approval and successfully limited impacts on public access and recreation as required by the Commission (**Exhibit 4**).

When considering the original permit, the Commission found that the applicant did not have an adequate plan for inclusion of all members of the public as competitors in the surf event. The 2015-16 event included an invitation to only one woman competitor out of 78 initially considered as possible competitors (as stated in the Applicant's submittal, Savannah Shaughnessy was invited to the 2015-16 event as an alternate, although, she did not compete due to an injury). The Commission found the existing event did not adequately include women as competitors and therefore, if the event were to propose an extension for a multi-year permit approval, the applicant must submit a plan to include women as competitors. The Commission found that maximum public access was not achieved in the existing event, and required a plan of inclusion for future events, consistent with the public access policies of the Coastal Act. In light of the event's existing impacts on the availability of public access and recreational opportunity even if only for one day, the Commission finds it necessary to fully mitigate those impacts by the inclusion of a heat for women within the surf event. Past surf competitions at Maverick's appear to have only included male athletes despite the applicant's assertion that women have been invited to participate in the past and current events. The Coastal Commission, in noting the apparent lack of women participants in this surf competition in 2015-16, conditioned its approval of the underlying CDP contingent upon requiring the applicant to plan for the inclusion of women if they requested a multi-year permit approval from the Commission.

On September 9, 2016, the applicant first submitted a request for an amendment which included its proposed plan. The submitted plan however was wholly inadequate to meet the Commission's intent to have more women involved during the 2016-17 season, as it merely promised to watch for and invite qualified women in the future for the contest to be held in 2017-18. During its 2015 deliberations, the Commission acknowledged that it was too close to the commencement of the contest window at that time to require the applicant to modify the contest plans during 2015-16. However, the Commission made it clear the applicant would have more than enough time to modify the contest to include women by the commencement of the 2016-17 event season. The applicant proposed to make greater steps to provide outreach to women competitors and proposed to invite female athletes to participate in the 2017-18 event and all future events, as in the past no specific outreach had been performed by the applicant.

<sup>&</sup>lt;sup>4</sup> The Applicant reported that several volunteers were turned away last year by County Parks. This year five volunteers, in addition to County park rangers, are assigned to patrol the upland bluff starting at 5:30 AM; with a shift change for five more at 1:00 PM.

On September 20, 2016 Commission staff received the CEWS September 20, 2016 letter identifying conditions to address the issue of inclusion of women. Staff provided the CEWS information to the applicant; and discussed revisions with the applicant on October 17, 2016 regarding this year's contest. Members of the public, particularly female surfers, submitted written comments in support of a heat for women in the Titans of Mavericks surf contest (see **Exhibit 7**).

The applicant then reworked the plan previously submitted, and submitted a revised proposal on October 19, 2016, to ensure the participation of women in the 2016-17 contest. The current submitted plan includes a women's heat with six competitors to commence in the 2016-17 season and will include a women's competition in all future years authorized by this permit amendment (Exhibit 9). The Commission therefore finds the applicant's proposal consistent with the Chapter 3 public access and public recreational opportunity policies of the Coastal Act because it maximizes available public access to the contest. Possible competitors in the Titans of Mavericks contest specifically include women. The Commissioners' deliberation during the November 5, 2015 hearing clearly demonstrates their desire to have the applicant include women competitors in the current contest year, 2016-17. The applicant's plan, consistent with the public access policies of the Coastal Act, sufficiently maximizes access and recreational opportunities for all members of the public. The CDP allowed for the temporary closure of public access areas. These closures affect the full spectrum of the public, including both males and females. Section 30210 requires that maximum public access be provided in new development proposals and in order to "offset" the temporary public access impacts that result from this requested project it is reasonable that the applicant be required to increase the participation of women in this maledominated event. The submitted plan meets the intent of the Commission as well as it reflects the organizers' stated "inclusive" intent of the event (Exhibit 9).

The event does propose to limit some public access, it is only for a limited duration during winter conditions, and it does still provide limited public access in the project vicinity. The project as conditioned can be found consistent with Sections 30210 and 30212(a)(1) of the Coastal Act, and appropriately regulates the time, place and manner of access as required by Section 30214.

Section 30220 of the Act states that coastal areas suitable for water-oriented activities that cannot readily be provided at inland water areas shall be protected for such uses. California surf areas benefit from the protections afforded under this section of the Coastal Act. The Mavericks surf event is a premier, world-class competition that is free to the public. The water-oriented activity depends on the unique ocean conditions available at the offshore Maverick's break, particularly wave heights in excess of 25 feet, which are created in part by an unusually-shaped underwater rock formations located off-shore. Holding a contest within offshore waters requires use of on-shore support facilities and staging. The dangerous nature of the contest requires that emergency support be easily and quickly deployed. As described above, the temporary closures of various public access amenities normally open to public use will enable contest organizers to ensure adequate protection for contestants and the general public, as well as coastal resources such as the habitat of Pillar Point Marsh, erodible shoreline bluffs above the West Trail, Maverick's Beach, and at Pillar Point. Further, the conditions and terms of permits issued by other relevant entities, in particular the NOAA, Office of National Marine Sanctuaries (ONMS), make certain the marine resources in offshore waters are protected. The Mavericks surf competition is a

recreational, water-oriented activity that cannot occur at any inland water area. As conditioned and as permitted this proposed development can be found consistent with the intent of Coastal Act Section 30220.

Section 30212.5 requires that coastal access facilities, such as associated parking lots and trails, be distributed throughout the respective coastal locations and not be overly concentrated in one geographic area. This ensures that impacts to fragile coastal resources are avoided, minimized, or mitigated, and that the available coastal resources are not overburdened by public use. The applicant is not proposing any public festivals or central viewing screens of the contest for the additional requested years in this amendment request. The applicant proposes to continue the manner in which the public viewed the event as was done in 2015-16. The public viewed the 2015-16 event live via personal phones and computers, affording opportunity to watch the event well away from the Pillar Point area. Alternative viewing venues within commercial establishments during the contest provided the public with additional opportunity to safely view the competition/contest without being at risk in the event's proximity. This helped to reduce traffic and potential impacts on parking and public access to the coast in the Pillar Point Harbor Area. The results of the monitoring indicate that access facilities including the bluff areas were not overburdened by public use as what has occurred during prior events.

This event does not occur during the peak summer beach season for recreational visitors to this part of the coast. The event occurs in the middle of the winter storm season at a time when fewer members of the general public are typically visiting and recreating along the shore. Therefore, while the event will temporarily restrict public parking areas in the Pillar Point Harbor area and may bring in additional visitors to the area, the parking restrictions are relatively limited in light of other available public parking in the area, and traffic control measures will be implemented during the event to assist and redirect the public to those alternate public parking areas to help the public wishing to access the coast. The off-site viewing location options for this surf event will also help to reduce and/or avoid traffic and parking impacts at the project site and by doing so protect coastal resources. The proposed project amendment for four additional years of annual, single-day, surf events can therefore be found consistent with Section 30212.5 and 30214 of the Coastal Act.

Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. As described above, currently there are hiking opportunities open to the public landward of the Pacific Ocean and Pillar Point Harbor. Extensive ocean views can be seen from the upper coastal bluffs. The Titans of Mavericks event included active patrols of the upland trail areas to ensure that no crowds formed on the bluff top areas and in the upland habitat of Pillar Point. The public had access to hike in the upland locations and to pass and repass along the bluff top trails during the event. The public had use of portions the Pillar Point harbor frontage along Princeton-by-the Sea, and opportunity to visit businesses in the area. As such, the proposed project, as conditioned, can be found consistent with Section 30223 as upland areas recreationally used by the public for hiking and viewing of the ocean will still be available for such use during the event.

Section 30211 requires that development shall not interfere with the public's right of access to the sea and the use of dry sand and rocky coastal beaches extending landward to the first edge of

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terrestrial vegetation. Section 30213, in particular, provides for the protection of lower cost visitor and recreational facilities, and states that developments providing public recreational opportunities are preferred. The proposed temporary closures will impact and prevent public recreational use of the surf area offshore as well as a public shoreline trail, parking areas, and access to the beach. The closures will occur only on a single day occurring during the winter months to protect the public from hazardous conditions at Maverick's Beach, specifically during very high tides and waves larger than average. The existing natural conditions at Maverick's and the outer breakwater during the winter can be dangerous to the public with respect to safe use. While the immediate public amenities would be closed, the public can go to other nearby free beaches, if weather and natural site conditions allow at the time. These nearby beaches include Surfer's Beach located to the south of the Harbor, in El Granada; Perched Beach, located westerly of the Harbor District's public boat launch; and the beach at the end of the trail extending seaward from the segment of the California Coastal Trail located along Prospect Way. Event security personnel and volunteers will be stationed at the shoreline/beach west of Romeo Pier. The public use of this stretch of beach during the event would be limited to pass and repass along the strand. The shoreline located to the west of the public boat launch and along Perched Beach will remain open and accessible to the public. As mentioned above, bluff top access trails in the area will remain open for limited public access. The right of access to the sea will not be permanently interfered with as the closure is temporary and there are other beaches and access trails nearby that will be open and available. Therefore, the proposed, amended project can be found consistent with Sections 30211 and 30213.

In conclusion, the proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. It should serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that California is famous for. As such, it includes an inherent public access benefit, especially as regards potential visitors to the California and San Mateo County coasts. At the same time, though, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors. The proposed project, therefore, can be found consistent with the Coastal Act access and recreation policies cited above.

#### F. MARINE RESOURCES

#### **Applicable Policies**

The Coastal Act protects the marine resources and wetland habitats adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 provide:

*§ 30107.5* "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**§ 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.

**§ 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.

*§ 30240.* Environmentally sensitive habitat areas; adjacent developments (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

#### Analysis

Coastal Act Section 30230, as cited above, requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30107.5 defines "Environmentally sensitive areas," as provided above. Section 30240 requires that environmentally sensitive habitat areas (ESHA) shall be protected against significant disruption of habitat values, allowing only resources-dependent uses within such areas. Further, development in areas adjacent to ESHAs, and parks, and recreation areas shall be sited and designed to prevent impacts which would degrade those areas. As previously discussed, proposed project activities would occur within the offshore waters of Monterey Bay National Marine Sanctuary (MBNMS) and adjacent to sensitive wetland habitat areas including the Pillar Point Marsh. The off-shore waters support an array of marine life that is maintained and protected by MBNMS. Pillar Point Marsh comprises freshwater and brackish marsh and may support the state and federally-protected California red-legged frog (CRLF)

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and San Francisco garter snake (SFGS).<sup>5</sup>

This marsh is considered ESHA, as defined by Section 30107.5, because it contains habitat that potentially supports CRLF and SFGS. None of the proposed project activities would occur within Pillar Point Marsh and therefore the proposed event is consistent with 30240(a). In addition, the project includes measures to ensure that activities proposed adjacent to the Marsh will not degrade those areas, including the temporary area closures and trash and litter removal as required by the San Mateo County Harbor District permit, utilizing designated rinse stations for vessel cleaning, and most importantly patrol of the Pillar Point Marsh area to ensure that the public is not gathering and causing damage to sensitive marsh habitat. Therefore, the project is consistent with Coastal Act Section 30240.

The Mavericks surf competition relies primarily on the marine environment (i.e., the natural surf conditions of off-shore waters). The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) within the MBNMS for emergency rescue and safety purposes, as well as to monitor and record the event. Motorized water craft may impact water quality and marine wildlife due the noise of engines and residues spread by vehicles from fuel and or other substances used for the motorized equipment. MBNMS has authorized the proposed event's off-shore activities, including certain activities that would otherwise be prohibited, most notably, the use of MPWCs. As required by the MBNMS authorization, the applicant is not allowed to disturb marine wildlife, may use MPWCs only in a specified zone, and is required to close Mavericks Beach and monitor for marine wildlife during the event. Special Condition 6, as amended, requires the permittee to monitor and report on the conditions of the sensitive marsh area, public access, and marine wildlife prior to, during and after each year's event. The Resource Protection Specialist who monitored the event during 2015-16 states that no wildlife disturbances were observed. The Harbor District patrols indicated that the dock area was left as clean, or cleaner than, preevent conditions. Due to misuse and the growing instability of the eroding bluffs, County Parks is prohibiting public use of the Pillar Point upper bluff trails going forward. The resources will continue to be monitored and protected from the marsh area to the top of the Pillar Point by 15 Country Park Rangers, County Deputy Sheriffs, and volunteers during the event. The project's resource protection measures and requirements of the MBNMS and the Harbor District, and implementation of BMPs as required by Special Condition 5 ensured that coastal habitat, water quality, and the productivity of the area were not adversely affected. The continued compliance with these permit special conditions over the proposed upcoming four years will ensure the protection of marine resources is maintained during this event. Thus, the proposed project can be found consistent with Section 30230 and 30231 as conditioned special to protect the marine environment and sensitive wetland areas.

#### G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be

<sup>&</sup>lt;sup>5</sup> Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting, which was prepared by Sheila Brady/LSA, May 2002.

consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

San Mateo County, acting as lead agency, found that the project qualifies for a Class 4 Categorical Exemption, pursuant to CEQA Guidelines (Cal. Code of Regs., Title 14, § 15304 [minor alterations to land]; see also Pub. Resources Code, § 21084)). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this amended permit, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the Project, as conditioned, would have on the environment within the meaning of CEQA. As so, the Project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

#### **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- 1. CDP 2-15-1458 Administrative File Record
- 2. CDP 2-15-1458-A1 Administrative File Record
- 3. Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting. Prepared by Sheila Brady/LSA, May 2002



**Regional Map** 

Exhibit 1 2-15-1458-A1 1 of 3



Aerial Photo Pillar Point Vicinity

Exhibit 1 2-15-1458-A1 2 of 3



# Aerial Photo Vicinity Pillar Point Harbor

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Site Plan

Exhibit 2 2-15-1458-A1 1 of 2



Use Area if Local Crab Season Opening Overlaps with Mavericks Event.



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#### CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE 45 FREMONT STREET, SUITE 2000 SAN FRANCISCO, CA 94105 PHONE: (415) 904-5260 FAX: (415) 904-52400 WEB: WWW.COASTAL.CA.GOV



# ADOPTED

# Th14c

Filed:	10/6/2015
Action Deadline:	4/04/2016
Staff:	R.T. Ananda - SF
Staff Report:	10/22/2015
Hearing Date:	11/05/2015

# **STAFF REPORT: CDP APPLICATION**

Application Number:	2-15-1458
Applicant:	Cartel Management, Inc.
Project Location:	Pillar Point Marsh parking lot, West Trail, Mavericks Beach and designated locations within Pillar Point Harbor and Princeton-by-the Sea, San Mateo County.
Project Description:	Application to authorize activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2015 and March 31, 2016) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close a portion of the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County.
Staff Recommendation:	Approval with Conditions.

# SUMMARY OF STAFF RECOMMENDATION

Cartel Management, Inc., the Applicant, is requesting authorization to: 1) have exclusive use of the Mavericks offshore surfing area near Pillar Point Harbor; 2) close the West Trail; 3) close and use the Pillar Point Marsh parking lot and Mavericks Beach; 4) limit public access use along *Exhibit 3* the Harbor shoreline southeasterly of the West Trail toward Romeo Pier and the Pillar Point upper bluff trails; 5) designate for private use only Harbor locations that include floating dock *2-15-1458-A1 1 of 40*  finger "H" on Johnson Pier, 25 to 40 parking stalls within the Pillar Point Harbor District parking lot as well as six long spaces located westerly of the Harbormaster's Office, and one lane of the two-lane public boat launch ramp; and 6) implement traffic and parking controls throughout Princeton-by-the-Sea (i.e., the area that is located inland of the Harbor in San Mateo County). All of these requests would apply to a one-day, invitation-only big wave surf contest that would take place on a single day between November 1, 2015 and March 31, 2016, where the day would be chosen by event organizers 24 hours before the event day itself based on surf conditions.

The Mavericks Surf Contest started as an informal surfing contest by and between surfers in the local surfing community, and it has morphed over the years into a larger event, including with respect to the current request. Over the years, event organizers have "fine-tuned" the event to protect the public and participants, as well as to protect coastal resources. Because event activities straddle coastal development permit (CDP) jurisdictions of San Mateo County and the Commission, the County has requested and the Applicant and the Executive Director have agreed to treat this application as a consolidated CDP application.

The proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. At the same time, though, it is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, Staff believes that the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors.

Thus, Staff recommends approval of the CDP for the proposed project. That approval includes conditions requiring the Applicant to implement certain BMPs to protect coastal resources, to submit traffic and parking plans for the Princeton area, and to monitor event impacts so as to allow changes to be made as necessary for future events. As conditioned, staff believes that the project can be found consistent with the Coastal Act and recommends that the Commission approve the CDP. The motion is found on page 4 below.

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#### **APPENDICES**

Appendix A – Substantive File Documents

#### **EXHIBITS**

Exhibit 1 – Regional Map and Aerial Photos of Area

- Exhibit 2 Project Site Map Exhibit 3 Other Permits/Approvals Exhibit 4 Coastal Resources Past Event

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# I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

*Motion:* I move that the Commission approve Coastal Development Permit Number 2-15-1458 pursuant to the staff recommendation, and I recommend a yes vote.

**Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-15-1458 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

# **II. STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 3. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 4. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

# **III. SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

 Approved Project. This CDP authorizes development associated with the Mavericks Surf Contest as described in the proposed project description (titled *Coastal Development Permit Application 2-15-1458, Cartel Management, Titans of Mavericks, Response to September 23,* 2015 CCC Incomplete Letter dated and received in the Commission's North Central Distrier 15-1458-A1 4 of 40 Office on September 28, 2015) as modified by these conditions for a single day between November 1, 2015 and March 31, 2016 only.

- 2. Other Agency Approvals. PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted, or are not required, by all applicable agencies (including the San Mateo County Harbor District, the Monterey Bay National Marine Sanctuary, and the United States Coast Guard). Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.
- **3. Traffic and Parking Plan.** PRIOR TO THE DAY OF THE EVENT, AND IN ANY CASE PRIOR TO EXERCISING THIS CDP, the Permittee shall submit two copies of a Traffic and Parking Plan to the Executive Director for review and approval. The Plan shall identify all measures to be taken to control and direct traffic, and to provide the public with adequate parking in the area of the event on the event day. The Plan shall be premised on minimizing traffic and parking impacts to the public, shall identify all measures and methods to be used to control traffic and parking (including in terms of personnel, signs, barriers, web alerts and other notifications, etc.), and shall be submitted with evidence of San Mateo County Harbor District, San Mateo County Sheriff's Office, California Department of Transportation, and California Highway Patrol review and approval.
- **4. Event Notification.** AT LEAST TWO DAYS PRIOR TO THE DAY OF THE EVENT, AND EARLIER IF POSSIBLE, the Permittee shall identify the day of the event for planning staff of the Commission's North Central District Office.
- **5. Best Management Practices.** The Permittee shall place trash and recycling receptacles and containers at appropriate locations throughout the event area during the event, and shall properly service said receptacles to avoid overflowing and discharge of debris and other materials. Rinsing of water vessels shall be conducted at appropriate locations as designated by the San Mateo County Harbor District. Debris and other potential water pollutants shall be prohibited from discharging into Pillar Point Marsh, on access trails, and into adjacent coastal waters of the Harbor and ocean. Debris and trash shall be contained and disposed of in a proper manner to avoid environmental impacts. The Permittee shall ensure that all areas affected by the event are returned to their pre-event condition or better within one day of the event day.
- 6. Monitoring and Post-event Reporting. The Permittee shall monitor all event activities, and shall submit two copies of a monitoring report to the Executive Director for review and approval within 60 days of the event's conclusion. The monitoring report shall document any and all impacts associated with the event, including but not limited to identifying any observed impacts to Pillar Point Marsh, any observed marine wildlife in the area, and any documented disturbances to marine wildlife from event activities. The monitoring report shall contain written and photographic documentation of the condition of the affected project *Exhibit 3* areas prior to, during, and after the event. The Permittee shall also consult with other even2-15-1458-A1 support agencies, such as the San Mateo County Harbor District, the California Highway 5 of 40

Patrol and the County Sheriff's Department, after the event to obtain data, information and observations from these agencies regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event, and shall include such information in the submitted monitoring report. The monitoring report shall also include an assessment of traffic and parking control measures effectiveness. The monitoring report shall document all measures taken to restore the affected project area to pre-event conditions or better. The monitoring report shall include a site map annotated with points that refer to photographs or other visual documentation.

- 7. CDP Expiration and Extension. This CDP shall expire on October 31, 2016 unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP amendment. Any such extension request must be accompanied by the appropriate application fee, may request up to four additional years of authorization, and must include information regarding event as required in Special Condition 6.
- 8. Plan for Inclusion of Women Competitors in Future Events. The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7.

# IV. FINDINGS AND DECLARATIONS

# A. PROJECT LOCATION

The proposed project is located within and adjacent to Pillar Point Harbor, including offshore waters adjacent to the Harbor, in Princeton-by-the-Sea, an unincorporated community of San Mateo County (Exhibit 1). The proposed project is a one-day event that would utilize several locations within and adjacent to the Pillar Point Harbor area, including the Mavericks surfing area offshore, the Harbor District's West Trail and the access point to Mavericks Beach located from the West Trail, Mavericks Beach itself, the Pillar Point Marsh parking lot, and the shoreline adjacent to Pillar Point Marsh. Project activities located within the inner harbor area include Johnson Pier (specifically exclusive use of floating dock finger "H"), portions of the harbor parking area, and exclusive use of one of the two public ramps at the public boat launch within the Harbor (Exhibit 2). Events proposed on land locations within the coastal zone are owned and operated by the San Mateo County Harbor District (SMCHD), San Mateo County Parks, and the U. S. Air Force. Street and parking areas affected by the proposed project are owned by SMCHD, San Mateo County, and Caltrans. The focal point of the proposed event will occur offshore at the Mavericks surf break, sited in waters off-shore of Pillar Point Harbor. Activities occurring in offshore waters are located within the Monterey Bay National Marine Sanctuary (MBNMS).

Mavericks Beach is a public recreational destination used by a broad spectrum of the public as it can easily be accessed by individuals with varying levels of physical capabilities by using the West Trail. The West Trail is a public access trail that extends between the Harbor's outer breakwater, Mavericks Beach and the Pillar Point Marsh parking lot. The trail is approximately 1.2 miles long, 15 feet wide, and fairly level. Public recreational activities that occur here include **Exhibit 3** predominately passive recreational opportunities such as walking, dog-walking, watching the **2**µ**15**-**1458**-**A1** set, and bird watching. Mavericks Beach is a sandy beach located outside of the Pillar Point **6** of 40 Breakwater. The beach becomes narrow at high tides and vulnerable to wave run-up. Additional public access trails can be found at Pillar Point Bluff County Park, located to the north of Mavericks Beach, and on the upper bluff uplands located landward of the West Trail, which includes SMCHD and Air Force property. A large portion of the Pillar Point blufftop is located within Air Force property and is excluded from public use.

Pillar Point Marsh is a fresh water stream marsh that drains into a brackish water marsh. It serves as important bird habitat for local and migrant species and may support state and federally-protected California red-legged frog and San Francisco garter snake. South of Pillar Point Marsh parking lot and adjacent to Pillar Point Marsh is a shoreline beach that provides access along the waterfront from the West Trail to Princeton-by-the-Sea. Pillar Point Harbor is a very active harbor that is open to both commercial fishermen and the public. Johnson Pier provides berths for both commercial and recreational vessels. Johnson Pier is a commercial fishing hub and is a base for one of California's top operating commercial fishing fleets. Johnson Pier also accommodates a fueling dock and pump-out station (**Exhibit 2**).

#### **B. PROJECT DESCRIPTION**

The proposed project is a one-day, big-wave surfing-by-invitation-only event called the "Titans of Mavericks" surf contest. The event would occur on one day between November 1, 2015 and March 31, 2016, with the actual day of the event chosen when surf conditions are best. The Applicant indicates that there would be about 48 hours advance notice of the actual contest. Ideal wave conditions for the event call for waves that reach heights in excess of 25 feet. The event would span a total time period of 18 hours, from 5:00 AM to 11:00 PM; this includes time allotted to set-up and shut-down activities. The actual surfing portion of the contest would take place from between approximately 8:00 AM and 4:00 PM. There will be 24 athletes participating in the event. Event set-up activities include the California Highway Patrol (CHP) and County Sherriff's Department installing electronic traffic control signs along Highway One that alert the travelling public to traffic changes, posting "No Parking" signs along Highway 1 that extend from the Half Moon Bay Airport to just north of Sam's Chowder House property at 4210 Highway 1 for the duration of the event to ensure pedestrian safety, stationing law and traffic enforcement personnel at the intersection of Highway 1 and Capistrano Road, and staging safety, emergency, and production personnel at temporary closure points within Princeton-by-the-Sea and the Harbor and at certain access areas during the event (e.g., at Mavericks Beach, West Trail, Pillar Point Marsh parking lot, and the shoreline beach adjacent to Romeo Pier).

West Trail, the trail extending from the Pillar Point Marsh parking lot to Mavericks Beach, would be closed from 5:00 AM to 4:00 PM, and the other specified areas patrolled by County public safety teams would close between the hours of 7:00 AM and 3:00 PM on the day of the event. The public would be allowed to hike on the County/Air Force upper bluff trails, but would not be allowed to stop and watch the surfing event from those locations. The Pillar Point Marsh parking lot would also be closed to the public and used exclusively for emergency services and staging by event personnel, including American Medical Response and the California Department of Forestry and Fire Protection (CalFire), law enforcement mounted horse patrol trailers, beach marshals, security, and also for porta-potties for use by personnel and event contestants. Event security personnel would be stationed along the shoreline and beach west oŷ-15-1458-A1 Romeo Pier. Public use of this area during the event would be limited to allowing the public to 7 of 40 pass and repass along the strand but no assembling or congregating would be allowed. The surfing event may include a small check-in station located at Perched Beach. One of the two public launch ramps and the shoreline to the west of the boat launch and along Perched Beach would remain open and accessible to the public.

The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) for emergency rescue and safety purposes, as well as monitoring and filming the event. Johnson Pier, specifically dock finger "H", will be used for MPWCs during this event. Competitors and support and production teams will load in and out from this location. The Applicant will be coordinating with SMCHD to minimize potential impacts on SMCHD's other operations. See detail of activities at each location shown on **Exhibit 2**.

#### C. PROJECT BACKGROUND

The Mavericks surf event and the public's interest in the event has grown each year the event has taken place. Historically, the proposed event vicinity, including West Beach Trail, adjacent lower bluffs, and the upper bluff hillside trails, was heavily used by the public trying to view the offshore event during the annual surf competition. During at least one year, visitors that came to Princeton-by-the-Sea and Pillar Point Harbor for the surf competition attended a festival held outside of the Oceano Hotel where a big screen was set up for live-streaming the contest, and food was sold, music played, and an awards ceremony was conducted. Historically, large crowds of spectators also gathered for the event and groups would station themselves on the cliffs and bluffs overlooking Mavericks Beach, on trails, the Harbor inner beach, and the marsh area adjacent to the harbor waters (Exhibit 4). The large mass of people created unsafe conditions and caused damage to the bluffs and associated habitats, overburdening and crushing vegetation, and exacerbating some erosion of the hillside and upper bluff. In 2010 spectators who had stationed themselves on the outer breakwater and on the nearshore of Mavericks Beach were hit with unexpected, large, rogue waves that knocked them down and . caused multiple injuries to observers and the loss of equipment. The unsafe conditions caused the Harbor District, the County and the event organizers to consider additional safety additions for the event going forward (Exhibit 3).

In recent years, organizers have gained experience in handling the crowds, and the Applicant has proposed additional safety closures for the day of the event. This year, the event does not include a festival and proposes to focus on the surf contest itself to showcase the skills of the 24 elite surfers. The Applicant has coordinated with many agencies, including, but not limited to, the U. S. Coast Guard, Cal Fire, San Mateo County Emergency Services, California Highway Patrol, California State Parks, San Mateo County Sheriff, San Mateo County Parks, San Mateo County Harbor District, and the Monterey Bay National Marine Sanctuary. To protect public safety and sensitive resources, several of these agencies (SMCHD, County Parks, and MBNMS) have required temporary closures to public use and the public access restrictions in the project area being requested by the Applicant in this CDP application, and respective authorizations have been conditioned upon these closures.<sup>1</sup>

<sup>1</sup> Since 2010, SMCHD has required that access to its parking lot, the West Trail, and Mavericks Beach be closed in order to protect the sensitive resources, including Pillar Point Marsh, and the safety of the public. Pillar Point Bluff 15-1458-A1 County Park will allow recreational use of the trails during the event; however, the County explicitly states on its **8 of 40** 

### **D.** STANDARD OF REVIEW

The project is located in both the Commission's and San Mateo County's CDP jurisdictions. The County, the Applicant, and the Executive Director have all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, the standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

## E. PUBLIC ACCESS AND RECREATION

### **Applicable Policies**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

§ 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.

**§ 30211.** Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

*§ 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 ...

§ 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

*§ 30213.* Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

website that no viewing or spectating will be allowed from Pillar Point Bluff during the Mavericks Surf Competition. The MBNMS permit, additionally, does not allow spectators on Mavericks Beach.

Exhibit 3 2-15-1458-A1 9 of 40 **§ 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 are 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...

*§ 30220.* Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

*§ 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.

§ 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**§ 30224.** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division by...increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities...

Coastal Act section 30240(b) also protects park and recreational areas, stating in applicable part:

*§* 30240 (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 those areas, and shall be compatible with the continuance of those habitat and recreation areas

### Analysis

Section 30210, as cited above, requires that maximum access and recreational opportunities shall be provided to all people consistent with public safety needs while still protecting natural resources from overuse. Section 30212(a)(1) in particular provides that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety or the protection of fragile coastal resources.

The public beaches and access trails located along the Pillar Point and Princeton-by-the Sea shoreline, and trails on adjacent blufftops within the project area, provide the public with a

Exhibit 3 2-15-1458-A1 10 of 40 variety of recreational opportunities such as walking, watching the sun set, and bird watching. The West Beach Trail serves as an easily accessible pedestrian pathway and also as an important emergency services access route to the outer breakwater and Mavericks Beach. There are less formalized public access trails located upon the bluff areas above the West Beach Trail. Individuals looking for more strenuous hiking opportunities can also enjoy these upper bluff trails above the Harbor and Mavericks Beach. Mavericks Beach also provides access to the offshore Mavericks surfing area. The Pillar Point Marsh parking lot provides support facilities for public access in this area, as the public can conveniently park in this lot while using the trails and beach areas. The Pillar Point Marsh parking lot, West Trail, and the various upper bluff trails are also a valued public benefit as they are available free of cost (**Exhibits 1 and 2**). Further north of the project site on approximately 140 acres is the Pillar Point Bluff County Park. There are blufftop trails along this section of the coast which look out onto the offshore waters of Pillar Point.

The Mavericks surf break occurs far out in the ocean and is further obscured by a large rock formation; therefore the competitors in the event cannot be easily seen by the public from any vantage point on Mavericks Beach or the Pillar Point bluffs. Mavericks Beach access is dangerous during ideal event conditions, as it becomes narrow at high tides and the coastline is more vulnerable to wave run-up. Any members of the public stationed at the beach, on the outer breakwater or on the bluffs above the beach are at risk from dangerous rogue waves, (i.e., unpredictable waves that are larger than average height).<sup>2</sup> The event itself takes place during the winter storm season along the coast. As such, the surf conditions found to be ideal for this competition also can result in a very dangerous setting for those who may wish to view the contest from the near shore environment. The large surf, cold temperatures of the water, and wave run-up can be hazards to public safety along shoreline locations. Individuals standing and or climbing on rocks on the breakwater and in the nearshore, as documented in 2010, have been victims of rogue waves.

New development proposals must provide maximum access and recreational opportunities to the public consistent with public safety needs, in addition to the protection of natural resources, as provided by Sections 30210, 30212(a)(1), and 30214 cited above. Also as mentioned above, during past events, large crowds of spectators gathered upon the cliffs and bluffs above Mavericks Beach and along the trails, beach, and marsh area adjacent to Pillar Point Harbor (**Exhibit 4**). The large crowds congregating in the project area created unsafe conditions, strained the site's capacity, and caused resource damage. In essence, coastal resource areas were overburdened by the public use and resulted in the removal of existing vegetation and further erosion occurring on the bluffs above Mavericks Beach.

The proposed 2015-16 event would restrict public access in the area of the contest for one day by closing the parking lot, West Beach Trail, and Mavericks Beach and by limiting public congregation along the adjacent upper bluff and shoreline areas. These access restrictions, however, will provide protection for both the event contestants and the general public. The closures will additionally provide protection of natural resources within the area that include

<sup>&</sup>lt;sup>2</sup> According the Titans of the Mavericks Incident Action Plan, rogue waves can occur when the surf appears small; and have been known to cause injuries and the drowning of individuals standing or climbing on rock out-crops and 15-1458-A1 bluffs located immediately adjacent to and along the shoreline. 11 of 40

Pillar Point Marsh habitat and its associated coastal bluff. In addition, public access limitations will be temporary, limited to less than 24 hours, and public access in the form of pass and repass will still be allowed along the upper bluff trails, throughout Pillar Point Bluff County Park, and along the shoreline south of Pillar Point Marsh throughout the duration of the event. Therefore, while the event does propose to limit some public access, it is only for a limited duration during winter conditions, and it does still provide access in the project vicinity. The project can be found consistent with Sections 30210 and 30212(a)(1) of the Coastal Act, and appropriately regulates the time, place and manner of access as required by Section 30214.

Section 30220 of the Act states that coastal areas suitable for water-oriented activities that cannot readily be provided at inland water areas shall be protected for such uses. California surf areas benefit from the protections afforded under this section of the Coastal Act. The Mavericks surf event is a premier, world-class competition that is free to the public. The water-oriented activity depends on the unique ocean conditions available at the offshore Mavericks break, particularly wave heights in excess of 25 feet, which are created in part by an unusually-shaped underwater rock formations located off-shore. Holding a contest within offshore waters requires use of onshore support facilities and staging. The dangerous nature of the contest requires that emergency support be easily and quickly deployed. As described above, the temporary closures of various public access amenities normally open to public use will enable contest purveyors to adequately protect contestants and the general public, as well as coastal resources such as the habitat of Pillar Point Marsh, erodible shoreline bluffs above the West Trail, Mavericks Beach, and at Pillar Point. Further, the conditions and terms of permits issued by other relevant entities, in particular the NOAA, Office of National Marine Sanctuaries (ONMS), make certain the marine resources in offshore waters (Exhibit 3) are protected. The Mavericks surf competition is clearly a recreational, water-oriented activity that cannot occur at any inland water area. As conditioned and as permitted this proposed development can be found consistent with the intent of Coastal Act Section 30220.

Section 30212.5 requires that coastal access facilities, such as associated parking lots and trails, be distributed throughout the respective coastal locations and not be overly concentrated in one geographic area. This ensures that impacts to fragile coastal resources are avoided, minimized, or mitigated, and that the available coastal resources are not overburdened by public use. This year's proposed event does not involve a public festival or central viewing screen of the contest as was done in past seasons. This year, the public will be able to view the event live via personal phones and computers so that viewing will be widely distributed and can occur well away from the Pillar Point area. The Applicant has anticipated the potential for the public to come to the area in hopes of watching the event as in the past and has taken measures to direct people to alternative viewing locations available in Half Moon Bay and in Pillar Point. In particular, the Applicant has coordinated with the CHP and the San Mateo County Sherriff, who will be stationed at the intersection of Highway 1 and Capistrano Road, to direct the general public coming to the area to various appropriate viewing venues in the local areas. Currently, these venues include Mavericks Brewing Company (at 390 Capistrano Road in Princeton-by-the-Sea,); Old Princeton Landing (at 460 Capistrano Road in Princeton-by-the-Sea); Miramar Beach Restaurant (at 131 Mirada Road in Half Moon Bay, about three miles away from Pillar Point); Cameron's Pub (at 1410 Cabrillo Highway in Half Moon Bay, less than one mile from Pillar Exhibit 3 Point); and at the East Side Eatery/Pleasure Pizza (at 800 41<sup>st</sup> Avenue in Santa Cruz, more than 2-15-1458-A1 50 miles away from the event site). These alternative viewing venues will give the public the 12 of 40 opportunity to safely view the event without being at risk in the event's proximity, which will also help to reduce traffic and potential impacts on parking and public access to the coast in the Pillar Point Harbor Area.

Additional access concerns associated with the proposed project include impacts on vehicular access to the area via State Routes/Highways 1 and 92, and surface streets including Capistrano Road and Prospect Way, as there could be impacts on the major coastal travel routes during the event and associated potential impacts to public access to and from the coast. The proposed project includes a general prohibition on parallel parking along Highway 1 between the Half Moon Bay Airport to just north of Sam's Chowder House property that will be enforced by the CHP, to ensure pedestrian safety in the area during the event. One-way traffic will also be in effect along Capistrano Road beginning at the Harbor entrance and continuing to Prospect Road within Princeton-By-the-Sea. CHP officers and San Mateo County Sheriff deputies will be located at the intersection of Highway 1 and Capistrano Road to monitor traffic to and from Princeton-by-the-Sea, directing people to alternative viewing locations or to alternative public parking and access areas if they are trying to access coastal recreational areas. To ensure that the traffic control measures proposed are effective, Special Condition 3 requires the Permittee to submit a traffic and parking plan, and Special Condition 6 requires the Applicant to obtain data and information regarding traffic conditions and public access flow throughout the event area and transportation routes in the vicinity during the event and submit a post-event report to the Commission evaluating traffic control effectiveness. As required by Special Condition 7, any future authorization of the event will depend on the results of the post-event report. Thus, the proposed project activities as conditioned include measures to mitigate impacts to public access and traffic in the immediate coastal area.

Public parking normally available to the general public within the proposed project area includes the gravel-covered Pillar Point Marsh parking lot that has room for 40 vehicles and parking at Pillar Point Harbor that has a total of 653 spaces. The Oceano Hotel and shopping area which is located very close by has a large parking lot with an approximate total of 570 to 620 spaces (120 underground and 450 to 500 in the surface lot behind the hotel). The SMCHD permit issued for the event authorizes the Applicant to temporarily restrict the use of Pillar Point Marsh parking lot during the event. The Applicant will also exclusively use six long stalls located westerly of the Harbor Master office, and is authorized to use 25 to 40 parking stalls at "C" lot for competitor support, production equipment, and safety teams before, during and after the event. The majority of parking associated with the event would be at the Pillar Point Air Force Base Radar Tracking Station, where parking is always restricted to the public, and where event judging and production will be staged (**Exhibit 2**). The Applicant will be working with the SMCHD to encourage a reduced level of automobile use and the need for parking within the harbor area.

It is important to remember that this event does not occur during the peak summer beach season for recreational visitors to this part of the coast. The event occurs in the middle of the winter storm season at a time when fewer members of the general public are typically visiting and recreating along the shore. Therefore, while the event will temporarily restrict public parking areas in the Pillar Point Harbor area and may bring in additional visitors to the area, the parking restrictions are relatively limited in light of other available public parking in the area, and traffic control measures will be implemented during the event to assist and redirect the public to thos alternate public parking areas to help the public wishing to access the coast. The off-site viewing 13 of 40 location options for this surf event will also help to reduce and/or avoid traffic and parking impacts at the project site and by doing so protect coastal resources. The proposed project can therefore be found consistent with Section 30212.5 and 30214 of the Coastal Act.

Section 30223 requires that upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible. As described above, currently there are hiking opportunities open to the public landward of the Pacific Ocean and Pillar Point Harbor. Extensive ocean views can be seen from the upper coastal bluffs. The blufftop viewing locations also have the potential to draw interested members of the public to attempt to view the contest held off-shore. However, the existing blufftop is fragile and is not large enough to accommodate large numbers of spectators (**Exhibit 4**). Even though the proposed project includes active patrol of the upland trail areas to ensure that no crowds form upon the blufftop areas and in the upland habitat of Pillar Point, the public will still be able to hike in these locations and pass and repass along the blufftop trails during the event. The public can also still use portions of the Pillar Point harbor frontage along Princeton-by-the Sea, and visit businesses in the area. As such, the proposed project can be found consistent with Section 30223 as upland areas recreationally used by the public for hiking and viewing of the ocean will still be available for such use during the event.

Section 30211 requires that development shall not interfere with the public's right of access to the sea and the use of dry sand and rocky coastal beaches extending landward to the first edge of terrestrial vegetation. Section 30213, in particular, provides for the protection of free and lowcost access. The proposed temporary closures will impact and prevent public use of the surf area offshore as well as a public shoreline trail, parking areas, and access to the beach. The closures will occur only on a single day occurring during the winter months to protect the public from hazardous conditions at Mavericks Beach, specifically during very high tides and waves larger than average. The existing natural conditions at Mavericks and the outer breakwater during the winter can be dangerous to the public with respect to safe use. While the immediate public amenities would be closed, the public can go to other nearby free beaches, if weather and natural site conditions allow at the time. These nearby beaches include Surfer's Beach located to the south of the Harbor, in El Granada; Perched Beach, located westerly of the Harbor District's public boat launch; and the beach at the end of the trail extending seaward from the segment of the California Coastal Trail located along Prospect Way. Event security personnel and volunteers will be stationed at the shoreline/beach west of Romeo Pier. The public use of this stretch of beach during the event would be limited to pass and repass along the strand. The shoreline located to the west of the public boat launch and along Perched Beach will remain open and accessible to the public. As mentioned above, blufftop access trails in the area will remain open for limited public access. The right of access to the sea will not be permanently interfered with as the closure is temporary and there are other beaches and access trails nearby that will be open and available. Therefore, the proposed project can be found consistent with Sections 30211 and 30213.

In conclusion, the proposed project is a popular, water-oriented, recreational event that brings visitors and global interest to the community and California, and there is a great deal of public support for the contest. It should serve to increase awareness of the coast and coastal issues, and provide a means of publicizing the shoreline resources that California is famous for. As such, if -15-1458-A1 includes an inherent public access benefit, especially as regards potential visitors to the 14 of 40

California and San Mateo County coasts. At the same time, though, the project is not without its impacts. For example, public access within Pillar Point Harbor and at Mavericks Beach would be off limits in some cases, and would overall reduce the amount of public access provided on the day of the event. In addition, the event has the potential to create public access and parking difficulties, both due to limiting parking and the intensification of traffic associated with the event. However, the impacts will only be temporary in nature, and can be managed in such a way as to provide as much access as possible while still providing for the event, and that other potential impacts (e.g., to habitat areas, eroding bluffs, etc.) can be appropriately avoided with the proper direction to visitors. The proposed project, therefore, can be found consistent with the Coastal Act access and recreation policies cited above.

## **F. MARINE RESOURCES**

### Applicable Policies

The Coastal Act protects the marine resources and wetland habitats adjacent to and within the project area. Coastal Act Sections 30107.5, 30230, 30231, and 30240 provide:

*§ 30107.5* "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**§ 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.

**§ 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.

*§ 30240.* Environmentally sensitive habitat areas; adjacent developments (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas. 2

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### Analysis

Coastal Act Section 30230, as cited above, requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30107.5 defines "Environmentally sensitive areas," as provided above. Section 30240 requires that environmentally sensitive habitat areas (ESHA) shall be protected against significant disruption of habitat values, allowing only resources-dependent uses within such areas. Further, development in areas adjacent to ESHAs, and parks, and recreation areas shall be sited and designed to prevent impacts which would degrade those areas. As previously discussed, proposed project activities would occur within the offshore waters of Monterey Bay National Marine Sanctuary (MBNMS) and adjacent to sensitive wetland habitat areas including the Pillar Point Marsh. The off-shore waters support an array of marine life that is maintained and protected by MBNMS. Pillar Point Marsh comprises freshwater and brackish marsh and may support the state and federally-protected California red-legged frog (CRLF) and San Francisco garter snake (SFGS).<sup>3</sup>

This marsh is considered ESHA, as defined by Section 30107.5, because it contains habitat that potentially supports CRLF and SFGS. None of the proposed project activities would occur within Pillar Point Marsh consistent with 30240(a). In addition, the project includes measures to ensure that activities proposed adjacent to the Marsh will not degrade those areas including the temporary area closures and trash and litter removal as required by the San Mateo County Harbor District permit, utilizing designated rinse stations for vessel cleaning, and most importantly patrol of the Pillar Point Marsh area to ensure that the public is not gathering and causing damage to sensitive marsh habitat. Therefore, the project is consistent with Coastal Act Section 30240.

The Mavericks surf competition relies primarily on the marine environment (i.e., the natural surf conditions of off-shore waters). The proposed event's off-shore water activities include the operation of motorized personal water craft (MPWC) within the MBNMS for emergency rescue and safety purposes, as well as to monitor and record the event. Motorized water craft could impact water quality and marine wildlife due the noise of engines and residues spread by vehicles from fuel and or other substances used for the motorized equipment. MBNMS has authorized the proposed event's off-shore activities, including certain activities that would otherwise be prohibited, most notably, the use of MPWCs (**Exhibit 3**). As required by the MBNMS authorization, the Applicant is not allowed to disturb marine wildlife, can only use MPWCs in a specified zone, and is required to close Mavericks Beach and monitor for marine wildlife during the event (**Exhibits 3**).

In addition to the project's proposed protection measures and requirements of MBNMS and Harbor District, the Commission requires special conditions to limit the initial authorization of this temporary event to one year with monitoring before allowing the permit to be extended by additional years, submission of a post-event report to assess potential impacts on coastal resources from event activities, and implementation of best management practices (BMPs). Specifically, **Special Condition 6** requires the permittee to monitor and report on

<sup>3</sup> Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting, which was prepared by Sheila Brady/LSA, May 2002.

Exhibit 3 2-15-1458-A1 16 of 40 the conditions of the sensitive marsh area, public access, and marine wildlife prior to, during and after the event. **Special Condition 7** allows for a permit time extension to be considered only after post-event review and evaluation of the event's impact on sensitive coastal resources. **Special Condition 5** also requires BMPs to ensure that coastal habitat, water quality, and productivity of the area are not adversely affected. Thus, the proposed project as conditioned can be found consistent with Section 30230 and 30231 as it comprises special protection of the marine environment and sensitive wetland areas.

# G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

San Mateo County, acting as lead agency, found that the project qualifies for a Class 4 Categorical Exemption, pursuant to CEQA Guidelines (Cal. Code of Regs., Title 14, § 15304 [minor alterations to land]; see also Pub. Resources Code, § 21084)). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The preceding coastal development permit findings discuss the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this permit, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the Project, as conditioned, would have on the environment within the meaning of CEQA. As so, the Project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

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# **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. Fitzgerald Marine Reserve Master Plan, Part two: Environmental Setting. Prepared by Sheila Brady/LSA, May 2002

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**Regional Map** 

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Aerial Photo Pillar Point Vicinity

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# Aerial Photo Vicinity Pillar Point Harbor

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SITE PLAN

*Exhibit 3* 2-15-1458-A1 Exhibit 2 2-15-1458 1 of 1

Harbor Parking Areas

San Mateo County Harbor District Physical: 504 Avenue Alhambra, El Granada, CA 94018 Mailing: PO Box 1449, El Granada, CA 94018 Phone Number: (650)583-4400/ Fax Number (650)583-4611

### **Special Use Permit**

Permit Number: 2015-34

### 1. **Special Use Permittee**

1.3.

1.1. Name of Permittee:

Address of Permittee:

1.2 Contact Person: Zoe Lee Ahn (Cartel)

1.4. Phone Number: Cartel Management, Inc. 25 Johnson Pier, HMB, CA 94019 Day: (510) 305-6262/ Cell: (310) 480-2577

### 2. **Special Use Permit Description**

- 2.1. This Special Use Permit is issued only for the purpose of using any portion of the Pillar Point/Mavericks beach controlled by the San Mateo County Harbor District ("District") and/or other District facilities as approved by the General Manager (collectively referred to as "Property") or designate during a Surfing Event at Mavericks surf break (the "Event").
- 2.2. The Event will be a paddle-in event and will take place on one day. The exact date will be determined by Permittee but must be between November 1, 2015 and March 31, 2016 as set forth more fully in Section 4.10.

### 3. **Special Use Permit Fee**

3.1 Payment by Permittee of the Application Fee of Five thousand dollars (\$5,000), which the District acknowledges was made on May 6, 2015. Payment of a Permit Fee of Eleven thousand six hundred dollars (\$11,600.00), which the District acknowledges has already been paid and deposited pursuant to a permit granted for a similar event in the 2014/2015 season (the 2014/15 Permit), although that event was ultimately cancelled. The parties agree to the following with regard to the Permit Fee already submitted by the Permittee.

3.1.1 The Permit Fee is intended to cover the District's Costs, defined as the sum of the following: (a) the District's reasonable costs pertaining to the administration of this Permit and the Permittee's use of the Property under this Permit, and (b) the District's reasonable costs pertaining to the administration of the 2014/15 Permit and Permittee's use of the Property pursuant to the 2014/15 Permit.

3.1.2 District Costs are those actual administrative costs that the District would not incur but for the Permittee's activities in association with planning for and holding the Event (both under this Permit and the 2014/15 Permit). For avoidance of doubt, District Costs do not include any costs associated with the processing or granting of either this Permit or the 2014/2015 Permit - such costs are covered by the Application Fee - and do not include any legal costs incurred prior to the effective date of this Permit,

> Exhibit 3 2-15-1458-A1 23 of 40

11348556.2 Exhibit 3 2-15-1458 1 of 17 3.1.3 To the extent the District Costs are in excess of \$11,600.00, the District shall provide to the Permittee an invoice setting forth the costs incurred and the Permittee agrees to pay any undisputed invoice thirty days from the date of the invoice.

3.1.4 To the Extent the District Costs are less than \$11,600, the District shall reimburse Permittee any remaining amount within 60 days of the Event.

3.1.5 Along with any invoice submitted in accordance with Section 3.1.3, or along with any reimbursement submitted in accordance with Section 3.1.4, the District will provide Permittee an accounting of District Costs. Permittee will notify District within 15 days of receipt of any invoice if it disputes such accounting. In such an event, the parties agree mutually to use best efforts to try and resolve any dispute.

- 3.2 Payments of undisputed amounts not paid by the due date shall bear interest at 10.00% per annum until paid.
- 3.3 Permittee shall be charged \$30.00 for each check that is returned to the District for lack of sufficient funds.

### 4. Terms and Conditions

- 4.1 Operating Hours: This Permit is in force on the day of the Event from approximately 5 a.m. to approximately 11 p.m.
- 4.2 Permittee shall provide on-water safety arrangements during the Event that meet all District requirements and any other requirements imposed on Permittee by other regulatory agencies.
- 4.3 Public safety for the non-participating public during the Event is of paramount importance. Both Permittee and the District are committed to conducting the Event in a manner that allows for the public to view the Event safely. At the District's direction, Permittee shall prohibit public access (a) to the District's marsh parking lot, (b) to the trail connecting the District's marsh parking lot to the Maverick's beach and (c) to the Maverick's beach, and use of these areas may be limited to use by law enforcement and public safety personnel and equipment.
- 4.4 Permittee's access (a) to the District's marsh parking lot, and (b) to the trail connecting the District's marsh parking lot to the Maverick's beach shall be limited to access required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster, or for emergency use by Permittee staff with prior notice to District staff.
- 4.5 Permittee shall not provide for or use the Property for Event vehicles parking, except as required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster.
- 4.6 Permittee must use reasonable care and may not unreasonably increase the burden on the Property. Permittee shall ensure the immediate area of the Event and all of the Property are kept free of debris, trash, etc., and shall return the Property to its original condition following completion of the Event.

Exhibit 3 2-15-1458-A1 24 of 40

11348556.2 Exhibit 3 2-15-1458 2 of 17 4.7 Permittee shall provide an adequate number of portable toilets as determined by the General Manager in consultation with the Harbor Master.

### 4.8 Solicitation of Business and Advertising

- 4.8.1 On-site advertising, including informational and directional signs is allowed in the form prescribed at the discretion of the General Manager in consultation with the Harbor Master. Permittee shall obtain prior approval of the General Manager before placing any advertising or signs on the Property. Other than as set forth above, Permittee shall not alter, modify, remove any portion of, or affix any item to any structure on the Property at any time during the term of this Permit, except as specifically authorized by the District's General Manager or Harbor Master.
- 4.8.2 Companies other than those authorized by Permittee are not permitted to advertise on District property and any such advertising must comply with section 4.8.1.
- 4.9 Permittee shall be required to obtain and/or comply with the following:
  - 4.9.1 Permittee shall provide the District with a copy of the Seller's Permit issued from the California State Board of Equalization, which entitles the Permittee to sell products and any other licenses, which may be required by other agencies. Licenses shall be maintained in accordance with law and Permittee must be able to produce licenses when requested to do so by a representative of the District.
  - 4.9.2 The District will not grant a Commercial Activity Permit to other vendors for use of the Property for commercial purposes during the Event without prior authorization of the Permittee. The District will grant any such Commercial Activity Permit at its sole discretion, to be exercised in accordance with its policies.
  - 4.9.3 A Certificate of Insurance for the Permittee's activities related to the Event described in Section 2.1 attesting to liability coverage consisting of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate and a \$5,000,000.00 Umbrella and naming the San Mateo County Harbor District as an Additional Insured. The Certificate of Insurance shall provide evidence that the insurance includes the following endorsements: Additional Insured, Primary and Non-Contributory wording; and Waiver of Subrogation in favor of the District. It is understood that as provided for in Section 4.12 below, Permittee shall defend, indemnify, and hold harmless San Mateo County Harbor District. This certificate shall be maintained in full force and effect during the term of the permit. The Permittee will provide the District a Certificate of Insurance no later than November 1, 2015.
  - 4.9.4 Permittee shall obtain and comply with all permits and other approvals, licenses and certifications as required by other government agencies and departments. Permittee shall furnish satisfactory evidence of such compliance upon request of the District.

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11348556.2 Exhibit 3 2-15-1458 3 of 17

- 4.9.5 Permittee shall not sell or permit to be sold alcoholic beverages on the Property.
- 4.10 Term of Permit. This Permit is effective from November 1, 2015, and shall terminate on the earlier of 11:00 pm on the day of the Event, or on March 31, 2016. This Permit becomes immediately null and void should any of the conditions specified in Section 4 not be met, or should any required certificates expire or be revoked or suspended.
- 4.11 This Permit shall be the sole Permit issued for the purpose of using District facilities in connection with holding a Surfing Event at Mavericks surf break during the term of this Permit.
- 4.12 This Permit is for Permittee's exclusive use and is not assignable without the prior consent of the District, which consent shall not be unreasonably withheld
- Permittee, as a material part of the consideration to be rendered to the District under this 4.13 Permit, waives all claims against the District for damages to all personal property in, on or about the District's facilities, and for injuries to persons in or about the District's facilities from any cause arising at any time. Permittee hereby agrees to defend, indemnify, and save harmless the District, its governing board, commissions, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, the District, its governing board, commissions, officers, employees or agents arising or resulting from the use of the Property by Permittee, its agents, employees, contractors, subcontractors or invitees or Permittee's breach of this Permit. The duty of the Permittee to indemnify and save harmless, as set forth herein, shall include the duty to defend as sct forth in Section 2778 of the California Civil Code. It is the express intent of the parties that Permittee will indemnify and hold harmless the District from any and all claims, suits or actions arising from any cause whatsoever as set forth above, other than the sole negligence, willful misconduct or criminal acts of the District. Producer waives any and all rights to any type of express or implied indemnity against the JPB arising out of Permittee's use of or activities on the Property. This indemnity shall survive expiration or termination of this Permit.
- 4.14 Should either party to this agreement bring any legal action, dispute, or proceeding arising out of or relating to this permit, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of settlement and each party shall bear its own legal fees and costs.
- 4.15 The laws of the State of California shall govern this agreement and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the agreement, the unsuccessful party will pay the reasonable attorney's fees, court costs, discovery costs and expenses of litigation of the successful party.
- 4.16 Permittee shall pay a fee pursuant to Section 1719 of the Civil Code for the State of California for each check that is returned to the District for lack of sufficient funds.

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11348556.2 Exhibit 3 2-15-1458 4 of 17

Any person, firm or corporation Permittee authorizes to work upon or enter upon the 4.17 Property, including any contractor(s) and subcontractor(s), shall be deemed to be Producer's agent and shall be subject to all the applicable terms of this Permit.

### 5.0 **Revocation or Suspension of Permit**

This Permit is effective from November 1, 2015, and shall terminate on March 31, 2016. This Permit becomes immediately null and void should any of the conditions specified in Section 4 above not be met, or should any required certificates expire or be revoked or suspended.

This Permit may be revoked or suspended by the San Mateo County Harbor District at any time and without notice by the District for violation of any Terms or Conditions of the Permit, or for violation of the Ordinances of the District.

### PERMITTEE:

### SAN MATEO COUNTY HARBOR DISTRICT

Zoe Lee Ahn

Print Name

Cartel Management, Inc. - Signature

6/29/15

Date

Print Name

SMCHD 6(30/2015

Exhibit 3 2-15-1458-A1 27 of 40 11348556,2 Exhibit 3 2-15-1458

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UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary 991 Marine Drive San Francisco, CA 94129

October 13, 2015

Ms. Zoe Lee Cartel Management Inc. c/o Titans of Mavericks 5870 Melrose Avenue Los Angeles, CA 90038

Dear Ms. Lee:

The National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries Program (ONMS) has approved the issuance of authorization number MBNMS-2015-034 to conduct certain authorized activities within Monterey Bay National Marine Sanctuary (sanctuary) that would otherwise be prohibited. Activities are to be conducted in accordance with the authorization application, received on May 17, 2015, and all supporting materials submitted to the sanctuary, and the terms and conditions of authorization number MBNMS-2015-034 (enclosed).

This permit is not valid until signed and returned to the ONMS. Retain one signed copy and carry it with you while conducting the permitted activities. Additional copies must be signed and returned, by either mail or email, to the following individuals within 30 days of issuance and before commencing any activity authorized by this permit:

Max Delaney Permit Coordinator Greater Farallones National Marine Sanctuary 991 Marine Drive San Francisco, CA 94129 <u>max.delaney@noaa.gov</u> National Permit Coordinator NOAA Office of National Marine Sanctuaries 1305 East-West Highway (N/ORM6) SSMC4, 11<sup>th</sup> Floor Silver Spring, MD 20910 nmspermits@noaa.gov

Your permit contains specific terms, conditions and reporting requirements. Review them closely and fully comply with them while undertaking permitted activities. If you have any questions, please contact Max Delaney at (415) 970-5255 or via email at <u>max.delaney@noaa.gov</u>. Thank you for your continued cooperation with the ONMS.

Sincerely,

Mariaffrown

Maria Brown Superintendent

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Enclosure



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL OCEAN SERVICE

Greater Farallones National Marine Sanctuary 991 Marine Drive San Francisco, CA 94129

### MONTEREY BAY NATIONAL MARINE SANCTUARY AUTHORIZATION

### **Permittee:**

Ms. Zoe Lee Cartel Management Inc. c/o Titans of Mavericks 5870 Melrose Avenue Los Angeles, CA 90038 Permit Number:MBNMS-2015-034Effective Date:November 1, 2015Expiration Date:March 31, 2016

AND

Mr. Griffin Guess Cartel Management Inc. c/o Titans of Mavericks 5870 Melrose Avenue Los Angeles, CA 90038

Project Title: 2015-2016 Titans of Mavericks Surf Contest.

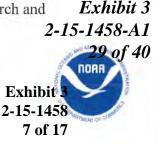
This authorization is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below.

Subject to the terms and conditions of this authorization, the National Oceanic and Atmospheric Administration (NOAA), Office of National Marine Sanctuaries (ONMS) hereby authorizes the authorization holder listed above to conduct the below listed activities within the Monterey Bay National Marine Sanctuary (MBNMS or sanctuary). All activities are to be conducted in accordance with this authorization and the authorization application received on May 17, 2015. The authorization application is incorporated into this authorization and made a part hereof; provided, however, that if there are any conflicts between the authorization application shall be controlling.

### Permitted Activity Description:

The following activities are authorized by this permit:

The authorization holder is hereby authorized to use a maximum of 15 Motorized Personal Watercraft (MPWC) during the Titans of Mavericks surf contest for the purpose of search and rescue, contestant transport, filming, and logistics.



Cartel Management Permit # MBNMS-2015-034 Page 2 of 7

The authorization holder is also hereby authorized to alter the seabed by temporarily installing a traditional anchor on the seafloor within the MBNMS, for a buoy to mark the competitor pickup location for the MPWC shuttle. The authorization holder is also authorized to alter the seabed by temporarily installing buoys and moorings (as described in the USCG MEP) to delineate the contest zone. All buoys and moorings shall be removed with 24 hours of the completion of the contest.

No further violation of sanctuary regulations is allowed.

### **Permitted Activity Location:**

Within the Monterey Bay National Marine Sanctuary (MBNMS), at the Mavericks surf break, offshore Pillar Point, in Half Moon Bay.

### **Authorized People:**

The following people are authorized to work under this permit: Zoe Lee (Cartel Management) Griffin Guess (Cartel Management) The 15 authorized MPWC operators (see Special Conditions)

### **Special Terms and Conditions:**

1. This authorization is valid only if the authorization holder submits to the ONMS a U.S. Coast Guard Marine Events Permit for the 2015-2016 Titans of Mavericks (surf contest) in advance of the surf contest that is valid for the day of the surf contest and only if all of the following Special Terms and Conditions are met. The permittee shall coordinate with Christina Ramirez (at <u>christina.l.ramirez@uscg.com</u> or 415-399-3585) for the USCG Marine Events Permit (MEP). A copy of the final USCG MEP should be submitted to the GFNMS Permit Coordinator, listed in General Condition 1 prior to the date the contest is held.

2. The authorization holder must notify Max Delaney at <u>Max.Delaney@noaa.gov</u> and via cell phone at (650) 678-4943 immediately when the contest is announced. This authorization is only in effect for one day.

3. All MPWC operators associated with the surf contest and authorized under this permit shall be required to wear outerwear or attire that is highly visible and easily identifiable from a distance. Examples of such outerwear include vests, shirts, sleeve covers and helmets or helmet covers in a color such as bright fluorescent blue, pink, or lime green (yellow or orange is **not** acceptable). The final color and design for the outerwear shall be approved by the sanctuary Superintendent in advance of the contest. Each of the 15 MPWC riders authorized by this permit shall wear this approved outerwear at all times while operating MPWC in the waters of the MBNMS during the contest day.

4. Fifteen (15) laminated and numbered "authorized MPWC operator identification cards" 215-1458-A1 be provided by ONMS staff to the authorization holder prior to the day of the surf contest. These permit cards shall be carried by the operators of each of the fifteen MPWC authorized under this

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### Exhibit 3

Cartel Management Permit # MBNMS-2015-034 Page 3 of 7

permit at all times when operating MPWC in the waters of the MBNMS while this permit is valid.

5. The permittee shall arrange a pre-contest briefing with the GFNMS permit coordinator to ensure that all MPWC operators are educated about the conditions of this permit prior to the day of the contest (including wearing outerwear at all times outside lifejackets, attaching placards to each of the 15 skis, and areas to avoid while transitting to and from the contest zone.

6. In order to avoid disturbing harbor seals, rafting seabirds, and other marine resources that may be using the nearshore environment (especially between Sail Rock and Pillar Point Harbor), the 15 MPWC riders authorized under this permit shall avoid operating in the nearshore environment during the contest day and shall remain within the permitted contest zone (shown in green on the map) except when they are conducting actual search and rescue operations around the surf break (see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map").

All MPWC riders transiting to and from the permitted contest zone shall also comply with this condition by traveling outside of the circular zone where vessel traffic is restricted by the USCG until they reach the established year-round access channel (again, see attached map entitled "NOAA 2015-2016 Mavericks MPWC Permit Map"). This circular restricted area (shown in gray on the map) is bounded by an arc extending **approximately 1000 yards from Sail Rock** (37°29'34" N, 122°30'02" W) excluding the waters within Pillar Point Harbor.

7. With the exception of actual search and rescue operations, MPWC may not be used north of Pillar Point (37.49600 N) or south of the bell buoy (identified as G"3"') at 37.48154 N, 122.48156 W. MPWC may not be used east of Sail Rock except for actual search and rescue operations and contestant transport from the corner of the breakwater to the contest line-up location. The western boundary of the authorized MPWC use area is 122.51667 W (see attached "NOAA 2015-2016 Mavericks MPWC Permit Map").

8. This authorization does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.

9. Any aircraft commissioned by the authorization holder (e.g. filming or contest observation) must remain greater than 1,000 feet above sea level when flying over the Fitzgerald Marine Reserve (immediately north of the contest area).

10. The authorization holder is responsible for providing the MBNMS human use and wildlife monitoring data collected on the day of the contest by qualified wildlife monitors (to be approved by the Sanctuary Superintendent). Monitoring information shall be collected a minimum of 30 minutes prior to the surf contest start and 1 hour after the contest end time. The following information is to be recorded at 30-minute intervals:

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a. Number of peopleb. Number of dogs

Exhibit 3 2-15-1458 9 of 17 Cartel Management Permit # MBNMS-2015-034 Page 4 of 7

- c. Number of boats (specify numbers of MPWC, non-motorized vessels, other),
- d. Number of aircraft (helicopters, airplanes, other)
- e. Number of birds (specify numbers of cormorants, pelicans, shorebirds, other seabirds)
- f. Number of marine mammals (specify numbers of harbor seals, whales, sea otters, sea lions, other pinnipeds, other cetaceans)

In addition to tracking the above information, the wildlife monitors shall look for, report, and document any incidents of wildlife disturbance by humans (including marine mammals, cetaceans, and/or birds). If an incident is observed, the monitors should note the following: the human activity that caused the disturbance, type and number of affected animals, approximate distance between animal(s) and human activity causing the disturbance, and any identifying features of vessel and or person(s) causing disturbance (e.g. vessel CF number, vessel color, aircraft tail number, general vessel/person description). Reports shall be made immediately to the ONMS on site coordinator, Max Delaney at (650) 678-4943. The permittee should ensure that each of the wildlife observers has the ONMS on-site coordinators cell phone number prior to the day of the event. The above information should be conducted for the following locations: Ross Cove beach, and offshore waters indicated by areas A, B, F, and G in attached monitoring location map (see attached "Mavericks 2015-2016 Monitoring Map"). Wildlife monitors shall also look for, and document any MPWC operating outside of permitted activities described in Special Conditions 5, 6, 7, and 8.

11. No used equipment such as used batteries, plastic, hydrocarbons, or any other components or materials may be discarded in the sanctuary at any time. In the event that any equipment is damaged or lost due to any cause, the authorization holder shall immediately locate and remove that equipment. The authorization holder may be required to pay any or all expenses associated with the locating of and/or removal by NOAA or its designee of any equipment that is not recovered by the authorization holder.

12. The authorization holder shall complete removal of any debris associated with the contest from affected sanctuary beaches by sunset on the day after the surf contest.

13. Access to Mavericks Beach by spectators will not be allowed during the day of the surf contest, and this authorization is conditioned on the premise that beach access will be closed. If public safety officials are not successful in preventing access to the beach during the contest, then the authorization holder shall be responsible for ensuring that access to the exposed reef and tidepools is closed should the contest occur during periods where predicted tides are less than +0.7 feet.

14. When discussing or conducting outreach about the surf contest with the media or any other audience, the authorization holder shall provide any relevant information about MBNMS regulations regarding the use of MPWC in the sanctuary. A fact sheet (entitled "2015 NOAA MPWC Fact Sheet") is provided as an attachment to this permit.

15. Within 30 days following the surf contest, the authorization holder must submit a log of *Exhibit 3* all activities conducted under this authorization to the individuals listed in General Condition 2-15-1458-A1 The log shall include: 32 of 40

Exhibit 3 2-15-1458 10 of 17

- a. Wildlife observer monitoring information described in Special Condition 9.
- b. A summary of all post-contest clean-up and survey activities.
- c. A summary of any equipment failure, damage, or loss, discharges, environmental damage, or unforeseen events associated with the authorized activity.

16. The permittee shall contact the US Coast Guard (contact is Alfred Albert at (510) 437-2980 or <u>Alfred.K.Albert@uscg.mil</u>) to inform them about the marker buoy that will be installed at the MPWC competitor shuttle pickup location, and determine whether it is necessary to place a notice in the "Local Notice to Mariners" indicating the location of this buoy.

17. The permittee shall remove the marker buoy at the MPWC competitor shuttle pickup location, the buoys delineating the contest zone by the surf break, and all associated equipment within 24 hours of the end of the contest.

18. No activity authorized by this permit shall disturb or impact any historical or marine archaeological resources of the sanctuary. If historical or marine archaeological resources are encountered at any time, the authorization holder shall cease all further activities under this permit and immediately contact Maria Brown, the Greater Farallones National Marine Sanctuary Superintendent, at 561-6622 ext. 301.

19. This activity may also require permission from other agencies. Failure to obtain all other necessary permits and/or authorizations makes ONMS authorization MBNMS-2015-034 null and void.

### **General Terms and Conditions:**

1. Within 30 (thirty) days of the date of issuance, the permittee must sign and date this permit for it to be considered valid. Once signed, the permittee must send copies, via mail or email, to the following individuals:

Max Delaney	National Permit Coordinator
Permit Coordinator	NOAA Office of National Marine Sanctuaries
Greater Farallones National Marine Sanctuary	1305 East-West Highway (N/ORM6)
991 Marine Drive	SSMC4, 11 <sup>th</sup> Floor
San Francisco, CA 94129	Silver Spring, MD 20910
max.delaney@noaa.gov	nmspermits@noaa.gov

- 2. It is a violation of this permit to conduct any activity authorized by this permit prior to the ONMS having received a copy signed by the permittee.
- This permit may only be amended by the ONMS. The permittee may not change or amend any part of this permit at any time. The terms of the permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit *Exhibit 3* must be requested in the same manner the original request was made.

33 of 40

Exhibit 3 2-15-1458 11 of 17

- 4. All persons participating in the permitted activity must be under the supervision of the permittee, and the permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in junction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.
- 5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.
- 6. This permit may be suspended, revoked, or modified for violation of the terms and conditions of this permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.
- 7. This permit may be suspended, revoked or modified if requirements from previous ONMS permits or authorizations issued to the permittee are not fulfilled by their due date.
- 8. Permit applications for any future activities in the sanctuary or any other sanctuary in the system by the permittee might not be considered until all requirements from this permit are fulfilled.
- 9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.
- 10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit MBNMS-2015-034 and be sent to the ONMS officials listed in general condition number 1.
- 11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits, authorizations, and approvals are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.
- 12. The permittee shall indemnify and hold harmless the Office of National Marine 2-15-1458-A1 Sanctuaries, NOAA, the Department of Commerce and the United States for and against 34 of 40 any claims arising from the conduct of any permitted activities.

Exhibit 3 2-15-1458 12 of 17 Exhibit 3

13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing.

	October 15/2015			
	Date			
DocuSigned by:				
LALL_	10/15/2015			
20451C5A209B4BE	Date			
	October 13, 2015			
	Date			
nal Marine Sanctuary				
1:				
6 Mavericks MPWC Permit Map	)			
	20451C5A209B4BE			

- (2) Mavericks 2015-2016 Monitoring Map
- (3) 2015 NOAA MPWC Fact Sheet

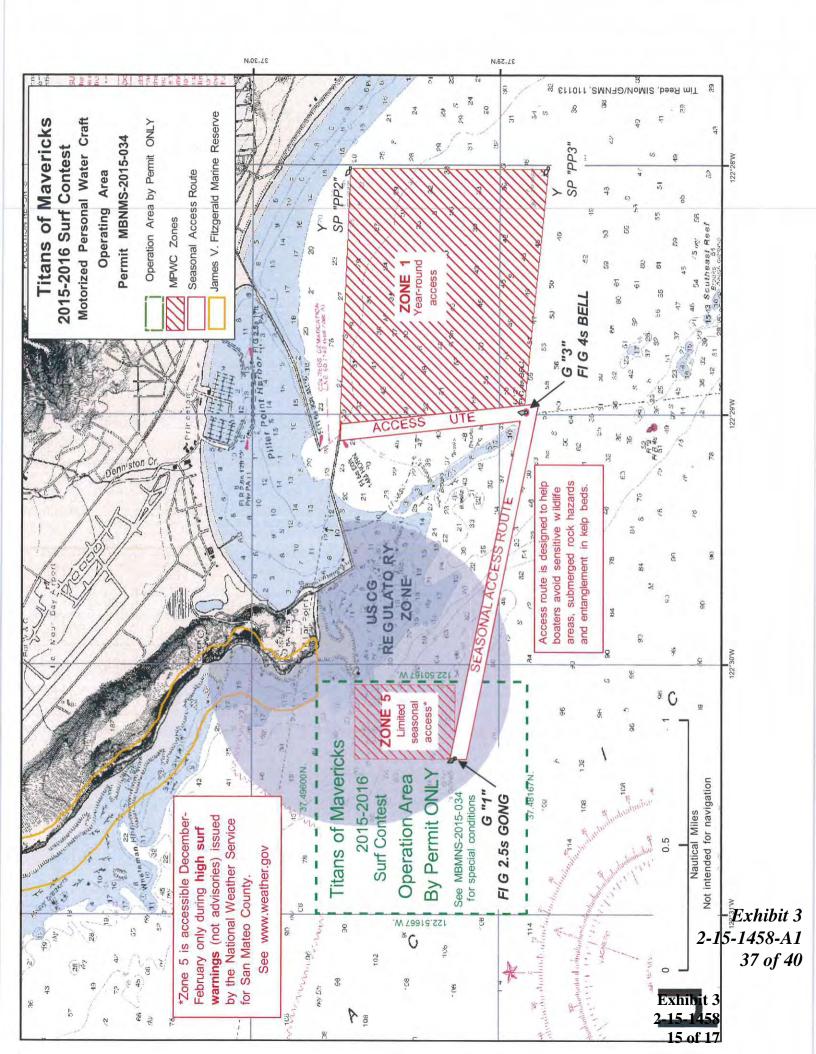
Exhibit 3 2-15-1458-A1 35 of 40

Exhibit 3 2-15-1458 13 of 17

2015-2016 Titans of Mavericks Surf Contest Required Wildlife Observer Monitoring Locations *Permit No. MBNMS-2015-034* 

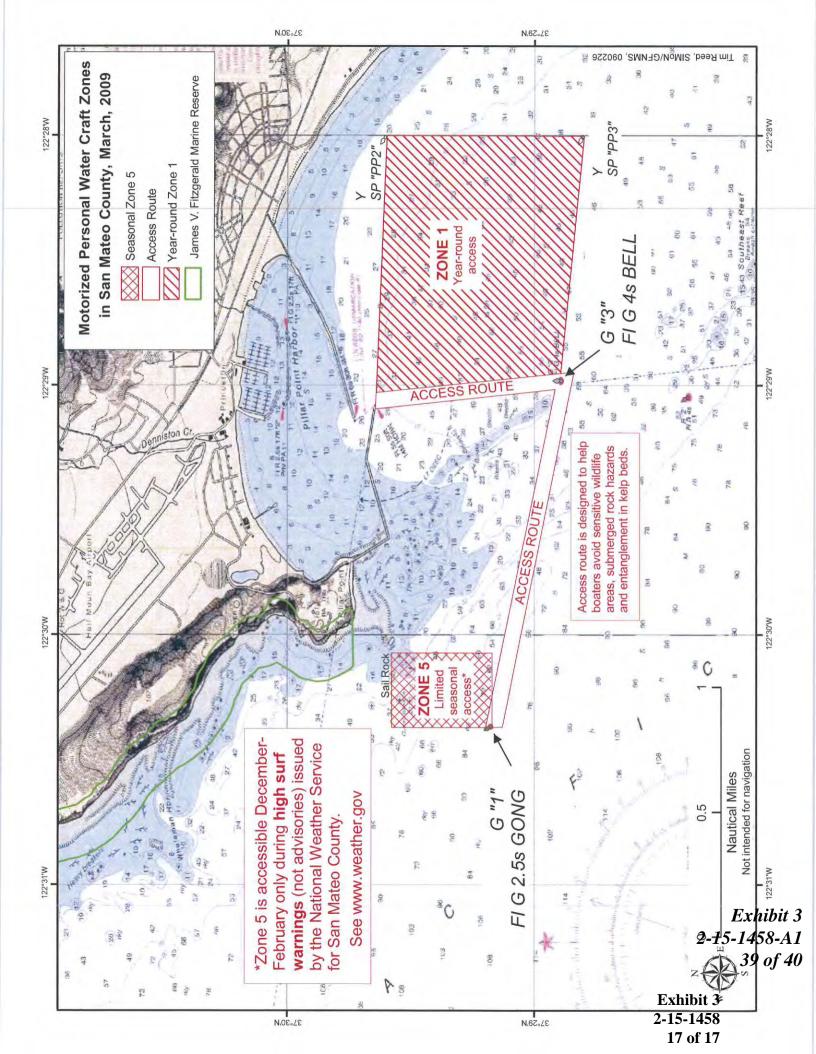
Image © 2011 TerraMetrics Data CSUMB SFML, CA OPC Exhibit 3 2-15-1458-A1 36 of 40

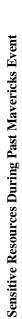
Exhibit 3 2-15-1458 14 of 17

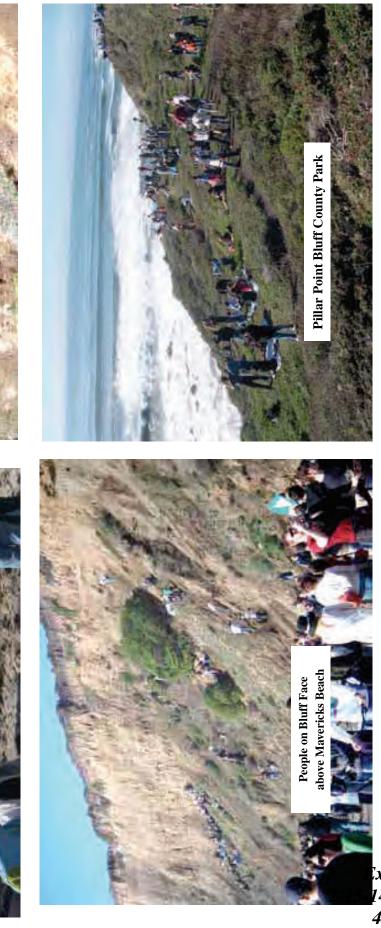


MPWC Zone 5 15CFR922.132(a)(7): NOAA has created a zone for seasonal, conditional MPWC use at Mavericks	Zone Five (at Mavericks) exists only when a National Weather Service-issued <u>High Surf Warning</u> is in effect for San Mateo County and only during December, January, and February.	High Surf Warning (HSW) – National Weather ServiceHigh Surf Warnings are NOT High Surf Advisories. High SurfR922.131:Rolz (MPWC) has beenNatercraft (MPWC) has beene all modern jet-ski type and	See Zone 5 map on reverse	APWC) means:       For questions on MPWC use in San Mateo County contact:         Prive the contact:       For questions on MPWC use in San Mateo County contact:         Prive the contact:       Greater Farallones National Marine Sanctuary at Farallones@noaa.gov or 415-561-6622	vessel; ngth overall as manufactured that has been exempted from Suard's Maximum Capacities tion found at 33 CFR Parts	or 20 feet in length overall as y a water jet pump or drive." Is apply throughout Sanctuary (MBNMS) in
	Representation of the second sec	MPWC Definition 15CFR922.131: The term Motorized Personal Watercraft (MPWC) has been clarified and updated to include all modern jet-ski type and	similar craft	"Motorized personal watercraft (MPWC) means: Any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the	operator stands or sits inside the vessel; Any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts	181 and 183, except submarines; or 181 and 183, except submarines; or 181 and 183, except submarines; or 182 and is propelled by a water jet pump or drive." 182 NOTE: These federal regulations apply throughout Monteer Bay National Marine Sanctuary (MBNMS) in effectes of Marine Sanctuary (MBNMS) in

# **Regulations For Motorized Personal Watercraft Monterey Bay National Marine Sanctuary** (MPWC) (i. Jet-skis→ etc.)











*Exhibit 3 1458-A1 40 of 40* Exhibit 4 2-15-1458 1 of 1



April 15, 2016

# RECEIVED

APR 1 5 2016

CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

Renee Ananda, Coastal Program Analyst California Coastal Commission North Central Coast District 745 Fremont Street, Suite 2000 San Francisco, CΛ, 94105

RE: Special Condition 6 of California Coastal Commission Titans of Mavericks Permit

Dear Ms. Ananda:

The inaugural Titans of Mavericks event ran safely and without incident from strike up to strike down on Feb. 12th, 2016, which was Presidents Day. The following summary includes email feedback and event status from the multiple agencies meeting on  $\Lambda$ pril 7th, 2016; also included is environmental photography documentation from our staff photographer, Nikki Brooks. Attachment  $\Lambda$  will cover the photos with map and legend for your review. On the day of event I checked in with our volunteer staff, local business, multiple agencies at the command center before, during and after the event: No issues reported. Traffic flowed smoothly, public were advised on event operations, viewing locations for Titans of Mavericks in the vicinity. While traffic was higher than usual it was no different than a warm summer day and occurred during the early morning and late afternoon times according to the agencies.

As I circulated the Harbor, Air Force Base, and Princeton By the Sea, I observed no gridlock traffic through the town or Harbor. While local businesses had an increase in customers, there were no reports of parking issues from agencies. There have been no complaints sent to our staff from

> Exhibit 4 2-15-1458-A1 1 of 11

c/o Cartel Manegement Inc



agencies or public. There were no incidents of public cutting through the Pillar Point Marsh land and no environmental impacts reported throughout event and post. Our Volunteer team, Rangers, and Sheriff did not report in any incidents of public being in danger or risk during or after event.

Thank you,

Brian Waters

Chief Operations Officer Cartel Management 408-348-5508 m brian@cartel-management.com

Agency and Local Business Reports

CHP (See email response)-No issues

SMCHD (See email response)-No issues

San Mateo County Sheriff-No issues

San Mateo CalFire-No issues

**USCG-No** issues

San Mateo County Parks-Add more volunteers next season

NOAA (See email response)-No issues

CalTrans-No issues

Local Business: Barbara's Fish Trap, OPL, HMB Brewing Company, Miramar, Oceano-No issues

c/o Cartel Manegement Inc

Exhibit 4 2-15-1458-A1 2 of 11



Photography of Event Pre & Post Days

Pre Event Day Photos:

https://www.dropbox.com/sh/627msxjejwsbtzw/ AABbl7fbtkDQTWeV-68Edz7ma?oref=e&n=339319249

Post Event Day Photos:

https://www.dropbox.com/sh/326tdzneejeukld/ <u>AAD87oaMYiaDqqJ9KZESjAsQa?oref=e&n=61310552</u>

> Exhibit 4 2-15-1458-A1 3 of 11



### Agency email responses

<u>CHP-Sgt. McCarthy</u> 355 Convention Way, Redwood City, CA 94063 PGMcCarthy@chp.ca.gov

----- Original Message -----From: "McCarthy Paul@CHP" <PGMcCarthy@chp.ca.gov> To:"Brian Waters" <brian@cartel-management.com> Cc: Sent:Mon, 4 Apr 2016 15:59:40 +0000 Subject:RE: Report

### Brian,

Sergeant Sharma worked the event and I do not believe there was any documentation beyond the operational plan. I will attach a copy of the plan for your records. We would only generate documentation if something unplanned had occurred. I can ask him for a brief AAR, but I talked to him after the event and he said everything went well.

Paul

c/o Cartel Manegement Inc

Exhibit 4 2-15-1458-A1 4 of 11



#### **NOAA-Max Delaney**

Resource Protection Specialist Greater Farallones National Marine Sanctuary 991 Marine Drive San Francisco, CA 94129 (415) 970-5255

----- Original Message -----From: "Max Delaney - NOAA Federal" <max.delaney@noaa.gov> To:"Brian Waters" <brian@cartel-management.com> Cc:<GFNMS@seajayenv.com> Sent:Sat, 9 Apr 2016 13:50:57 -0700 Subject:Re: Titans of Mavericks event follow up

Hi Brian,

I attended the Mavericks event this year representing GFNMS and spent the day in close contact with both the wildlife observers and NOAA office of law enforcement folks. From NOAA's perspective, this year's event was very well organized by Cartel Management and all involved did a great job. As requested by NOAA, all MPWC riders wore the proper markings and jerseys throughout the day and wildlife observers did a great job monitoring the entire event area. Only 2 illegal MPWC riders were seen in the contest area and they left immediately after receiving a verbal warning from OLA personnel. Further, no wildlife disturbances were observed this year. So clearly the MPWC rider training and effective crowd control from the event sponsors and local law enforcement to keep the public away from the beach and bluff area is working well. All in all, a very successful event.

Brian, please let me know if you have any more questions about this past years event. As Carliane mentioned, she'll be taking over for me working on the permit for next season while I am away on sabbatical.

Cheers, Max

c/o Cartel Manegement Inc

Exhibit 4 2-15-1458-A1 5 of 11



San Mateo County Harbor District-Cary Smith Deputy Harbor Master Pillar Point Harbor Patrol <u>csmith@smharbor.com</u> 650.726.4382 x309

----- Original Message -----From: "Cary Smith" <csmith@smharbor.com> To:"Brian Waters" <brian@cartel-management.com> Cc: Sent:Wed, 13 Apr 2016 20:22:35 +0000 Subject:RE: Titans of Mavericks event follow up

## Aloha Brian,

From the Harbor Patrol's perspective the event went very well. We did not hear any complaints landside. The dock space was left as clean, or cleaner than when the vessels and staging was removed.

We discussed some of the minor adjustments waterside with the buoys.All and all it was an outstanding event well done inaugural Titans of Mavericks.

The crab season delay was a bonus this year for the event, but next year may be a little more challenging depending on when the event goes. Hope you had a great trip down South. Look forward to seeing you on the water again soon.

Yours in Marine Safety, Cary Smith Deputy Harbor Master Pillar Point Harbor Patrol csmith@smharbor.com

c/o Cartel Manegement Inc

Exhibit 4 2-15-1458-A1 6 of 11

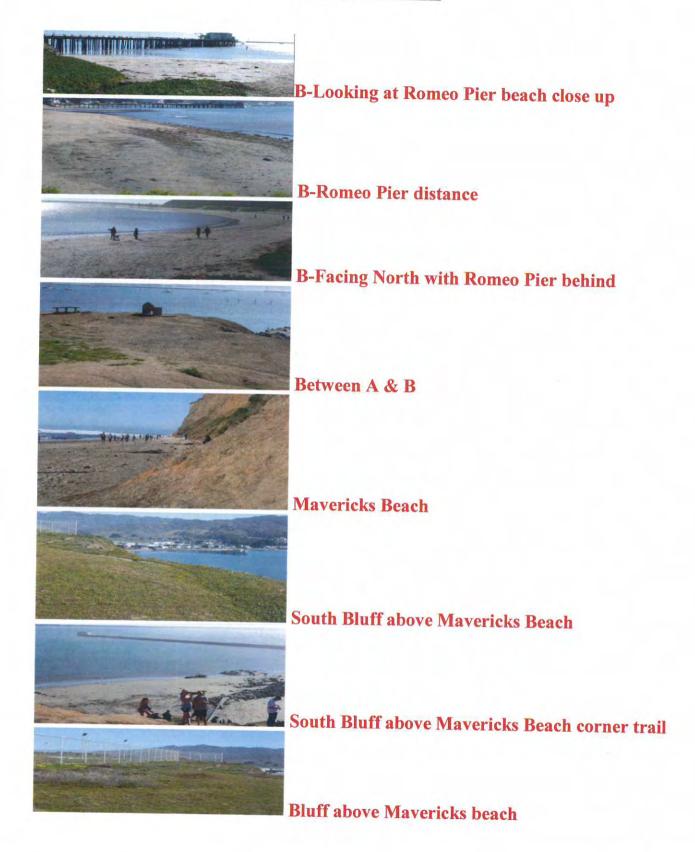


Exhibit 4 2-15-1458-A1 7 of 11



North Bluffs

E-Johnson Pier, working dock area was used for competitor launch. This is the E to the left on the map.



E-End of the middle road going down Johnson Pier



E-End of the middle road going down Johnson

Pier.



F-Looking from Johnson Pier to left corner of F on

map.



F-Beach area heading south towards boat launch.

Inside left corner on map.



D-South boat launch area from Johnson Pier.

Exhibit 4 2-15-1458-A1 8 of 11



**C-Mavericks Beach Parking Lot** 

Exhibit 4 2-15-1458-A1 9 of 11



## LEGEND

A.	West	Point	Trail,	Mavericks	Beach
----	------	-------	--------	-----------	-------

- B. Access to the Romeo Pier trail to Mavericks trail
- C. Mavericks Beach Parking Lot & Harbor Parking-Report from Cary Smith was the area was clean.
- D. Boat launch
- E. Johnson Pier
- F. Launch Ramp Area turnaround

Exhibit 4 2-15-1458-A1 10 of 11

Exhibit 4 2-15-1458-A1 11 of 11



September 20, 2016

Via e-mail and USPS Renee.Ananda@coastal.ca.gov

Renee Anahda California Coastal Commission North Coast District Office 45 Fremont Street Suite 2000 San Francisco, CA 94105-2219

#### Re: Committee for Equity in Women's Surfing

Greetings:

Our office represents the above referenced group with regard to the "Mavericks" events held annually within your jurisdiction. We have enclosed important correspondence making this formal request on behalf of the Committee for Equity in Women's Surfing. Please reply and confirm that you received the enclosed proposal.

Please provide the Coastal Development Permit application for the 2016/2017 Mavericks Surf Contest when it is submitted by the applicant, and please let me know when the CDP application will be scheduled for a Coastal Commission hearing.

Respectfully, Karen Tyna

KT/nbf cc: <u>Nancy.Cave@coastal.ca.gov</u>

#### **Committee for Equity in Women's Surfing**

1083 Vine Street, #201 Healdsburg, CA 95448 Phone (707) 508-8476

Monday, September 5, 2016

Renee Anahda California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Phone (415) 904-5292 <u>Renee Ananda@coastal.ca.gov</u>

# **Re: Proposal for Women's Participation at Future Mavericks Events**

Dear Ms. Anahda,

On behalf of Committee for Women's Big-Wave Surfing please consider the following proposal for gender equality at future Mavericks surf events.

What does genuine inclusion of women's participation in surf events mean to women athletes?

It means creating a women's division with equal prize money.

What would women's inclusion mean for the Mavericks legacy and for global surfing communities?

Inclusion means leading the way in efforts to put elite women athletes where they belong on the world stage, increasing event sponsorship with benefits to local economies, and expanding viewership and media coverage. It would mean broadening public access to Coastal resources and ensuring women surfers too have rights of use.

In surfing competition, as in other professional sports, the standard is for men to compete against men, and for women to compete against women. Women do not compete against men. This distinctive format is important and appropriate to both men and women athletes because it provides an opportunity for equity in competitive sports.

> Exhibit 5 2-15-1458-A1 2 of 5

The supporters of this proposal to the California Coastal Commission would like to see 6 women compete in a total of three heats in a women's division: two semi-finals and a final. The judging criteria and heat formats would be identical for both men and women's divisions.

This one-day event is weather and swell dependent. There will be windows of time during the day when the wind, swell, and tides provide optimal conditions for competing. The women's heats should be scheduled for the time of day that will best showcase surfing abilities. For the inaugural competition, the peak of the swell (i.e. the time of day where the waves are the largest) should feature the men. And, this sequencing should be revisited as the sport develops.

Past World Surf League (WSL) big wave contests as well as the 2016 Titans of Mavericks event have proven that there is ample time to add 3 extra heats. The 2016 Titans event, as an example, did not start until 8:30am, had a 1 hour window where no one surfed in the afternoon, and finished at 3:00 PM, leaving 3 hours of daylight in which three extra heats for women could easily run.

Sponsors are already offering women athletes and the "Committee Five" money for a women's division prize purse, therefore the additional heats would not reduce the men's prize purse. Indeed they may improve overall financial health and funding possibilities as supporters of women's inclusion contribute.

Studies in sports history and economics have shown that much misinformation exists on the topic of gender in sports. Experts agree that pay inequity is pervasive and a level playing field for women's athletics is far from a reality. They agree that commonsense notions that "men are better athletes than women" are simplistic and should not be rationales for policy decisions. More girls and women play sports, and play better, than ever before. The purchasing power of female consumers is as strong or stronger than male consumers. The influence of female athletes and consumer demographics is strengthening. Women and girls are entitled to equal access to sports, and public resources.

We believe that it's time for the women athletes to be given an opportunity to compete in a women's division at Mavericks. It will be good for women, for the Maverick's legacy, and it ensures fair and equal access to coastal waters that the Commission is charged to protect.

> Exhibit 5 2-15-1458-A1 3 of 5

The California Coastal Commission voted to include women's participation in the event at Mavericks and this proposal asserts how we, the female athletes and stakeholders in women's big wave surfing, believe the event should be executed. Women do not compete against men in professional sports, nor should they at Mavericks, since such arrangements are widely understood not to contribute to gender equity in sport. In the name of equity and equal opportunity, we submit our request.

As you know, the granting of a Coastal Development Permit is a discretionary action. The **Committee for Equity in Women's Surfing** urges the California Coastal Commission to require the following:

- Six women to compete in three heats in a women's division: two semi-finals and a final.
- And Six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase surfing abilities.
- 2016/2017 Mavericks event sequencing: the peak of the swell (i.e. the time of day where the waves are the largest) should feature the men's division.
- Women's division sequencing should be reconsidered annually as the sport develops.

Thank you for considering our views.

Paige Alms Keala Kennelly Andrea Moller Bianca Valenti

Copy: Nancy Cave, Nancy.Cave@coastal.ca.gov

Exhibit 5 2-15-1458-A1 4 of 5 Supporting Research:

## Recent Report about Women's Big Wave Surfing http://www.theinertia.com/surf/womens-big-wave-surfing-and-the-2016xxl-awards-exploring-how-far-weve-come/

On Misinformation & Women's Empowerment in Sports http://www.feminist.org/research/sports/sports9.html

Gender Income Gaps Among Elite Athletes in 2015 http://www.expertmarket.com/athlete-earnings-per-second

**Scholarship about Surf Culture, Global Economics, Women/Girls Surfing** Krista Comer, *Surfer Girls in the New World Order* (2010)

> *Exhibit 5* 2-15-1458-A1 5 of 5

## APPLICA ON FOR COASTAL DEVELOPMENT CERMIT

#### SECTION I. APPLICANT

1. Name, mailing address, and telephone number of all applicants. ens- 4083485508 Titans of Mavericles NAM 5870 Melvose Ave. artol Managament Huge les LH 90038 See (Area code/davtime phone number)

Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.

Name, mailing address and telephone number of applicant's representatives, if any. Please include 2. all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

mian Waters, Zoe Lee 310-480-2577 8-348-0 Los Angeles, CH tile .. (Area code/davtime phone number)

#### SECTION II, PROPOSED DEVELOPMENT

Please answer all questions. Where questions do not apply to your project (for instance, project height for a land division), indicate Not Applicable or N.A.

Project Location. Include street address, city, and/or county. If there is no street address, include 1. other description such as nearest cross streets. NIA

number ,	street	
city	county	RECEIVED
Assessor's Parce! Number(s) (obtainable from tax bill of	or County Assessor):	SEP 2 8 2016
		CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST
For office use only	RECEIVED	9128/16
2-15-1458-AI	Filed _ Fee	1,416.50
APPLICATION NUMBER		9 23 16 Exi 2 15 14

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. (Attach additional sheets as necessary.)

N/A a. If multi-family residential, state:

 Number of units
 Number of bedrooms per unit (both existing and proposed)
 Type of ownership proposed

 Existing units
 Proposed new units
 Net number of units on completion of project
 Image: Completion of project
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b. If land division or lot line adjustment, indicate:

MR	Number of lots		Size of lots to be created (indica	ate <b>net</b> or <b>gross</b> acreage
Existing Lots	Proposed new lots	Net number of lots on completion of project	Existing	Proposed

Exhibit 6 2-15-1458-A1 2 of 59

3.	Estimated cost of development (not including cost of land) \$	N/ A
4.	<ul> <li>Project height: Maximum height of structure (ft.)</li> <li>above existing (natural) grade</li> <li>above finished grade</li> <li>as measured from centerline of frontage road</li> </ul>	
5.	Total number of floors in structure, including subterranean floors, lofts, and mezzanines	
6.	Gross floor area excluding parking (sq.ft.)	
	Gross floor area including covered parking and accessory buildings (sq.ft.)	

7. Lot area (within property lines) (sq.ft. or acre) .....

Lot coverage	Existing (sq.ft. or acre)	New proposed (sq.ft. or acre)	Total (sq.ft. or acre)
Building			
Paved area	·		
Landscaped area	······································		
Unimproved area			
(	Grand Total (should equal l	ot area as shown in #7 above)	

8. Is any grading proposed?.....

No

Yes

lf y	es, complete the following.				
a)	Amount of cut	cu. yds.	d)	Maximum height of cut slope	ft.
b)	Amount of fill	cu. yds.	e)	Maximum height of fill slope	ft.
c)	Amount of <b>import</b> or <b>export</b> (circle which)	cu. yds.	f)	Location of borrow or disposal site	

Grading, drainage, and erosion control plans must be included with this application, if applicable. In certain areas, an engineering geology report must also be included. See page 7, items # 7 and 11.

Please list any geologic or other technical reports of which you are aware that apply to this property:

Exhibit 6 2-15-1458-A1 3 of 59

Parking: 9.

•,

Existing Spaces		Proposed n	ew spaces	Net number of spaces on completion of project			
	Is any existing par	king being rei	moved?		l	🗌 Yes	<b>1</b> No
	If yes, how many s	spaces?	<del></del>	size			
	Is tandem parking	existing and/	or proposed?			🗋 Yes	Ŋ No
	If yes, how many ta	andem sets?	<del></del>	size	• · · · · · · · · · · · · · · · · · · ·		,
	Are utility extension	ons for the fol	lowing needed	to serve the p	roject? (Please che	ck yes or no)	
	a) water b	) gas	c) sewer	d) electric	e) telephone		
	□ Yes	□ Yes	□ Yes	R Yes	□ Yes		
	No	No	No		No		
	Will electric or tele					Yes	
						_	No
	Does project inclu					📙 Yes	No No
	If yes, indicate nu	imper, type a	and size of tree	s	<del></del>		
	or type and area	of other vege	tation			····	
	••••••••••••••••••••••••••••••••••••••		·····				
	TION III. ADDITION						
	relationship of the d	levelopment t	o the applicabl	e items below	must be explaine	d fully. Attach	additional
: I	ts il necessary.						
) I	ts if necessary. Present use of pro	operty.					
; I	Present use of pro		s on the nrone				No.
: I	Present use of pro a. Are there exis		s on the prope		••••••		No
l	Present use of pro		s on the prope				No
l	Present use of pro a. Are there exis		s on the prope				<u>∏</u> No
l	Present use of pro a. Are there exis		s on the prope				No

MA

----

b. Will any existing structures be demolished?		Yes		١
Will any existing structures be removed?		Yes	Ŋ	١
If yes to either question, describe the type of development to be demolished or removed, it applicable.	cluding ti	he reloca	ation site	ə, if
ls the proposed development to be governed by any Development Agreement?		Yes	2	
Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission?		Yes		Ν
<ul> <li>if yes, state previous application number(s) <u>2-15-1458</u></li> <li>a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea)</li> </ul>		Yes		Ν
o. If yes, is public access to the shoreline and along the coast currently available on the site or near the site?		Yes	Q	N
If yes, indicate the location and nature of the access, including the distance from the project	site, if ap	plicable.	- 12 	·
				-
	· · · · · · · · · · · · · · · · · · ·			
c. Will the project have an effect on public access to and along the shoreline, either directly or indirectly (e.g., removing parking used for access to the beach)?		Yes		N
If yes, describe the effect				<u>.</u>
Temporary Day Event with SM	' C [7	0		
- Temporary Day Event with SM prohibiting access of Mauericks be & Mavericks Beach.	uc In	10	ui/	**
				Ē

xhibit 6
458-A1
5 of 59

Does the development involve diking, filling, draining, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes? (Please check yes or no) 5.

	a) diking	b) filling	c) dredgin	ng	d) place	ment of structures				
	□ Yes	□ Yes	<u> </u>	/es		Yes				
	No No	🛛 No		١o	Q	No				
	Amount of ma	aterial to be <b>drec</b>	lged or fille	<b>d</b> (indic	ate which)	· · · · · · · · · · · · · · · · · · ·			CU. y	/ds
		redged material o							,,	
	Has a U.S. A	rmy Corps of Eng	gineers' perr			d for?		Yes		No
6.		opment extend o Inds or public tru				delands,		Yes		No
	For projects of paragraph 10	on State-owned I	ands, additio	onal in	formatio	n may be required a	s set for	th in Se	ection I	V,
7.		opment protect e				nd recreational		Yes	Z	No
	Will the devel	opment provide	public or priv	vate re	creation	al opportunities?		Yes		No
	lf yes, explain.			·: · ·	·			······		
										-
8.						previously used for		Yes	Q	No
	If yes, how ma	any acres will be	converted?							
9.	Is the propose	ed development i	n or near:				-			
	a. Sensitive	habitat areas (Bi	ological survey	y may b	e required	)		Yes	Ζ	No
		state or federally				endangered		Yes	Á	No
	c. 100-year	floodplain (Hydrol	ogic mapping (	may be	required)	·····		Yes	$\Box$	No
	d. Park or re	creation area		,				Yes		No
10.	Is the propose	ed development	visible from:							
	a. State Higi	hway 1 or other s	scenic route					Yes	Q 2-1:	No <i>Exhibit 6</i> 5-1458-A1 6 of 59

	b. Park, beach, or recreation area	$\square$	Yes		
	c. Harbor area		Yes		
11.	Does the site contain any: (If yes to any of the following, please explain on an attached st	neet.)			
	a. Historic resources		Yes	$\Box$	No
	b. Archaeological resources		Yes		No
	c. Paleontological resources		Yes	Ŕ	No
12.	Where a stream or spring is to be diverted, provide the following information:	•			
	Estimated streamflow or spring yield (gpm)				
	If well is to be used, existing yield (gpm)				_

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

## SECTION IV. REQUIRED ATTACHMENTS

The following items must be submitted with this form as part of the application.

1. **Proof of the applicant's legal interest in the property.** A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided.

- 2. **Assessor's parcel map(s)** showing the page number, the applicant's property, and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor.)
- 3. Copies of required **local approvals** for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B. Appendix B must be completed and signed by the local government in whose jurisdiction the project site is located.
- 4. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2" x 4 1/8"). Include first class postage on each one. Metered postage is not acceptable. Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.)

Exhibit 6 2-15-1458-A1 7 of 59

- 5. Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development (such as persons expressing interest at a local government hearing, etc.).
- 6. A vicinity or location map (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.
- 7. Copy(s) of plans drawn to scale, including (as applicable):
  - site plans
  - floor plans
  - building elevations
  - grading, drainage, and erosion control plans
  - Iandscape plans
  - septic system plans

Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects. NOTE: See Instruction page for number of sets of plans required.

- 8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
- 9. A copy of any **Draft or Final Negative Declaration**, **Environmental Impact Report (EIR) or Environmental Impact Statement (EIS)** prepared for the project. If available, comments of all reviewing agencies and responses to comments must be included.
- 10. **Verification of all other permits, permissions or approvals** applied for or granted by public agencies such as:
  - Department of Fish and Game
  - State Lands Commission
  - Army Corps of Engineers
  - U.S. Coast Guard

For projects such as seawalls located on or near state tidelands or public trust lands, the Coastal Commission must have a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment.

11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, sitespecific **geology and soils report** (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

## SECTION V. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required,

Exhibit 6 2-15-1458-A1 8 of 59 preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire.....

SECTION VI. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an "ex parte" communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing, to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners.

#### SECTION VII. CERTIFICATION

- 1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** stock card in a conspicuous place on the property within three days of submitting the application to the Commission office.
- 2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.
- 3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.

ath

Signature of Authorized Agent(s) or if no agent, signature of Applicant

NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.

#### SECTION VIII. AUTHORIZATION OF AGENT

I hereby authorize

to act as my representative

X Yes

No

and to bind me in all matters concerning this application.

Signature of Applicant(s) (Only the applicant(s) may sign here to authorize an agent)

Exhibit 6 2-15-1458-A1 9 of 59

## APPLICATION FOR COASTAL DEVELOPMENT PERMIT

#### APPENDIX A

#### DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner from voting on a project if he or she has received campaign contributions in excess of \$250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify himself or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the listed **Commissioners** or **Alternates** (see last page).

CHECK ONE



The applicants, their agents, employees, family and/or any person with a financial interest in the project **have not contributed** over \$250 to any Commissioner(s) or Alternate(s) within the past year.



The applicants, their agents, employees, family, and/or any person with a financial interest in the project **have contributed** over \$250 to the Commissioner(s) or Alternate(s) listed below within the past year.

Commissioner or Alternate

Commissioner or Alternate

Commissioner or Alternate

Signature of Applicant or Authorized Agent

9-17-16 Date

Please type or print your name

mian Waters

Exhibit 6 2-15-1458-A1 10 of 59

## APPENDIX B

· •

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)
Applicant Titang of Mayovicks c/o: Cavtel Management
Applicant <u>Titans of Mayovicks c/o: Cavtel Management</u> Project Description <u>Titans of Mayovicks - Sunfing Execut</u>
Location Marchicles Surf Break
Assessor's Parcel Number
SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)
Zoning Designation du/ac
General or Community Plan Designation du/ac
Local Discretionary Approvals
Proposed development meets all zoning requirements and needs no local permits other than building permits.
Proposed development needs local discretionary approvals noted below.
Needed Received
Design/Architectural review
Variance for
Rezone from
Tentative Subdivision/Parcel Map No.
Grading/Land Development Permit No.
Planned Residential/Commercial Development Approval
Síte Plan Review
Condominium Conversion Permit
Conditional, Special, or Major Use Permit No.
Other
CEQA Status
Categorically Exempt Class Item
Negative Declaration Granted (Date)
Environmental Impact Report Required, Final Report Certified (Date)
Other
Prepared for the City/County of by
Date Title

.

Exhibit 6 2-15-1458-A1 11 of 59

Z-15-1458 Application No. L.E. 2-15-1458

# APPENDIX C

LIST OF PROPERTY OWNERS AND OCCUPANTS WITHIN 100 FEET AND THEIR ADDRESSES

(MAKE ADDITIONAL COPIES OF THIS SHEET AS NECESSARY) Soc provious application

Exhibit 6 2-15-1458-A1 12 of 59

## APPENDIX E

## FILING FEE SCHEDULE

#### (EFFECTIVE JULY 1, 2016)

## FEES WILL BE ADJUSTED EACH YEAR ON JULY 1, ACCORDING TO THE CALIFORNIA CONSUMER PRICE INDEX

> Pursuant to Government Code section 6103, public entities are exempt from the fees set forth in this schedule.

- Permits shall not be issued without full payment for all applicable fees. If overpayment of a fee occurs, a refund will be issued. Fees are assessed at the time of application, based on the project as proposed initially. If the size or scope of a proposed development is amended during the application review process, the fee may be changed. If a permit application is withdrawn, a refund will be due only if no significant staff review time has been expended (e.g., the staff report has not yet been prepared). Denial of a permit application by the Commission is not grounds for a refund.
- If different types of development are included on one site under one application, the fee is based on the sum of each fee that would apply if each development were applied for separately, not to exceed \$113,300 for residential development and \$283,250 for all other types of development.
- Fees for after-the-fact (ATF) permit applications shall be five times the regular permit application fee unless the Executive Director reduces the fee to no less than two times the regular permit application fee. The Executive Director may reduce the fee if it is determined that either: (1) the ATF application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or (2) the owner did not undertake the development for which the owner is seeking the ATF permit.
- In addition to the above fees, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.
- The Executive Director shall waive the application fee where requested by resolution of the Commission. Fees for green buildings or affordable housing projects may be reduced, pursuant to Section 13055(h) of the Commission's regulations.

SEE SECTION 13055 OF THE COMMISSION'S REGULATIONS (CALIFORNIA CODE OF REGULATIONS, TITLE 14) FOR FULL TEXT OF THE REQUIREMENTS

> Exhibit 6 2-15-1458-A1 13 of 59

## I. RESIDENTIAL DEVELOPMENT<sup>1</sup>

	De minimis waiver	\$	567
	Administrative permit	\$	2,833 <sup>2</sup>
Α.	Detached residential development		
	Regular calendar for up to 4 detached, single-family dwelling(s) <sup>3,4</sup>		
	1,500 square feet or less	\$	3,399/ea
	1,501 to 5,000 square feet	\$	5,099/ea
	5,001 to 10,000 square feet	\$	6,798/ea
	10,001 or more square feet	\$	8,498/ea
	Regular calendar for more than 4 detached, single-family dwellings <sup>3,4</sup>		
	1,500 square feet or less		16,995 or \$1,133/ea <sup>5</sup> chever is greater
	1,501 to 5,000 square feet		25,493 or \$1,700/ea⁵ chever is greater
	5,001 to 10,000 square feet		33,990 or \$2,266/ea⁵ chever is greater
	10,001 or more square feet		42,488 or \$2,833/ea⁵ chever is greater
В.	Attached residential development		
	2–4 units	\$	8,498
	More than 4 units		11,330 or \$850/ea <sup>6</sup> chever is greater

#### C. Additions or improvements

If not a waiver or an amendment to a previous coastal development permit. the fee is assessed according to the schedule in A. above (i.e., based on the calendar and/or size of the addition, plus the grading fee, if applicable).

If handled as an amendment to a previous coastal development permit, see Amendments (in Section III.F).

## II. OFFICE, COMMERCIAL, CONVENTION, INDUSTRIAL (INCLUDING ENERGY FACILITIES), AND OTHER **DEVELOPMENT NOT OTHERWISE IDENTIFIED IN THIS SECTION7,8,9**

14 of 59

Additional fee for grading applies. (See Section III.A of this fee schedule.)

<sup>&</sup>lt;sup>2</sup> Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.

<sup>&</sup>lt;sup>3</sup> "Square footage" includes gross internal floor space of main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings). Exhibit 6

<sup>&</sup>lt;sup>4</sup> For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences 5-1458-A1

<sup>&</sup>lt;sup>5</sup> Not to exceed \$113,300.

<sup>&</sup>lt;sup>6</sup> Not to exceed \$56,650,

	Α.	Based on Gross Square Footage			
		1,000 square feet (gross) or less		\$	5,665
		1,001 to 10,000 square feet (gross)		\$	11,330
		10,001 to 25,000 square feet (gross)		\$	16,995
		25,001 to 50,000 square feet (gross)		\$	22,660
		50,001 to 100,000 square feet (gross)		\$	33,990
		100,001 or more square feet (gross)		\$	56,650
	В,	Based on Development Cost <sup>10</sup>			
		Development cost up to and including \$100,000	<b></b>	\$	3,399
		\$100,001 to \$500,000		\$	6,798
		\$500,001 to \$2,000,000		\$	11,330
		\$2,000,001 to \$5,000,000		\$	22,660
		\$5,000,001 to \$10,000,000		\$	28,325
		\$10,000,001 to \$25,000,000		\$	33,990
		\$25,000,001 to \$50,000,000		\$	56,650
		\$50,000,001 to \$100,000,000		\$ <sup>·</sup>	113,300
		\$100,000,001 or more		\$2	283,250
III.	OT⊦	IER FEES			
	Α.	Grading <sup>11</sup>			
		50 cubic yards or less		\$	0
		51 to 100 cubic yards		\$	567
		101 to 1,000 cubic yards		\$	1,133
		1,001 to 10,000 cubic yards		\$	2,266
		10,001 to 100,000 cubic yards		\$	3,399
		100,001 to 200,000 cubic yards		\$	5,665
		200,001 or more cubic yards		\$	11,330
	В.	Lot line adjustment <sup>12</sup>		\$	3,399

 <sup>&</sup>lt;sup>7</sup> The fee shall be based on either the gross square footage or the development cost, whichever is greater.
 <sup>8</sup> Additional fee for grading applies. (See section III.A of this schedule).
 <sup>9</sup> Pursuant to section 13055(a)(5) of the Commission's regulations, this category includes all development not otherwise identified in this section, such as seawalls, docks and water wells.

<sup>&</sup>lt;sup>10</sup> Development cost includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction. <sup>11</sup> The fee for grading is based on the cubic vards of cut, plus the cubic vards of fill. <sup>15</sup> of 59

Subdivision <sup>13</sup>		
Up to 4 new lots		\$ 3,399/ea
More than 4 new lots		\$ 13,596 plus \$1,133 for each lot above 4
Administrative permit		\$ 2,83314
Emergency permit		\$   1,133 <sup>15</sup>
Amendment		m/
Immaterial amendment		\$ 1,133
Material amendment	X	\$ <u>4   4   6,50</u> (calculate fee)
Temporary event which requires a permit pursuant to Public Resources Code	e sect	ion 30610(i)
If scheduled on administrative calendar		\$ 1,133
If not scheduled on administrative calendar		\$ 2,833
Extension <sup>16</sup> and Reconsideration		
Single-family residence	·	\$ 567
All other development		\$ 1,133
Request for continuance		
1st request		No charge
Each subsequent request (where Commission approves the continuance)		\$ 1,133
De minimis or other waivers		\$ 567
Federal Consistency Certification <sup>17</sup> [The fee is assessed according to sections I, II, and III, above]		\$
Appeal of a denial of a permit by a local government <sup>18</sup> [The fee is assessed according to sections I, II, and III, above]		\$
Written Permit Exemption		\$ 283
Written Boundary Determination		\$ 283
Coastal Zone Boundary Adjustment		\$ 5,665
	Up to 4 new lots More than 4 new lots Administrative permit Emergency permit Amendment Immaterial amendment	Up to 4 new lots       Image: Second Se

<sup>&</sup>lt;sup>12</sup> A lot line adjustment is between adjoining parcels where the land taken from one parcel is added to an adjoining parcel, and where a greater

 <sup>&</sup>lt;sup>13</sup> The fee is charged for each parcel created in addition to the parcels that originally existed.
 <sup>14</sup> Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.
 <sup>15</sup> The emergency application fee is credited toward the follow-up permit application fee.
 <sup>16</sup> If permit extension is objected to by the Commission and the application is set for a new hearing, then a new application fee is required, based on type of development and/or applicable calendar.
 <sup>17</sup> Tese for fed calendar. 17

Fees for federal consistency items will be assessed now that the Commission has received approval from NOAA to amend the California Coastal Management Program. 2-15-1458-A1 Management Program.

<sup>&</sup>lt;sup>18</sup> Pursuant to Public Resources Code section 30602 or 30603(a)(5).

	\$ 1,416.50		
TOBECOM	PLETED BY STAFF		
UBMITTED FEE VERIFIED BY:	DATE:		
SUBMITTED AMOUNT CORRECT?			
Yes. Applicant has correctly Applicant did not fill			
characterized the development, thus staff has marked	and applicant		
has paid fee.			
has paid fee. PEFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)			
has paid fee. PEFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)	· · · · · · · · · · · · · · · · · · ·	)	
has paid fee.			
has paid fee.  EFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)  Refund amount Additional fee amount (			

14

Exhibit 6 2-15-1458-A1 17 of 59 From: To: Subject: Date: Attachments: Brian Waters Ananda, Renée@Coastal RE: Titans of Mavericks & Harbor Production Area Wednesday, October 12, 2016 10:42;38 AM Mavericks Beach Scissor lift.pdf Screen Shot 2016-10-12 at 10:28:33 AM.png Screen Shot 2016-10-12 at 10:30:36 AM.png

#### Renee,

See attached map for scissor lift location which would be right behind the seawall and beach. This would be starting at 6 am until then end of contest approximately 3-4 pm. It would arrive via the Mavericks trail, I attached a picture of lift which is used for filming, building work, etc.

Let me know if young additional information.

Thanks!

Best regards,

**Brian Waters** 

Cartel Management (m) <u>408-348-5508</u> (p) <u>323-790-7333</u> (w) <u>cartel-management.com</u>

1. Maphies

----- Original Message -----

From: A conscioned littles, not select work the dath technic the subject per new here the constant of the subject technic tech

To:

"Brian Waters" <brian@cartel-management.com> Cc:

stand for the production products of t

Sent:

Wed, 12 Oct 2016 16:54:21 +0000

10011

" na inne a c

Subject:

RE: Titans of Mavericks & Harbor Production Area

Thank you Brian. Please provide: 1) a map showing where the scissor lift is proposed to be located; 2) the access route to be used for it; 3) description of the lift; and 4) how long it would be in place. RTA

From: Brian Waters [mailto:brian@cartel-management.com] Sent: Tuesday, October 11, 2016 1:49 PM To: Ananda, Renee@Coastal Subject: Titans of Mavericks & Harbor Production Area

an that

Exhibit 6 2-15-1458-A1 18 of 59

#### Renee,

Good afternoon. I hope your week is going well. I have attached our updated Harbor Production plan and approval from the SMCHD. Please let me know if I need to amend a section within the permit.

Tracets contain infortunion

substatiation fail rest of the

en a part de la deladeria de la compañía de la comp

Livite disclosing the
 Livited, plage reply to

le send this commands pould else else to us and if forthave the enall journate for any else condition materials any else pr. Thank jouring dy mass

Filemente (\* 12 1. 12 U.S.C. 2010-2. 2)

Thank you.

Best regards,

**Brian Waters** 

**Cartel Management** 

(m) 408-348-5508

(p) <u>323-790-7333</u>

(w) cartel-management.com

This e-mail and any attachments contain information that is/may be covered by the Electronic Communications Privacy Act, 18 U.S. C. 2510-2521. It is also proprietary and confidential in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you received this communication in error, then immediately delete it, and if you have

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produced a hard copy of this email you must immediately destroy that copy. Thank you in advance for your cooperation. Cartel Inc. 2016

> Exhibit 6 2-15-1458-A1 19 of 59

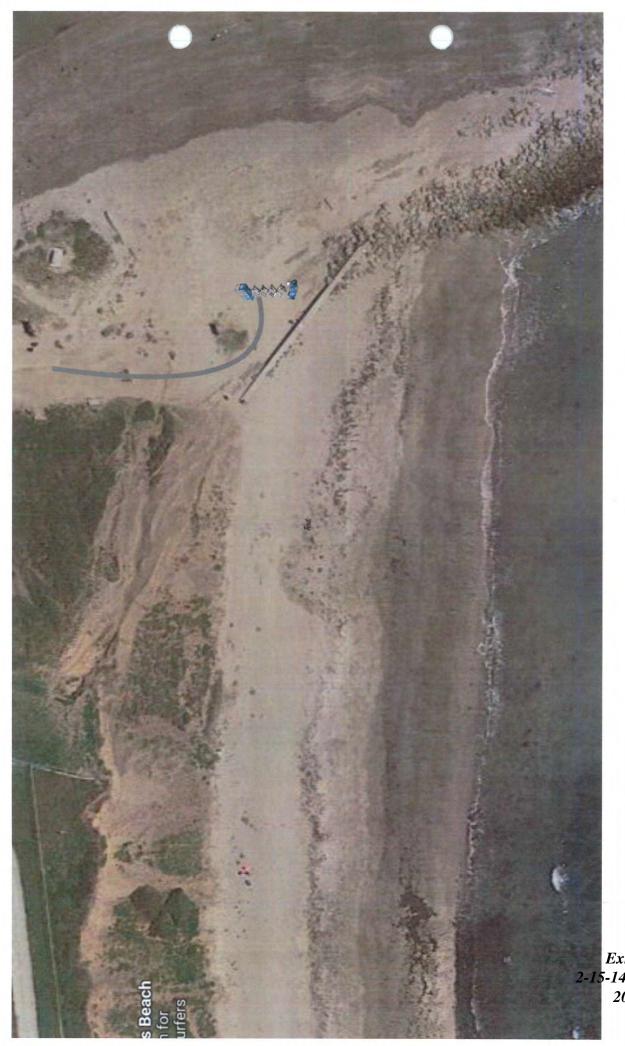
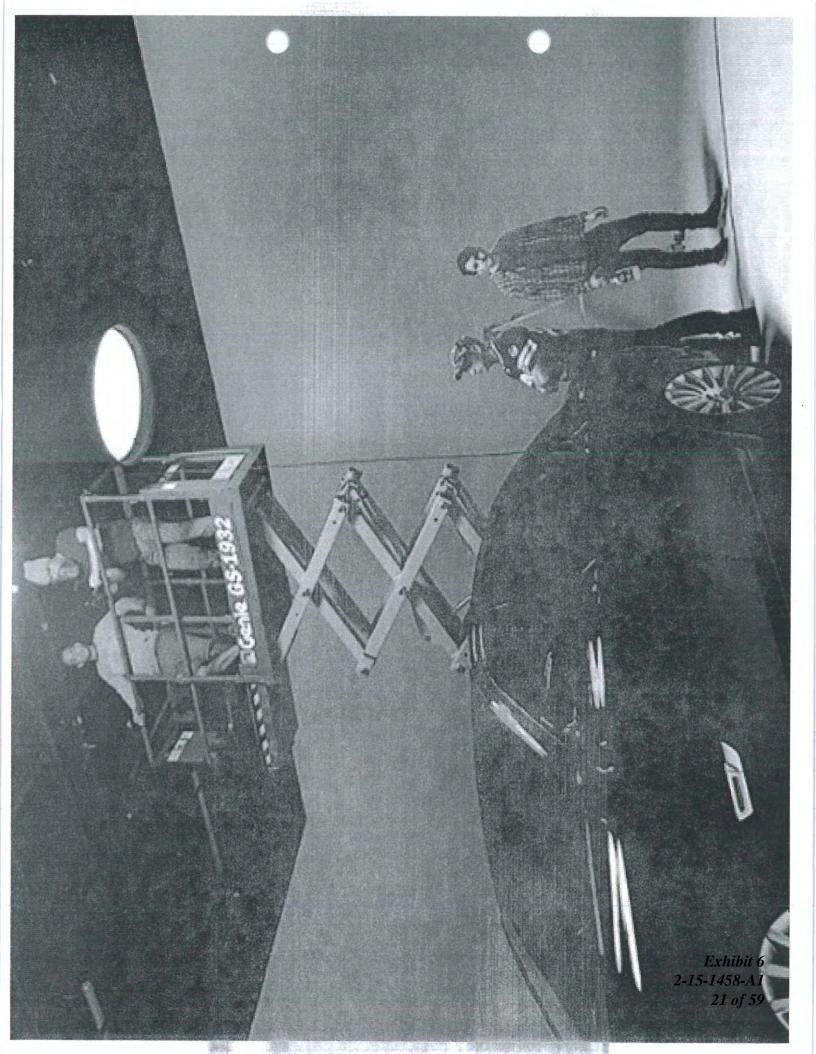
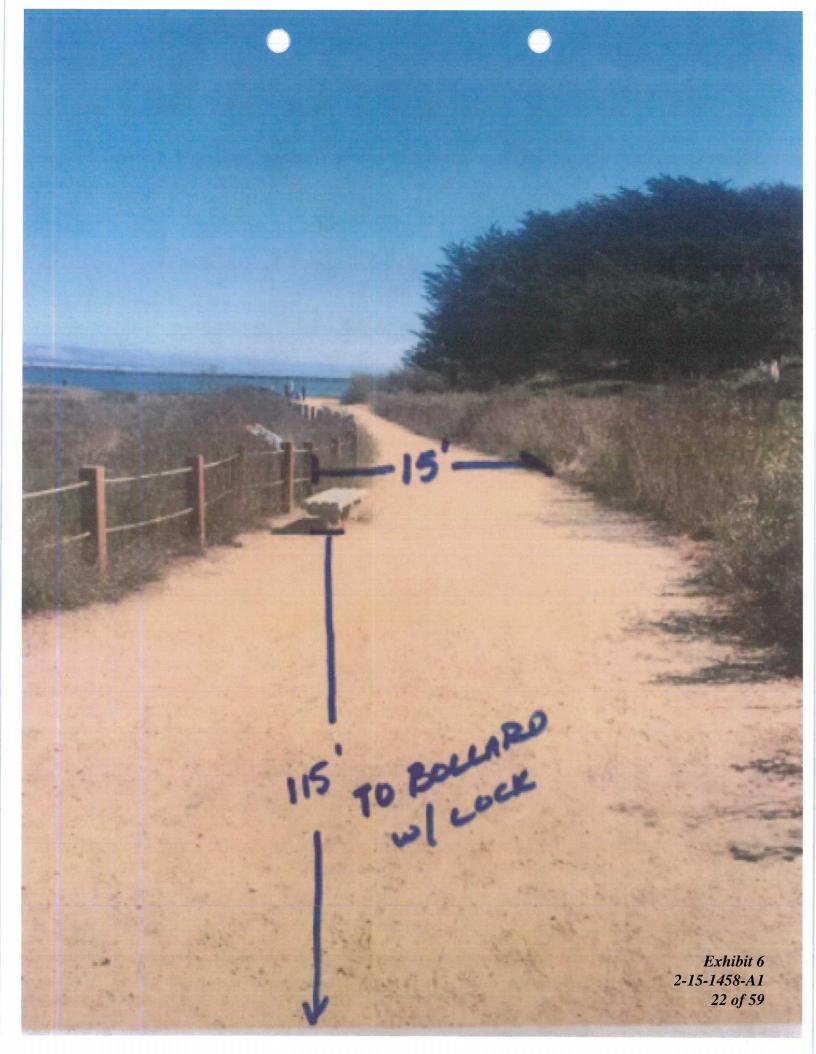


Exhibit 6 2-15-1458-A1 20 of 59





#### San Mateo County Harbor District



**Board of Harbor Commissioners** 

Tom Mattusch, President Virginia Chang Kiraly, Vice-President Robert Bernardo, Secretary Pietro Parravano, Treasurer Sabrina Brennan, Commissioner

Steve McGrath, General Manager Steven D. Miller, District Counsel

October 6, 2016

Brian Waters, COO Cartel Management 5870 Melrose Ave. Los Angeles, CA 90038

# RECEIVED

OCT 1 1 2016

CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

RE: Proposed modifications to Permittee's (Mavericks) access to District property.

Dear Mr. Waters,

We have received your October 4, 2016 Special Use Permit modification request, attached Exhibit A and A-1.

The Special Use Permit clause 2.1.2 allows for the SMCHD General Manager to modify access to District property, after mutually agreeing on such changes while working in good faith.

The District agrees upon the proposed permit modifications in Exhibit A, attached here. Area S3 and the adjacent parking spaces are not to be used in the event of a conflict with the local crab season opening. The District must reserve the S3 area in the event the local crab season opening coincides with the date of the Mavericks event.

If the local crab season opening does not conflict with the Mavericks event, the District has no objection to permit modification as shown in Exhibit A-1.

In the event that there will be conflicts presented due to the loading of crab pots at the public hoist, located within your desired area. I, in my sole discretion, will make the determination of whether such conflict is likely to exist. I will not make such determination without prior consultation with you and the fishing community, and will communicate any such conflict as early as possible.

In accordance with this proposal, Mavericks will not exceed the original permitted square foot property usage and will no longer utilize the upper parking lot area C-1. The

 504 Avenue Alhambra, 2<sup>nd</sup> Floor, P.O. Box 1449, El Granada, CA 94018

 (650) 583-4400 T
 (650) 583-4611 F

Exhibit 6 2-15-1458-A1 23 of 59 District General Manager must maintain full control of the venue and may make further modifications if necessary, after being mutually agreed upon.

This agreed upon modification is for only the 2016/2017 Mavericks event and will be reevaluated for future events.

Sincerely,

Steve McGrath General Manager San Mateo County Harbor District

Exhibit 6 2-15-1458-A1 24 of 59

# EXHIBIT A

#### Hi Steve,

Hello I am the COO with Titans of Mavericks and following up with a request with our production/operations moving away from Air Force Base hill and into the Harbor for your review. The main purpose of this requested move would allow us to have more options to run our event as much of our season calendar has blackout dates due to the AFB projects. I have been meeting with John Draper, John Moren and Cary Smith reviewing this requested plan to make sure that we cover all aspects of this transition. My timeline to have this approval is short and need to complete my amended application update for a 4 year permit with the California Coastal Commission this Friday. So that you know with last years Coastal Commission permit we were CEQA exempt.

The attached map includes the requests for placement of:

1) Athlete's interview stage (S1)

2) Main "desk" over looking the harbor (S2)

3) The "winners podium" and media press section (S3)

What we would consume so far as parking spots with the above areas and map are as follows: 93 regular parking spaces and 4 designated Handicap spaces. S3 9 spaces, the long ones to accommodate vehicles with attached trailers

S1, S2 and S3 do not have production details in the map. We will have that closer to the event day.

The working dock creative and how we set it up this year will reflect last years display and functionality. Adding more structured sign in and orderly loading. But props, lighting and staging on doc will remain the same. Cary and John are familiar with this operation on the last event which went very smooth.

The public would benefit much more than the past production location as they will have better opportunity to interface with the athletes as the come and go on the vessels. I have included our past permit for your review and looking back on the last event we used very little of the parking allocated in our permit and request some of those areas transition to this new request. Also happy to meet with you as well to discuss further. Lastly we would like to place a scissor lift for a production camera behind the wall of the jetty where Mavericks beach intersects. Please feel free to call me for questions as I am sure there will be and I will be quick tor reply. Thank you!

#### Best regards,

**Brian Waters** 

Cartel Management (m) <u>408-348-5508</u> (w) <u>cartel-management.com</u>

> Exhibit 6 2-15-1458-A1 25 of 59



Exhibit 6 2-15-1458-A1 26 of 59



Exhibit 6 5-1458-A1 27 of 59

# APPENDIX D

(Permit Application)

## DECLARATION OF POSTING

Prior to or at the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. The Commission furnishes the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application. 14 Cal. Code Regs. Section 13054(d).

Please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to our office with the application.

Pursuant to the requirements of California Administrative Code Section 13054(d), I hereby certify
that on,(date of posting) I or my authorized representative posted the Notice
of Pending Permit for application to obtain a coastal development permit for the development of
Titans of Mavericks c/o Cantel Management
Sarfing Evant
-Goe analinal das 2-15-1450
Located at Manenicks Sunt Break
(address of development or assessor's parcel number) The public notice was posted at
(a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development)
<u>7-16-16</u> (date)

NOTE: Your application cannot be processed until this Declaration of Posting is signed and returned to this office.

FOR OFFICE USE ONLY	a Brusser
PERMIT NUMBER	2-15-1458-A1
RECEIVED	9128/16
DECLARATION COMPLETE	

Exhibit 6 2-15-1458-A1 28 of 59

RECEIVED SEP 30 2016 COASTAL CONNIA COMISSION

September 9, 2016

## **CALIFORNIA COASTAL COMMISSION**

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Attention: Renee Ananda Coastal Program Analyst

> Re: <u>Permit Extension for Operation of Titans of Mavericks Event</u> Permit Application No. 2-15-1458

Dear Ms. Ananda:

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As you know, on or about November 17, 2015, the California Coastal Commission issued a Corrected Coastal Development Permit (the "CDP"), pursuant to Permit Application No. 2-15-1458, to Cartel Management Inc. ("Cartel") as the organizers of the "Titans of Mavericks" big-wave surf event (hereafter referred to as "Titans" or the "Event"), an event that, as you know, is scheduled annually to take place at Pillar Point near Half Moon Bay. (A copy of the CDP Permit is enclosed for your reference.)

The purpose of this letter is two-fold: (1) to formally request an extension of that CDP pursuant to Section 7 thereof; and (2) to put forth Titans of Mavericks' "Plan for Inclusion of Women Competitors in Future Events," pursuant to Section 8 of the CDP.

#### (1) <u>Extension of Permit</u>

Under the terms of the CDP, and specifically Section 7 thereof, CDP Permit No. 2-15-1458 expires on October 31, 2016 "unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP Amendment." Thus, the initial purpose of this letter is to formally seek an extension of the expiration date for CDP Permit No. 2-15-1458, for activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2016 and March 31, 2017 through the 2021 season) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County, as more specifically described in the application filed in the Commission offices.

As we believe the Commission is aware, the Event is generally held between November 1 and March 31 of each winter surfing season. Cartel and/or Titans of Mavericks has an exclusive *Exhibit 6* 2-15-1458-A1

use permit from the San Mateo County Harbor District ("SMCHD") for the staging of the Event through the November 1, 2020/March 31, 2021 season. (A copy of SMCHD permit is enclosed for your reference.) Other applicable permits required of other agencies, per Special Condition 2 of the CDP, were obtained for the past year's event. (Permit Application No. 2-15-1458.) The Event was then successfully staged on February 12, 2016.

In addition, pursuant to Special Condition 6 of the CDP, Cartel submitted a "Post-Event Report to the Commission on or about April 15, 2016. (A copy of the post-event report is attached/enclosed herewith.) Similarly, the Commission reported no issues as well from the supporting agencies. Thus, it would appear that Cartel has successfully satisfied all requirements for the requested extension, save for the provisions of Special Condition 8. However, as set forth more fully below, that condition has also been addressed.

# (2) <u>Plan for Inclusion of Women Competitors in Future Events</u>

Special Condition 8 of the CDP provides:

The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7.

It should be noted at the outset that a central precept of Titans of Mavericks has always been one of inclusion and equal opportunity. Surfing is a sport that crosses all cultural spectrums. Titans of Mavericks has never discriminated on the basis of gender, creed or ethnicity. Consistent with that ethos, Titans of Mavericks did in fact include Savannah Shaughnessy, who was invited to the 2015/2016 Event as an Alternate.

Competitors in the Event are invited by the "Committee 5." The Committee 5 is made up of five well-recognized big wave riders that have shaped Mavericks' history. The Committee 5 represent the decision making process for all potential selectees. As set forth on the Titans of Mavericks website, criteria for inclusion in the Event (regardless of age, gender, or race) include:

- Dedication to surfing Mavericks.
- A person who is athletically in top, peak physical condition to handle the rigorous conditions and hazards of Mavericks.
- An accomplished big wave surfer that has surfed Mavericks before or whom has put recent time in that proves eligibility.
- A person that has dedicated a portion of their life staying involved with the ocean.
- A person who promotes ocean conservation and lives a healthy lifestyle.
- A person who is drug free and doesn't take performance enhancing drugs.
- A person who is respectful to his/her peers and has Character in and out of water.

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- A person who puts time in at Mavericks during the pre-season.
- A person who understands the water safety rules, and is knowledgeable on the inherent dangers of Mavericks.
- A person who provides community service efforts in their local community.
- A person who is associated with one or more community organizations.
- A person whom is educated on the ecosystem, waterway, and cold water conditions surrounding Mavericks.
- A person that understands that participation in the event is a privilege, not a right.

In addition, the C5 collectively watches every potential athlete throughout the season at Mavericks. They not only judge their skill in the waterway, but they weigh their character out of the water as well. The Committee 5 spends the pre-season compiling a list of names as possible Titans, and brings those names to multiple committee meetings which are held every fall for deliberation. Once the votes are cast, they are sealed and professionally counted off site. The C5 process was and is designed to be inclusive of all big wave surfers, including female competitors, as evidenced by Ms. Shaughnessy's invitation to the 2015/2016 Event.

Notwithstanding the inclusive intent of the organizers of the Event, moving forward Titans of Mavericks will be specifically taking greater steps to invite female athletes to participate in the 2016-17 Titans of Mavericks event, and indeed to all future events. In the past, no special invitations have been sent to any prospective competitor; the Committee 5 has simply navigated the waters at Pillar Point and identified surfers at Mavericks who match the selection criteria and proceeded accordingly. However, for this year and years to come, the Committee 5 will be identifying female athletes who have surfed Mavericks in the past, and will be sending out a letter, along with a copy of the above referenced criteria, seeking to have those female athletes come to Mavericks and perform. All potential Titans will be evaluated equally, on the basis of merit, using the criteria described above.

### **Conclusion**

For all the foregoing reasons, Cartel Management Inc., on its own behalf and on behalf of the entire "Titans of Mavericks" team, requests that Permit Application No. 2-15-1458 and the expiration date referenced in the CDP dated November 17, 2015 be extended through 2021.

Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,

Bu-white LAL

Exhibit 6 2-15-1458-A1 31 of 59 California Coastal Commission

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Re: Mavericks Surf Event September 9, 2016 Page 4

Enclosures:

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SMCHD permit

Post-Event Report

Exhibit 6 2-15-1458-A1 32 of 59



September 16, 2016

Renee Ananda, Coastal Program Analyst California Coastal Commission North Central Coast District 745 Fremont Street, Suite 2000 San Francisco, CA, 94105 SEP 2 8 2016

# CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

RE: California Coastal Commission Titans of Mavericks Request to Amend permit 2-15-1458

Dear Ms. Ananda:

I have now sent in our application to your attention via email and will overnight the physical copy via FedEx in the morning and provide a tracking number. I did reference in the application to review last years approved application for location, past agency permits, event scope and process. As permits are completed in October for our required supporting agencies, I will be providing copy of those permits to your attention. Please let me know if I may provide anything else and we look forward to working with you and the Coastal Commission moving forward.

Thank you,

Brian Waters

Chief Operations Officer Cartel Management <u>brian@cartel-management.com</u> 408-348-5508 m

> Exhibit 6 2-15-1458-A1 33 of 59

September 9, 2016

# RECEIVED

SEP 2 0 2016

CALIFORNIA

COASTAL COMMISSION NORTH CENTRAL COAST

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CALIFORNIA COASTAL COMMISSION

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Attention: Renee Ananda Coastal Program Analyst

> Re: <u>Permit Extension for Operation of Titans of Mavericks Event</u> Permit Application No. 2-15-1458

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The purpose of this letter is two-fold: (1) to formally request an extension of that CDP pursuant to Section 7 thereof; and (2) to put forth Titans of Mavericks' "Plan for Inclusion of Women Competitors in Future Events," pursuant to Section 8 of the CDP.

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use permit from the San Mateo County Harbor District ("SMCHD") for the staging of the Event through the November 1, 2020/March 31, 2021 season. (A copy of SMCHD permit is enclosed for your reference.) Other applicable permits required of other agencies, per Special Condition 2 of the CDP, were obtained for the past year's event. (Permit Application No. 2-15-1458.) The Event was then successfully staged on February 12, 2016.

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#### **Conclusion**

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Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,

Bu-ante SAL

Exhibit 6 2-15-1458-A1 36 of 59

Enclosures:

SMCHD permit

# Post-Event Report

Exhibit 6 2-15-1458-A1 37 of 59

# San Mateo County Harbor District

Physical: 504 Avenue Alhambra, El Granada, CA 94018 Mailing: PO Box 1449, El Granada, CA 94018 Phone Number: (650)583-4400/ Fax Number (650)583-4611

#### **Special Use Permit**

#### (5-Year term: 2016/2017 through 2020/2021)

Permit Number: 2016-01

#### 1. Special Use Permittee

Name of Permittee:	Cartel Management, Inc.
Contact Person:	Zoe Lee Ahn (Cartel)
Address of Permittee:	25 Johnson Pier, HMB, CA 94019
	5870 Melrose Ave., LA 90038
Phone Number:	Day: (510) 305-6262/ Cell: (310) 480-2577
	Contact Person: Address of Permittee:

#### 2. Special Use Permit Description

- 2.1. This Special Use Permit is issued only for the purpose of using the portion of the property controlled by the San Mateo County Harbor District ("District") and/or other District facilities as approved by the General Manager (collectively referred to as "District Property") for use during a Surfing Event at Mavericks surf break (the "Event"). District Property is specified in Section 2.1.1, with an accompanying map for illustration purposes only attached as Exhibit A.
  - 2.1.1 District Property to be utilized by Permittee is specifically defined as follows:
    - a. West Trail (Law enforcement will have this blocked off and be controlling area)
    - b. West Trail Parking Lot (a.k.a. "MIT Lot")- Minimum is ½ the spaces. The Harbormaster can agree to include 100% of the spaces as needed for the success and safety of the event.
    - c. "C-1" Lot Minimum 25% of spaces. The Harbormaster can agree to include 50% and up to 100% of the spaces as needed for the success and safety of the event, 100% dependent on availability and seasonal needs of the space as Harbormaster and Staff will advise. (100% most likely not available November through January 3rd)
    - d. Perch Beach Exclusive use of up to 100% of the vacant space. The Harbormaster will work with Permittee to minimize the space based on area needed for the success and safety of the event;
    - e. One lane of launch ramp;
    - f. 10' X 10' tent at H dock in vicinity of Fuel Dock Ice Machine as determined by the Harbormaster that interference with commercial and charter boats is limited.
  - 2.1.2 The District and Permittee understand that circumstances may change during the term of this Permit, such that Permittee may be required to seek additional or different access to District Property, and/or that the District may need to modify Permittee's access to District Property. Therefore, the Parties mutually agree that, in the event that such changes are required, they will meet and confer in

11595547.1 Exhibit 6 2-15-1458-A1 38 of 59 Special Use Permit (5-Year term: 2016/2017 through 2020/2021) Permit Number: 2016-01 Page 2 of 6

good faith, in concert with the General Manager or his designee, to reach agreement on such modifications.

- 2.2 The term of this Permit shall be for Five (5) "seasons," each "season" being defined as the period from November 1 through March 31, and specifically November 1, 2016 through March 31, 2017, November 1, 2017 through March 31, 2018, November 1, 2018 through March 31, 2019, November 1, 2019 through March 31, 2020, and November 1, 2020 through March 31, 2021.
- 2.3 Each Event will be a paddle-in event and will take place on one day. The exact date will be determined by Permittee but must be between November 1 and March 31 for each season, as defined in 2.2 above, and as set forth more fully in Section 4.10.

#### 3. Special Use Permit Fee

- 3.1 Payment by Permittee of the Application Fee of Five thousand dollars (\$5,000), which the District acknowledges for the 2016/2017 season was made on August 5, 2015. For each successive season, payment of the application fee shall be due by no later than July 1 of each season year (e.g. payment for the 2016/2017 season shall be due by July 1, 2016).
- 3.2 Payment by Permittee of a Permit Fee of Eleven thousand six hundred dollars (\$11,600.00), which shall be due on or before November 1 of each season (e.g. payment of the Permit Fee for the 2016/2017 season shall be due by November 1, 2016). The parties agree to the following with regard to the Permit Fees payable by the Permittee.
  - 3.2.1 The Permit Fee is intended to cover the District's costs for each season's Event, including administrative costs as well as costs incurred by the District in planning for and supporting Permittee's holding the Event each season. The Parties agree to work cooperatively to minimize costs where possible.
  - 3.2.2 To the extent the District costs relating to a specific season's Event are in excess of \$11,600.00, the District shall provide to the Permittee an invoice setting forth the costs incurred and the Permittee agrees to pay any undisputed invoice thirty days from the date of the invoice. This provision applies regardless of whether or not an Event actually occurs in a particular season.
  - 3.2.3 To the extent the District costs relating to a specific season's Event are less than \$11,600, the amount less than \$11,600 shall be credited to Permittee's Permit Fee for the following season. Notwithstanding the foregoing, The District will not refund any amount upon the expiration or termination of this Permit, even if District Costs associated with the 2020/2021 Event are less than \$11,600. This provision applies regardless of whether or not an Event actually occurs in a particular season.
  - 3.2.4 Along with any invoice submitted in accordance with Section 3.2.2, the District will provide Permittee an accounting of District Costs. Permittee will notify District within 15 days of receipt of any invoice if it disputes such accounting.

11595547.1 Exhibit 6 2-15-1458-A1 39 of 59 Special Use Permit (5-Year term: 2016/2017 through 2020/2021) Permit Number: 2016-01 Page 3 of 6

> In such an event, the parties agree mutually to use best efforts to try and resolve any dispute.

- 3.3 Payments of undisputed amounts not paid by the due date shall bear interest at 10.00% per annum until paid.
- 3.4 Permittee shall be charged \$30.00 for each check that is returned to the District for lack of sufficient funds.

#### 4. Terms and Conditions

- 4.1 Operating Hours: This Permit is in force on the day of the Event from approximately 5 a.m. to approximately 11 p.m.
- 4.2 Permittee shall provide on-water safety arrangements during the Event that meet all District requirements and any other requirements imposed on Permittee by other regulatory agencies.
- 4.3 Public safety for the non-participating public during the Event is of paramount importance. Both Permittee and the District are committed to conducting the Event in a manner that allows for the public to view the Event safely. At the District's direction, Permittee shall prohibit public access (a) to the District's marsh parking lot, (b) to the trail connecting the District's marsh parking lot to the Maverick's beach and (c) to the Maverick's beach, and use of these areas may be limited to use by law enforcement and public safety personnel and equipment.
- 4.4 Permittee's access (a) to the District's marsh parking lot, and (b) to the trail connecting the District's marsh parking lot to the Maverick's beach shall be limited to access required to comply with the terms of Section 4.3 above, or as may otherwise be permitted -in-writing by the District's Harbormaster, or for emergency use by Permittee staff with prior notice to District staff.
- 4.5 Permittee shall not provide for or use the Property for Event vehicles parking, except as required to comply with the terms of Section 4.3 above, or as may otherwise be permitted in writing by the District's Harbormaster.
- 4.6 Permittee must use reasonable care and may not unreasonably increase the burden on the Property. Permittee shall ensure the immediate area of the Event and all of the Property are kept free of debris, trash, etc., and shall return the Property to its original condition following completion of the Event.
- 4.7 Permittee shall provide an adequate number of portable toilets as determined by the General Manager in consultation with the Harbor Master.
- 4.8 Solicitation of Business and Advertising
  - 4.8.1 On-site advertising, including informational and directional signs is allowed in the form prescribed at the discretion of the General Manager in consultation with the Harbor Master. Permittee shall obtain prior approval of the General Manager before placing any advertising or signs on the Property. Other than as set forth above, Permittee shall not alter, modify, remove any portion of, or affix any item

*Exhibit 6* 11595547.1 2-15-1458-A1 40 of 59 Special Use Permit (5-Year term: 2016/2017 through 2020/2021) Permit Number: 2016-01 Page 4 of 6

> to any structure on the Property at any time during the term of this Permit, except as specifically authorized by the District's General Manager or Harbor Master.

- 4.8.2 Companies other than those authorized by Permittee are not permitted to advertise on District property and any such advertising must comply with section 4.8.1.
- 4.9 Permittee shall be required to obtain and/or comply with the following:
  - 4.9.1 Permittee shall provide the District with a copy of the Seller's Permit issued from the California State Board of Equalization, which entitles the Permittee to sell products and any other licenses, which may be required by other agencies. Licenses shall be maintained in accordance with law and Permittee must be able to produce licenses when requested to do so by a representative of the District.
  - 4.9.2 The District will not grant a Commercial Activity Permit to other vendors for use of the Property for commercial purposes during the Event without prior authorization of the Permittee. Even with Permittee authorization, the District will grant any such Commercial Activity Permit at its sole discretion, to be exercised in accordance with its policies.
  - 4.9.3 A Certificate of Insurance for the Permittee's activities related to the Event described in Section 2.1 attesting to liability coverage consisting of a Comprehensive General Liability policy with a Broad Form Endorsement that provides coverage for bodily injury and property damage in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 per aggregate and a \$5,000,000.00 Umbrella and naming the San Mateo County Harbor District as an Additional Insured. The Certificate of Insurance shall provide evidence that the insurance includes the following endorsements: Additional Insured, Primary and Non-Contributory wording; and Waiver of Subrogation in favor of the District. It is understood that as provided for in Section 4.13 below, Permittee shall defend, indemnify, and hold harmless San Mateo County Harbor District. This certificate shall be maintained in full force and effect during the term of the permit. The Permittee will provide the District a Certificate of Insurance, or other proof of insurance, no later than November 1 for each season.
  - 4.9.4 Permittee shall obtain and comply with all permits and other approvals, licenses and certifications as required by other government agencies and departments. Permittee shall furnish satisfactory evidence of such compliance upon request of the District. In particular, the effectiveness of this permit is subject to the California Coastal Commission and/or San Mateo County granting a Coastal Development Permit as necessary, after appropriate environmental review under the California Environmental Quality Act; Permittee is expressly subject to any mitigation measures required through any environmental review process.
  - 4.9.5 Permittee shall not sell or permit to be sold alcoholic beverages on the Property.
- 4.10 Term of Permit. This Permit is effective from November 1, 2016, and shall terminate on the earlier of 11:00 pm on the day of the last Event for the 2020/2021 season, or on March 31, 2021. This Permit becomes immediately null and void should any of the

11595547.1 Exhibit 6 2-15-1458-A1 41 of 59 Special Use Permit (5-Year term: 2016/2017 through 2020/2021) Permit Number: 2016-01 Page 5 of 6

conditions specified in Section 4 not be met, or should any required certificates expire or be revoked or suspended.

- 4.11 This Permit shall be the sole Permit issued for the purpose of using the Property in connection with holding a Surfing Event(s) at Mavericks surf break during the term of this Permit.
- 4.12 This Permit is for Permittee's exclusive use and is not assignable without the prior consent of the District, to be granted at its sole discretion.
- 4.13 Permittee, as a material part of the consideration to be rendered to the District under this Permit, waives all claims against the District for damages to all personal property in, on or about the District's facilities, and for injuries to persons in or about the District's facilities from any cause arising at any time. Permittee hereby agrees to defend, indemnify, and save harmless the District, its governing board, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, the District, its governing board, officers, employees or agents arising or resulting from the use of the Property by Permittee, its agents, employees, contractors, subcontractors or invitees or Permittee's breach of this Permit. The duty of the Permittee to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code. It is the express intent of the parties that Permittee will indemnify and hold harmless the District from any and all claims, suits or actions arising from any cause whatsoever as set forth above, other than the sole negligence, willful misconduct or criminal acts of the District. Permittee waives any and all rights to any type of express or implied indemnity against the JPB arising out of Permittee's use of or activities on the Property. This indemnity shall survive expiration or termination of this Permit.
- 4.14 Should either party to this agreement bring any legal action, dispute, or proceeding arising out of or relating to this permit, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of settlement and each party shall bear its own legal fees and costs.
- 4.15 The laws of the State of California shall govern this agreement and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the agreement, the unsuccessful party will pay the reasonable attorney's fees, court costs, discovery costs and expenses of litigation of the successful party.
- 4.16 Permittee shall pay a fee pursuant to Section 1719 of the Civil Code for the State of California for each check that is returned to the District for lack of sufficient funds.

*Exhibit 6* 11595547,1 2-15-1458-A1 42 of 59 Special Use Permit (5-Year term: 2016/2017 through 2020/2021) Permit Number: 2016-01 Page 6 of 6

4.17 Any person, firm or corporation Permittee authorizes to work upon or enter upon the Property, including any contractor(s) and subcontractor(s), shall be deemed to be Producer's agent and shall be subject to all the applicable terms of this Permit.

#### 5.0 Revocation or Suspension of Permit

This Permit is effective from November 1, 2016, and shall terminate on March 31, 2021. This Permit becomes immediately null and void should Permittee not submit the Permit Fee by November 1 of each year, should any of the conditions specified in Section 4 above not be met, or should any required certificates or permits expire or be revoked or suspended.

This Permit may be revoked or suspended by the San Mateo County Harbor District at any time and without notice by the District for violation of any Terms or Conditions of the Permit, or for violation of the Ordinances of the District.

#### **PERMITTEE:**

Zoe Lee Ahn

Print Name	DocuSigned by:
	930F798B6BC0473

Cartel Management, Inc. - Signature

10/28/2015

Date

## SAN MATEO COUNTY HARBOR DISTRICT

Jlenn Print Name

11/0/2015 Date

11595547.1*Exhibit 6* 2-15-1458-A1 43 of 59



April 15, 2016

Renee Ananda, Coastal Program Analyst California Coastal Commission North Central Coast District 745 Fremont Street, Suite 2000 San Francisco, CA, 94105

RE: Special Condition 6 of California Coastal Commission Titans of Mavericks Permit

Dear Ms. Ananda:

The inaugural Titans of Mavericks event ran safely and without incident from strike up to strike down on Feb. 12th, 2016, which was Presidents Day. The following summary includes email feedback and event status from the multiple agencies meeting on April 7th, 2016; also included is environmental photography documentation from our staff photographer, Nikki Brooks. Attachment A will cover the photos with map and legend for your review. On the day of event I checked in with our volunteer staff, local business, multiple agencies at the command center before, during and after the event: No issues reported. Traffic flowed smoothly, public were advised on event operations, viewing locations for Titans of Mavericks in the vicinity. While traffic was higher than usual it was no different than a warm summer day and occurred during the early morning and late afternoon times according to the agencies.

As I circulated the Harbor, Air Force Base, and Princeton By the Sea, I observed no gridlock traffic through the town or Harbor. While local businesses had an increase in customers, there were no reports of parking issues from agencies. There have been no complaints sent to our staff from

> Exhibit 6 2-15-1458-A1 44 of 59



agencies or public. There were no incidents of public cutting through the Pillar Point Marsh land and no environmental impacts reported throughout event and post. Our Volunteer team, Rangers, and Sheriff did not report in any incidents of public being in danger or risk during or after event.

Thank you,

Brian Waters

Chief Operations Officer Cartel Management 408-348-5508 m brian@cartel-management.com

#### Agency and Local Business Reports

CHP (See email response)-No issues

SMCHD (See email response)-No issues

San Mateo County Sheriff-No issues

San Mateo CalFire-No issues

USCG-No issues

San Mateo County Parks-Add more volunteers next season

NOAA (See email response)-No issues

CalTrans-No issues

Local Business: Barbara's Fish Trap, OPL, HMB Brewing Company, Miramar, Oceano-No issues

Exhibit 6 2-15-1458-A1 45 of 59

c/o Cartel Manegement Inc



Photography of Event Pre & Post Days

Pre Event Day Photos:

https://www.dropbox.com/sh/627msxjejwsbtzw/ AABbl7fbtkDQTWeV-68Edz7ma?oref=e&n=339319249

Post Event Day Photos:

https://www.dropbox.com/sh/326tdzneejeukld/ <u>AAD87oaMYiaDqqJ9KZESiAsQa?oref=e&n=61310552</u>

> Exhibit 6 2-15-1458-A1 46 of 59



# Agency email responses

<u>CHP-Sgt. McCarthy</u> 355 Convention Way, Redwood City, CA 94063 PGMcCarthy@chp.ca.gov

----- Original Message -----From: "McCarthy Paul@CHP" <PGMcCarthy@chp.ca.gov> To:"Brian Waters" <brian@cartel-management.com> Cc: Sent:Mon, 4 Apr 2016 15:59:40 +0000 Subject:RE: Report

Brian,

Sergeant Sharma worked the event and I do not believe there was any documentation beyond the operational plan. I will attach a copy of the plan for your records. We would only generate documentation if something unplanned had occurred. I can ask him for a brief AAR, but I talked to him after the event and he said everything went well.

Paul

c/o Cartel Manegement Inc

Exhibit 6 2-15-1458-A1 47 of 59



## NOAA-Max Delaney

Resource Protection Specialist Greater Farallones National Marine Sanctuary 991 Marine Drive San Francisco, CA 94129 (415) 970-5255

----- Original Message -----

From: "Max Delaney - NOAA Federal" <max.delaney@noaa.gov> To:"Brian Waters" <brian@cartel-management.com> Cc:<GFNMS@seajayenv.com> Sent:Sat, 9 Apr 2016 13:50:57 -0700 Subject:Re: Titans of Mavericks event follow up

Hi Brian,

I attended the Mavericks event this year representing GFNMS and spent the day in close contact with both the wildlife observers and NOAA office of law enforcement folks. From NOAA's perspective, this year's event was very well organized by Cartel Management and all involved did a great job. As requested by NOAA, all MPWC riders wore the proper markings and jerseys throughout the day and wildlife observers did a great job monitoring the entire event area. Only 2 illegal MPWC riders were seen in the contest area and they left immediately after receiving a verbal warning from OLA personnel. Further, no wildlife disturbances were observed this year. So clearly the MPWC rider training and effective crowd control from the event sponsors and local law enforcement to keep the public away from the beach and bluff area is working well. All in all, a very successful event.

Brian, please let me know if you have any more questions about this past years event. As Carliane mentioned, she'll be taking over for me working on the permit for next season while I am away on sabbatical.

Cheers, Max

> Exhibit 6 2-15-1458-A1 48 of 59



#### San Mateo County Harbor District-Cary Smith

Deputy Harbor Master Pillar Point Harbor Patrol <u>csmith@smharbor.com</u> 650.726.4382 x309

----- Original Message -----

From: "Cary Smith" <csmith@smharbor.com> To:"Brian Waters" <brian@cartel-management.com> Cc: Sent:Wed, 13 Apr 2016 20:22:35 +0000 Subject:RE: Titans of Mavericks event follow up

#### Aloha Brian,

From the Harbor Patrol's perspective the event went very well. We did not hear any complaints landside. The dock space was left as clean, or cleaner than when the vessels and staging was removed.

We discussed some of the minor adjustments waterside with the buoys.All and all it was an outstanding event well done inaugural Titans of Mavericks.

The crab season delay was a bonus this year for the event, but next year may be a little more challenging depending on when the event goes. Hope you had a great trip down South. Look forward to seeing you on the water again soon.

Yours in Marine Safety, Cary Smith Deputy Harbor Master Pillar Point Harbor Patrol csmith@smharbor.com

> Exhibit 6 2-15-1458-A1 49 of 59

c/o Cartel Manegement Inc

Exhibit 6 2-15-1458-A1 50 of 59







**B-Romeo Pier distance** 

**B-Facing North with Romeo Pier behind** 

Between A & B

**Mavericks Beach** 





No. of Concession, Name of Street, or other

South Bluff above Mavericks Beach

South Bluff above Mavericks Beach corner trail

Bluff above Mavericks beach

Exhibit 6 2-15-1458-A1 51 of 59





**North Bluffs** 

E-Johnson Pier, working dock area was used for competitor launch. This is the E to the left on the map.



E-End of the middle road going down Johnson Pier



E-End of the middle road going down Johnson

Pier.



F-Looking from Johnson Pier to left corner of F on

map.



F-Beach area heading south towards boat launch.

Inside left corner on map.



D-South boat launch area from Johnson Pier.

Exhibit 6 2-15-1458-A1 52 of 59



C-Mavericks Beach Parking Lot

Exhibit 6 2-15-1458-A1 53 of 59



# LEGEND

- A. West Point Trail, Mavericks Beach
- B. Access to the Romeo Pier trail to Mavericks trail
- C. Mavericks Beach Parking Lot & Harbor Parking-Report from Cary Smith was the area was clean.
- D. Boat launch
- E. Johnson Pier
- F. Launch Ramp Area turnaround

Exhibit 6 2-15-1458-A1 54 of 59

# Ananda, Renee@Coastal

From: Sent: To: Subject: Attachments: Brian Waters <brian@cartel-management.com> Friday, October 14, 2016 2:35 PM Ananda, Renee@Coastal Titans of Mavericks follow up CCC Permit Ext Request (9-14-16) .pdf

Renee,

Thanks for the time today. Please find the updated plan for your review.

Happy Friday to you!

Best regards,

Brian Waters

Cartel Management (m) <u>408-348-5508</u> (p) <u>323-790-7333</u> (w) <u>cartel-management.com</u>

> This e-mail and any attachments contain information that is/may be covered by the Electronic Communications Privacy Act, 18 US.C. 2510-2521. It is also proprietary and confidential in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you received this communication in error, then immediately delete it, and if you have produced a hard copy of this email you must immediately destroy that copy. Thank you in advance for your cooperation. Cartel Inc. 2016

> > Exhibit 6 2-15-1458-A1 55 of 59

September 9, 2016

RECEIVED

# CALIFORNIA COASTAL COMMISSION

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

OCT 1 4 2016

CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

Attention: Renee Ananda Coastal Program Analyst

> Re: <u>Permit Extension for Operation of Titans of Mavericks Event</u> Permit Application No. 2-15-1458

Dear Ms. Ananda:

As you know, on or about November 17, 2015, the California Coastal Commission issued a Corrected Coastal Development Permit (the "CDP"), pursuant to Permit Application No. 2-15-1458, to Cartel Management Inc. ("Cartel") as the organizers of the "Titans of Mavericks" big-wave surf event (hereafter referred to as "Titans" or the "Event"), an event that, as you know, is scheduled annually to take place at Pillar Point near Half Moon Bay. (A copy of the CDP Permit is enclosed for your reference.)

The purpose of this letter is two-fold: (1) to formally request an extension of that CDP pursuant to Section 7 thereof; and (2) to put forth Titans of Mavericks' "Plan for Inclusion of Women Competitors in Future Events," pursuant to Section 8 of the CDP.

## (1) <u>Extension of Permit</u>

Under the terms of the CDP, and specifically Section 7 thereof, CDP Permit No. 2-15-1458 expires on October 31, 2016 "unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP Amendment." Thus, the initial purpose of this letter is to formally seek an extension of the expiration date for CDP Permit No. 2-15-1458, for activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2016 and March 31, 2017 through the 2021 season) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County, as more specifically described in the application filed in the Commission offices.

As we believe the Commission is aware, the Event is generally held between November **Exhibit 6** and March 31 of each winter surfing season. Cartel and/or Titans of Mavericks has an exclasise1458-A1

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use permit from the San Mateo County Harbor District ("SMCHD") for the staging of the Event through the November 1, 2020/March 31, 2021 season. (A copy of SMCHD permit is enclosed for your reference.) Other applicable permits required of other agencies, per Special Condition 2 of the CDP, were obtained for the past year's event. (Permit Application No. 2-15-1458.) The Event was then successfully staged on February 12, 2016.

In addition, pursuant to Special Condition 6 of the CDP, Cartel submitted a "Post-Event Report to the Commission on or about April 15, 2016. (A copy of the post-event report is attached/enclosed herewith.) Similarly, the Commission reported no issues as well from the supporting agencies. Thus, it would appear that Cartel has successfully satisfied all requirements for the requested extension, save for the provisions of Special Condition 8. However, as set forth more fully below, that condition has also been addressed.

## (2) <u>Plan for Inclusion of Women Competitors in Future Events</u>

Special Condition 8 of the CDP provides:

The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7.

It should be noted at the outset that a central precept of Titans of Mavericks has always been one of inclusion and equal opportunity. Surfing is a sport that crosses all cultural spectrums. Titans of Mavericks has never discriminated on the basis of gender, creed or ethnicity. Consistent with that ethos, Titans of Mavericks did in fact include Savannah Shaughnessy, who was invited to the 2015/2016 Event as an Alternate.

Competitors in the Event are invited by the "Committee 5." The Committee 5 is made up of five well-recognized big wave riders that have shaped Mavericks' history. The Committee 5 represent the decision making process for all potential selectees. As set forth on the Titans of Mavericks website, criteria for inclusion in the Event (regardless of age, gender, or race) include:

- Dedication to surfing Mavericks.
- A person who is athletically in top, peak physical condition to handle the rigorous conditions and hazards of Mavericks.
- An accomplished big wave surfer that has surfed Mavericks before or whom has put recent time in that proves eligibility.
- A person that has dedicated a portion of their life staying involved with the ocean.
- A person who promotes ocean conservation and lives a healthy lifestyle.
- A person who is drug free and doesn't take performance enhancing drugs.
- A person who is respectful to his/her peers and has Character in and out of water.

Exhibit 6 2-15-1458-A1 57 of 59

- A person who puts time in at Mavericks during the pre-season.
- A person who understands the water safety rules, and is knowledgeable on the inherent dangers of Mavericks.
- A person who provides community service efforts in their local community.
- A person who is associated with one or more community organizations.
- A person whom is educated on the ecosystem, waterway, and cold water conditions surrounding Mavericks.
- A person that understands that participation in the event is a privilege, not a right.

In addition, the C5 collectively watches every potential athlete, male and female, throughout the season at Mavericks. They not only judge their skill in the waterway, but they weigh their character out of the water as well. The Committee 5 spends the pre-season compiling a list of names as possible Titans, and brings those names to multiple committee meetings which are held every fall for deliberation. Once the votes are cast, they are sealed and professionally counted offsite. The C5 process was and is designed to be inclusive of all big wave surfers, including female competitors, as evidenced by Ms. Shaughnessy's invitation to the 2015/2016 Event.

Notwithstanding the inclusive intent of the organizers of the Event, moving forward Titans of Mavericks will hold its first women's heat consisting of six female competitors starting in the 2017/2018 season. The female competitors must abide by the same criteria expected in and out of the water as all other potential competitors. A total of six women must meet the criteria in order to perform in the event. Performance and safety are required to hold a safe and successful women's heat.

All potential Titans will be evaluated equally, on the basis of merit, using the criteria described above.

#### **Conclusion**

For all the foregoing reasons, Cartel Management Inc., on its own behalf and on behalf of the entire "Titans of Mavericks" organization, requests that Permit Application No. 2-15-1458 and the expiration date referenced in the CDP dated November 17, 2015 be extended through 2021.

Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,

Bu-With LAL

Exhibit 6 2-15-1458-A1 58 of 59

Enclosures:

SMCHD permit

Post-Event Report

Exhibit 6 2-15-1458-A1 59 of 59

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From:	Karen Tynan
To:	Ananda, Renee@Coastal; Cave, Nancy@Coastal
Subject:	Please see attached re: CEWS and Mavericks
Date:	Saturday, October 15, 2016 10:56:45 AM
Attachments:	cews letter and memo re mavericks 101416.pdf
	CEWS Letter v.5.pdf

Greetings Renee,

Thank you for providing the documents we had requested and keeping me up to speed. We appreciate your diligent work. Please see attached letter from our office as well as an attached CEWS letter. If you have any questions, comments, or concerns, please let me know. Respectfully, Karen T.

Karen Tynan, Attorney at Law <u>karentynanattorney.com</u> <u>http://www.linkedin.com/pub/karen-tynan/11/a53/977</u>

MAILING address: 1083 Vine Street, #201 Healdsburg, CA 95448

707.395.0062 (OFFICE) 707.508.8476 (MOBILE) 707.921.7352 (FAX)

**CONFIDENTIALITY NOTICE**: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use of disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Exhibit 7 2-15-1458-A1 1 of 38



October 14, 2016

Via e-mail and USPS Renee: Ananda@coastal.ca.gov

Renee Ananda California Coastal Commission North Coast District Office 45 Fremont Street Suite 2000 San Francisco, CA 94105-2219

#### Re: Committee for Equity in Women's Surfing Follow up with memorandum of law

Greetings:

As you may recall, our office represents the above referenced group with regard to the "Mavericks" events held annually within your jurisdiction. We have carefully reviewed the Application for Coastal Development signed by Brian Waters and received on by your office on 9/28/16. Additionally, we received and reviewed a copy of the October 14, 2016 e-mail from Brian Waters.

As part of that application, there is a letter from Cartel Management Inc. dated September 9, 2016. We have enclosed a copy of that letter in order to avoid confusion. (See Attachment #1.) Further, we have now received a letter with the same date, but stamped as received on October 14, 2016. (See Attachment #2.) We specifically call your attention to Page 2, Section (2). While there is a claim that "a central precept of Titans of Mavericks has always been one of inclusion and equal opportunity, …" There is no supporting evidence, even anecdotal, for this false premise.

Instead, Cartel Management offers vague puffery and implied assurances that there will be a women's heat next year. This is not acceptable, and does not meet even the most minimal requirement for departing from the discriminatory practices and moving forward with the inclusion of women. The selection process is tainted, mysterious, and discriminatory. The revised plan for the inclusion of women should be rejected.

Please find the attachment memorandum, prepared by our research attorney. This memo will provide the legal basis for the requirement for inclusion of womer *Exhibit 7* at the surf contest. (See Attachment #3.) We hope that your staff find the 1458-A1 document helpful. 2 of 38

Karen@KarenTynanAttorney.com • 1083 Vine Street # 201 • Healdsburg, CA 95448 • 707.395.0062



Lastly, please let me know when the CDP application will be scheduled for a Coastal Commission hearing.

Respectfully, en Karen Tynan KT/nbf cc: Nancy.Cave@coastal.ca.gov encl: letters (#1, #2); memo (#3)

Exhibit 7 2-15-1458-A1 3 of 38

Karen@KarenTynanAttorney.com • 1083 Vine Street # 201 • Healdsburg, CA 95448 • 707.395.0062

# ATTACHMENT #1

Exhibit 7 2-15-1458-A1 4 of 38

RECEIVED SEP 30 2016 COASTAL COMMISSION

4

September 9, 2016

#### CALIFORNIA COASTAL COMMISSION

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Attention: Renee Ananda Coastal Program Analyst

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- An accomplished big wave surfer that has surfed Mavericks before or whom has put recent time in that proves eligibility.
- A person that has dedicated a portion of their life staying involved with the ocean.
- A person who promotes ocean conservation and lives a healthy lifestyle.
- A person who is drug free and doesn't take performance enhancing drugs.
- A person who is respectful to his/her peers and has Character in and out of water.

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- A person who puts time in at Mavericks during the pre-season.
- A person who understands the water safety rules, and is knowledgeable on the inherent dangers of Mavericks.
- A person who provides community service efforts in their local community.
- A person who is associated with one or more community organizations.
- A person whom is educated on the ecosystem, waterway, and cold water conditions surrounding Mavericks.
- A person that understands that participation in the event is a privilege, not a right.

In addition, the C5 collectively watches every potential athlete throughout the season at Mavericks. They not only judge their skill in the waterway, but they weigh their character out of the water as well. The Committee 5 spends the pre-season compiling a list of names as possible Titans, and brings those names to multiple committee meetings which are held every fall for deliberation. Once the votes are cast, they are scaled and professionally counted off site. The C5 process was and is designed to be inclusive of all big wave surfers, including female competitors, as evidenced by Ms. Shaughnessy's invitation to the 2015/2016 Event.

Notwithstanding the inclusive intent of the organizers of the Event, moving forward Titans of Mavericks will be specifically taking greater steps to invite female athletes to participate in the 2016-17 Titans of Mavericks event, and indeed to all future events. In the past, no special invitations have been sent to any prospective competitor; the Committee 5 has simply navigated the waters at Pillar Point and identified surfers at Mavericks who match the selection criteria and proceeded accordingly. However, for this year and years to come, the Committee 5 will be identifying female athletes who have surfed Mavericks in the past, and will be sending out a letter, along with a copy of the above referenced criteria, seeking to have those female athletes come to Mavericks and perform. All potential Titans will be evaluated equally, on the basis of merit, using the criteria described above.

#### Conclusion

For all the foregoing reasons, Cartel Management Inc., on its own behalf and on behalf of the entire "Titans of Mavericks" team, requests that Permit Application No. 2-15-1458 and the expiration date referenced in the CDP dated November 17, 2015 be extended through 2021.

Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not besitate to contact the undersigned.

Very truly yours,

Ende SAL

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Enclosures:

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SMCHD permit

Post-Event Report

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## ATTACHMENT #2

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#### Ananda, Renee@Coastal

From: Sent: To: Subject: Attachments: Brian Waters <brian@cartel-management.com> Friday, October 14, 2016 2:35 PM Ananda, Renee@Coastal Titans of Mavericks follow up CCC Permit Ext Request (9-14-16) .pdf

Renee,

Thanks for the time today. Please find the updated plan for your review.

Happy Friday to you!

Best regards,

Brian Waters

Cartel Management (m) <u>408-348-5508</u> (p) <u>323-790-7333</u> (w) <u>cartel-management.com</u>

> This e-mail and any attachments contain information that is/may be covered by the Electronic Communications Privacy Act, 18 US.C. 2510-2521. It is also proprietary and confidential in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing or otherwise disclosing this information in any manner. Instead, please reply to the sender that you received this communication in error, then immediately delete it, and if you have produced a hard copy of this email you must immediately destroy that copy. Thank you in advance for your cooperation. Cartel Inc. 2016

> > Exhibit 7 2-15-1458-A1 10 of 38

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September 9, 2016

RECEIVED

OCT 1 4 2016

CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Attention: Renee Ananda Coastal Program Analyst

> Re: <u>Permit Extension for Operation of Titans of Mavericks Event</u> Permit Application No. 2-15-1458

Dear Ms. Ananda:

As you know, on or about November 17, 2015, the California Coastal Commission issued a Corrected Coastal Development Permit (the "CDP"), pursuant to Permit Application No. 2-15-1458, to Cartel Management Inc. ("Cartel") as the organizers of the "Titans of Mavericks" big-wave surf event (hereafter referred to as "Titans" or the "Event"), an event that, as you know, is scheduled annually to take place at Pillar Point near Half Moon Bay. (A copy of the CDP Permit is enclosed for your reference.)

The purpose of this letter is two-fold: (1) to formally request an extension of that CDP pursuant to Section 7 thereof; and (2) to put forth Titans of Mavericks' "Plan for Inclusion of Women Competitors in Future Events," pursuant to Section 8 of the CDP.

#### (1) <u>Extension of Permit</u>

Under the terms of the CDP, and specifically Section 7 thereof, CDP Permit No. 2-15-1458 expires on October 31, 2016 "unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP Amendment." Thus, the initial purpose of this letter is to formally seek an extension of the expiration date for CDP Permit No. 2-15-1458, for activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2016 and March 31, 2017 through the 2021 season) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County, as more specifically described in the application filed in the Commission offices.

As we believe the Commission is aware, the Event is generally held between November *Exhibit 7* and March 31 of each winter surfing season. Cartel and/or Titans of Mavericks has an exclusive 1458-A1

use permit from the San Mateo County Harbor District ("SMCHD") for the staging of the Event through the November 1, 2020/March 31, 2021 season. (A copy of SMCHD permit is enclosed for your reference.) Other applicable permits required of other agencies, per Special Condition 2 of the CDP, were obtained for the past year's event. (Permit Application No. 2-15-1458.) The Event was then successfully staged on February 12, 2016.

In addition, pursuant to Special Condition 6 of the CDP, Cartel submitted a "Post-Event Report to the Commission on or about April 15, 2016. (A copy of the post-event report is attached/enclosed herewith.) Similarly, the Commission reported no issues as well from the supporting agencies. Thus, it would appear that Cartel has successfully satisfied all requirements for the requested extension, save for the provisions of Special Condition 8. However, as set forth more fully below, that condition has also been addressed.

#### (2) <u>Plan for Inclusion of Women Competitors in Future Events</u>

Special Condition 8 of the CDP provides:

The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7.

It should be noted at the outset that a central precept of Titans of Mavericks has always been one of inclusion and equal opportunity. Surfing is a sport that crosses all cultural spectrums. Titans of Mavericks has never discriminated on the basis of gender, creed or ethnicity. Consistent with that ethos, Titans of Mavericks did in fact include Savannah Shaughnessy, who was invited to the 2015/2016 Event as an Alternate,

Competitors in the Event are invited by the "Committee 5." The Committee 5 is made up of five well-recognized big wave riders that have shaped Mavericks' history. The Committee 5 represent the decision making process for all potential selectees. As set forth on the Titans of Mavericks website, criteria for inclusion in the Event (regardless of age, gender, or race) include:

- Dedication to surfing Mavericks.
- A person who is athletically in top, peak physical condition to handle the rigorous conditions and hazards of Mavericks.
- An accomplished big wave surfer that has surfed Mavericks before or whom has put recent time in that proves eligibility.
- A person that has dedicated a portion of their life staying involved with the ocean.
- A person who promotes ocean conservation and lives a healthy lifestyle.
- A person who is drug free and doesn't take performance enhancing drugs.
- A person who is respectful to his/her peers and has Character in and out of water.

Exhibit 7 2-15-1458-A1 12 of 38 :

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- A person who puts time in at Mavericks during the pre-season.
- A person who understands the water safety rules, and is knowledgeable on the inherent dangers of Mavericks.
- A person who provides community service efforts in their local community.
- A person who is associated with one or more community organizations.
- A person whom is educated on the ecosystem, waterway, and cold water conditions surrounding Mavericks.
- A person that understands that participation in the event is a privilege, not a right.

In addition, the C5 collectively watches every potential athlete, male and female, throughout the season at Mavericks. They not only judge their skill in the waterway, but they weigh their character out of the water as well. The Committee 5 spends the pre-season compiling a list of names as possible Titans, and brings those names to multiple committee meetings which are held every fall for deliberation. Once the votes are cast, they are sealed and professionally counted offsite. The C5 process was and is designed to be inclusive of all big wave surfers, including female competitors, as evidenced by Ms. Shaughnessy's invitation to the 2015/2016 Event.

Notwithstanding the inclusive intent of the organizers of the Event, moving forward Titans of Mavericks will hold its first women's heat consisting of six female competitors starting in the 2017/2018 season. The female competitors must abide by the same criteria expected in and out of the water as all other potential competitors. A total of six women must meet the criteria in order to perform in the event. Performance and safety are required to hold a safe and successful women's heat.

All potential Titans will be evaluated equally, on the basis of merit, using the criteria described above.

#### **Conclusion**

For all the foregoing reasons, Cartel Management Inc., on its own behalf and on behalf of the entire "Titans of Mavericks" organization, requests that Permit Application No. 2-15-1458 and the expiration date referenced in the CDP dated November 17, 2015 be extended through 2021.

Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not besitate to contact the undersigned.

Very truly yours,

Brath SAL

Exhibit 7 2-15-1458-A1 13 of 38

Enclosures:

SMCHD permit

Post-Event Report

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## ATTACHMENT #3

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#### Memorandum

Date: September 30, 2016

**RE:** Does the California Coastal Commission have the authority to require a surf contest that utilizes the state resources and applies and receives a permit to include women?

#### Answer: Yes.

The California Coastal Act gives the California Coastal Commission broad authority to require a coastal development permit for changes in the intensity of use of land or water over submerged lands and within 300 feet of the inland extent of any beach. (See Cal Pub Resources Code §§ 30009, 30601, 30106.) The Titans of Mavericks is certainly a change in the intensity of use of land and water at Half Moon Bay.

The Coastal Act requires that the terms and conditions of a coastal development permit ensure maximum access and recreational opportunities for all people consistent with public safety needs. (Cal Pub Resources Code §§ 30607, 30210.) Therefore, as long as admitting the female surfers does not cause a public safety issue, the Coastal Commission has the authority under the California Coastal Act to require that the Titans of Mavericks allow women to participate in the surf competition as a condition of the coastal development permit.

Furthermore, Mavericks is probably barred from excluding women under the Unruh Civil Rights Act, which protects women from discrimination by a business establishment on the basis of their sex. (Cal Civ Code § 51.) Mavericks probably falls under the broad definition of a "business establishment" – it appears to be a permanent "commercial force or organization" as it sells merchandise on its website (<u>http://store.titansofinavericks.com/</u>) (See, e.g. *Rotary Club of Duarte v. Bd. of Dirs.*, 178 Cal. App. 3d 1035 at 1047.)

Lastly, while private organizations have a right to freedom of association under the U.S. constitution (See, e.g. Roberts v. United States Jaycees, 468 U.S. 609), it does not appear that the Mavericks competition is the type of association that would receive protection under the U.S. constitution. Presumably, the competitors do not have the type of intimate relationship that is protected under the first amendment right to freedom of association,<sup>1</sup> nor are they associating for the purpose of engaging in those activities protect by the First Amendment - speech, assembly, petition for the redress of grievances, and the exercise of religion. Even if Mavericks has a right to exclude women in the abstract, it probably does not have the right to use public resources for its exclusionary activities. (See, e.g. *Christian Legal Soc'y Chapter of the Univ. of Cal. v. Martinez*, 561 U.S. 661)

<sup>&</sup>lt;sup>1</sup> I.e. "deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life. Among other things, therefore, they are distinguished by such attributes as relative smallness, a high degree of selectivity in decisions to begin and maintain the affiliation, and seclusion from others in critical aspects of the relationship." *Exhibit 7 (Roberts v. United States Jaycees*, supra, at 619-620)

#### Legal Authority:

#### California Coastal Act:

#### Cal Pub Resources Code § 30600. Coastal development permits; Local government

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

#### Cal Pub Resources Code § 30601. Coastal development permits; Commission

...in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

#### Cal Pub Resources Code § 30106. "Development"

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; ... change in the density or intensity of use of land ... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; ...

#### Cal Pub Resources Code § 30607. Terms and conditions of permit

Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this division.

#### Cal Pub Resources Code § 30210. Maximum access and recreational opportunities

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.

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#### Cal Pub Resources Code § 30001.5. Basic goals

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

#### Cal Pub Resources Code § 30009. Construction of division

This division shall be liberally construed to accomplish its purposes and objectives.

#### Unruh Civil Rights Act:

#### *Cal Civ Code § 51*:

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, ... are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

#### Rotary Club of Duarte v. Bd. of Dirs., 178 Cal. App. 3d 1035:

#### Procedural Posture

Appellants, a rotary club and two women, sought review of a decision of the Superior Court of Los Angeles County (California), which held that respondent, the International Rotary Club, could lawfully revoke appellant's charter and that respondent's male-only policy did not violate the Unruh Civil Rights Act, Cal. Civ. Code § 51, or Cal. Const. art. I, § 8.

#### Overview

Appellants, two women and a local Rotary club, sought review of the lower court's decision that the male-only policy of respondent, the International Rotary Club, was not a violation of the Unruh Civil Rights Act, Cal. Civ. Code § 51. The charter of appellant club was revoked after the club admitted the two individual appellants and a third woman. The trial court held that respondent and the individual local clubs were not business establishments within the meaning of the Unruh Act. The Unruh Act expressly prohibited sex based discrimination by business establishments. The lower court also found that to preclude enforcement of respondent's male-only policy in the state of California would affect the freedom of association of persons outside of the state. On review, the court found that respondent was clearly a business establishment that conferred considerable benefit on its members. The court also held that freedom of association, while a fundamental freedom, did not protect respondent from the effect of the Unruh Act. As such, the court reversed the lower court's decision denying appellants' injunctive relief.

#### U.S. Constitution:

#### Roberts v. United States Jaycees, 468 U.S. 609:

#### Procedural Posture

Petitioner human rights commissioner (commissioner) appealed from a decision of the United States Court of Appeals for the Eighth Circuit that concluded that requiring respondent organization to admit women as full voting members pursuant to the Minnesota Human Rights Act (act), specifically Minn. Stat. § 363.03(3) (1982), violated the First and Fourteenth Amendment rights of the organization's members.

#### Overview

The organization had threatened to revoke the charters of two of its chapters because they were admitting women as regular members in violation of the organization's bylaws. The organization argued that requiring it to admit women as regular members violated its members' associational rights. The Court reversed. In doing so, the Court held that (1) the act was not unconstitutionally vague nor overbroad; (2) several features of the organization clearly placed it outside of the category of relationships worthy of constitutional protection because it was a large and basically unselective group; (3) apart from age and sex, neither the national organization lacked the distinctive characteristics that might afford constitutional protection to the decision of its members to exclude women; and (5) the state's compelling interest in eradicating discrimination against its female citizens justified the impact that application of the act may have on the male members' associational freedoms.

Christian Legal Soc'y Chapter of the Univ. of Cal. v. Martinez, 561 U.S. 661:

#### Procedural Posture

Certiorari was granted to decide whether to affirm or reverse the U.S. Court of Appeals for the Ninth Circuit's holding that respondent public law school could, without violating the First and Fourteenth Amendments, condition its official recognition of petitioner student Christian group-and use of school funds and facilities--on the group's agreement to open eligibility for membership and leadership to all students.

#### Overview

The group argued that an accept-all-comers policy (AACP) impaired its First Amendment rights to free speech, expressive association, and free exercise of religion, as it had to accept members who did not share its religious and sexual orientation beliefs or relinquish the advantages of recognition. But, AACP compliance was a reasonable, viewpoint-neutral condition on access to the student-organization forum. The group's exclusionary expressive activity was protected, but it had no constitutional right to state subvention of its selectivity. Public-forum precedents supplied the appropriate framework for the speech and association rights claims, as those rights were closely linked. The school could reasonably decide that the educational experience was best promoted by the AACP. The AACP ensured no student was funding a group that would reject her as a member. The school's desire to redress the perceived harms of exclusionary membership policies was an adequate explanation over and above mere disagreement with any group's beliefs.

Board of Dirs. of Rotary Int'l v. Rotary Club of Duarte, 481 U.S. 537:

#### Procedural Posture

Defendant appealed a judgment of the Court of Appeal of California, Second Appellate District, that held that both defendant club and plaintiff club were business establishments within the Unruh

Exhibit 7 2-15-1458-A1 19 of 38 Civil Rights Act, Cal. Civ. Code § 51 (1982), where plaintiffs alleged that defendant club discriminated against women.

#### Overview

Plaintiffs were part of a club organized by defendant. Plaintiffs admitted women into the club. Defendant objected and determined that only men could be members. Defendant revoked plaintiffs' charter. Plaintiffs alleged that defendant violated the Unruh Civil Rights Act (Act), Cal, Civ. Code § 51 (1982). Defendant contended that it was not a business establishment and the Act was not applicable. The Court held that defendant and plaintiffs were business establishments subject to the Act. The application of the Act to plaintiffs did not interfere unduly with the members' freedom of private association. The Act did infringe on the members' right of expressive association; however, such infringement was justified. The Court affirmed the appellate court's judgment and defendant was not allowed to discriminate against women.

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## C E W S

COMMITTEE FOR EQUITY IN WOMEN'S SURFING

1083 Vine Street, #201 Healdsburg, CA 95448 phone 707-508-8476 Facebook: <u>www.facebook.com/SurfEquity</u> Twitter: <u>https://twitter.com/SurfEquity</u>

Friday, October 14, 2016

Steve Kinsey and all Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 <u>Steve.Kinsey@coastal.ca.gov</u>

#### Re: Women's Division at Mavericks Event

Dear Chair Kinsey and all Commissioners,

We are writing to express our concern about the lack of women athletes among those surfers who have been invited to participate in the Maverick's 2016/2107 event. The morning of Sept. 20, 2016 the Titans of Mavericks announced their first cut of 56 athletes for this year's contest. The list included four women, but eight days later the second cut of 38 included none. At present, it is possible women might become alternates, but alternates historically have a slim chance of actually surfing. It appears likely that no women will surf at Mavericks this year. Why? The Committee 5's requirement that women surf against men has created a playing field in which women surfers can be denied entry by an all-male committee who are authorized to judge the exclusion of women as fair and warranted.

Our proposal for a Women's Division makes clear that among researchers and experts in issues of sports and equity, it is widely agreed that women must compete against women in a women's division. For example the World Surf League (WSL) recently announced 12 women competitors and 7 women alternates invited to compete in the 2016/17 WSL Big Wave Tour. The tour includes both a Men's Championship and a Women's Championship. Each division will have their own prize purse thereby guaranteeing that women and men athletes will win prize money based on performance. No mixed gender heats are included in the Big Wave Tour.

The refusal of Cartel Management, the Titans of Mavericks board of directors, and the Committee 5 to include a women's division suggests they do not act in good faith. They are currently enacting a flawed and prejudicial selection process that puts women athletes at a competitive disadvantage and an economic disadvantage. This privilege must be stopped.

Exhibit 7 2-15-1458-A1 21 of 38 We urge the California Coastal Commission to reject weak arguments and faulty definitions of equity as forwarded by the Committee 5, and usher in a new era of open access. We urge support for a condition in the Coastal Development Permit that states that the Mavericks competition shall have a specific division of heats that are solely for women athletes. Requiring a women's division is consistent with the Coastal Act.

- Section 30210 states that, "maximum access...and recreational opportunities shall be provided for all of the people."
- Section 30001.5 declares that the basic goals of the State for the coastal zone are to: (c) Maximize public access to and along the coast and maximize public recreational opportunities.
- Section 30009 states that: This division shall be liberally construed to accomplish its purposes and objectives.

The Commission must make decisions <u>consistent with the Coastal Act</u>. Surely, these sections cannot be interpreted in any other manner than to provide full recreational opportunities to all people, which must include women. Specifically and deliberately excluding at least one half of the population of this State is not consistent with the Coastal Act.

We support the inclusion of a Women's Division in all Mavericks surf competitions regardless of who organizes the event. On Sept. 20, 2016, we submitted our proposal for a Women's Division to the North Coast District Office. You have the ability to require the inclusion of a Woman's Division as a condition of the permit.

Thank you for your consideration,

Paige Alms Keala Kennelly Andrea Moller Bianca Valenti

Сору

Renee Ananda: <u>Renee.Ananda@coastal.ca.gov</u> Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u>

Exhibit 7 2-15-1458-A1 22 of 38

#### Links to New

Big wave surfing: Titans of Mavericks may be required to hold women's heats Santa Cruz Sentinel, Oct. 11, 2016: http://www.santacruzsentinel.com/article/NE/20161011/SPORTS/161019888

### World's Top Female Surfers Infuriated by Titans of Mavericks Invite List

The Inertia, Oct. 4, 2016: <u>http://www.theinertia.com/surf/worlds-top-female-surfers-infuriated-by-titans-of-mavericks-invite-list/</u>

Female Big Wave Surfers Fight for their Own Division in Titans of Mavericks The Inertia, Sept. 29, 2016: <u>http://www.theinertia.com/surf/female-big-wave-surfers-fight-for-their-own-division-in-titans-of-mavericks/</u>

#### Women surfers submit request to ride Mavericks

HMB Review, Sept. 28, 2016: <u>http://www.hmbreview.com/news/women-surfers-submit-request-to-ride-mavericks/article\_9677d6b0-85bb-11e6-b569-ab1b0b0b729e.html</u>

Women's Championship and BWT Qualifying Series Added for Upcoming Season WSL, April 15, 2016: <u>http://www.worldsurfleague.com/posts/197141/wsl-announces-2016-2017-big-wave-tour-schedule</u>

NIC LAMB • KAI LENNY JAMIE MITCHELL • TRAVIS PAYNE DEREK DUNFEE • MARK HEALEY GREG LONG • TYLER FOX ALEX MARTINS . SHANE DORIAN **KEN COLLINS - COLIN DWYER** AARON GOLD . JOHN JOHN FLORENCE KEALII MAMALA • PATRICK SHAUGHNESSY ZACH WORMHOUDT • ANTHONY TASHNICK NATHAN FLETCHER • NIC VAUGHAN CARLOS BURLE • MATT BECKER KOHL CHRISTENSEN . GARRETT MCNAMARA IAN WALSH . GRANT BAKER ALBEE LAYER • RYAN SEELBACH DANILO COUTO - PATRICK GUDAUSKAS KOA ROTHMAN . WILL SKUDIN TOM LOWE • DAVE WASSEL KYLE THIERMANN • RYAN AUGENSTEIN MANNY RESANO • BEN WILKINSON

TITANS OF MAVERICKS ROUND TWO

Exhibit 7 2-15-1458-A1 23 of 38

## C E W S

## BIG WAVE TOUR WOMEN'S CHAMPIONSHIP

#### OFFICIAL COMPETITOR INVITATION

2016/17 WSL BIG MAVE TOUR Women's Championship event

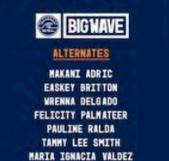
TO BE RUN IN CONJUNCTION WITH EITHER THE Pe'Ahi Challenge • Maui, Hawaii, USA

OR THE TODOS SANTOS CHALLENGE • ENSENADA, MEXICO

WHEN: OCTOBER 15, 2016 TO FEBRUARY 28, 2017 "ON" CALL COMES FROM WSL COMISSIONER'S OFFICE 72 HOUR NOTICE FOR COMPETITION

NHO: INVITEES (IN ALPHABETICAL ORDER)

> PAIGE ALMS JUSTINE DUPONT LAURA ENEVER EMILY ERIKSON MAYA GABEIRA BETHANY HAMILTON KEALA KENNELLY ANDREA MOLLER SILVIA NABUCO SAVANNAH SHAUGHNESSY JAMILAH STAR BIANCA VALENTI



PRIZE PURSE: \$30 000

Exhibit 7 2-15-1458-A1 24 of 38

From:	Delia Bense-Kang
To:	Kinsey, Steve@Coastal
Cc:	Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal
Subject:	Support for women's division in Mavericks surf contests
Date:	Monday, October 17, 2016 3:04:25 PM
Attachments:	Humboldt Support for Women's division in Mavericks Surf Contests.pdf

Dear Chair Kinsey and Commissioners,

My name is Delia Bense-Kang and I am the Chair of the Surfrider Foundation Humboldt County Chapter, and a woman surfer. On behalf of our chapter and community of surfers, please accept the attached letter in support of a women's division in Mavericks surf contests.

Thank you for your efforts to protect and enhance the California Coast.

Sincerely,

- -

Delia Bense-Kang

Delia Bense-Kang Marine Protected Area Outreach Coordinator Chair of Surfrider Humboldt Email: <u>delia@yournec.org</u> Cell: 707-497-8866

> Exhibit 7 2-15-1458-A1 25 of 38

Monday, October 17, 2016

Chair Steve Kinsey California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 <u>Steve.Kinsey@coastal.ca.gov</u>

CC: Renee Ananda: <u>Renee.Ananda@coastal.ca.gov</u> Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u>

#### Subject: Support for women's division in Mavericks surf contests

Dear Chair Kinsey and Commissioners,

As part of the global surf network and neighboring Northern California surf community, we the surfers of Humboldt County, **strongly support the proposal submitted by the Committee for Equity in Women's Surfing. We support the inclusion of a Women's Division in all Mavericks surf competitions regardless of who organizes the event.** 

Women's big-wave surfing as a sport has progressed immensely in recent years. The arguments that there is not a sufficient number of women surfing well enough to participate in big wave contests no longer hold true. There are now more than enough talented and passionate female athletes who have dedicated their lives to surfing big waves. No reason justifies excluding these accomplished women from contests such as Mavericks.

The ocean does not discriminate based on gender, ethnicity or sexuality. Men and women alike risk their lives surfing big waves every day, and all deserve the chance to showcase their talent and hard work. Mavericks is recognized as the pinnacle of big wave surfing; providing women with their own heat in the Titans of Mavericks contest gives them the hard-earned opportunity to prove and perform their talents on the same playing field as the men.

The inclusion of a women's heat in the Titans of Mavericks is much more than a stand-alone decision. This decision will set a precedent for the future inclusion of women in big-wave surfing contests and create opportunities for equality of women athletes in general.

The World Surf League (WSL) has already embraced the inclusion of women athletes in the *Exhibit* 7 2016/17 WSL Big Wave Tour, with contests scheduled for Pe'Ahi, Maui and Todos Santos 25.15-1458-A1 26 of 38

Mexico. By including women in the Titans of Mavericks, California will join the growing movement of supporting women in their quest to showcase their talent and pave the way for equality in surfing for future generations.

Not only is having a women's division in the Mavericks competition a forward step for women's equity in sports, but it is also consistent with the intent of the California Coastal Act.

- Section 30210 states that, "maximum access...and recreational opportunities shall be provided for all of the people."
- Section 30001.5 declares that the basic goals of the State for the coastal zone are to: (c) Maximize public access to and along the coast and maximize public recreational opportunities.
- Section 30009 states that: This division shall be liberally construed to accomplish its purposes and objectives.
- Section 30604(c) requires that: Every Coastal Development Permit that is issued between the nearest public road and the sea "Shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3."

In summary, we support full recreational opportunities to all people, which must include women. Excluding women is not consistent with the Coastal Act. Please require the inclusion of a Woman's Division as a special condition of the Coastal Development Permit.

Thank you for your continued commitment to protecting and enhancing California's coast and ocean.

Regards,

Dela Bors Varg

Delia Bense-Kang

Exhibit 7 2-15-1458-A1 27 of 38 Sent from my iPhone

Begin forwarded message:

From: janine Lauritzen <<u>lauritzenjanine@gmail.com</u>> Date: October 15, 2016 at 4:35:18 PM PDT To: <u>Stephanie.Rexing@coastal.ca.gov</u> Subject: Support for women's heats in

Dear Chair Kinsey and all Commissioners,

We support the proposal submitted by the Committee for Equity in Women's Surfing. We support the inclusion of a Women's Division in all Mavericks surf competitions regardless of who organizes the event.

Not only is having a women's division in the Mavericks competition a forward step for women's equity in sports, but it is also consistent with the intent of the California Coastal Act.

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In summary, we support full recreational opportunities to all people, which must include women. Excluding women is not consistent with the Coastal Act. Please require the inclusion of a Woman's Division as a special condition of the Coastal Development Permit.

Thank you for your continued commitment to protecting and enhancing California's coast and ocean. Sent from my iPhone

> Exhibit 7 2-15-1458-A1 28 of 38

Hi Renee,

I am writing to support the Committee for Equity in Women's Surfing (CEWS) proposal to make a women's division at Mavericks a precondition for receiving a permit to host a the Titan's of Mavericks surf competition. Let's open the world of big wave surfing to all who wish to compete and show off their talents and grit!

Thank you for your consideration,

-Juliette Arcata, CA resident and surfer of small waves

> Exhibit 7 2-15-1458-A1 29 of 38

From:	<u>Krista Comer</u>
То;	Kinsey, Steve@Coastal
Cc:	Ananda, Renee@Coastal; Cave, Nancy@Coastal
Subject:	Letter re; Permit Application No. 2-15-1458 Mavericks Surf Competition
Date:	Sunday, October 16, 2016 3:35:54 PM
Attachments:	Comer, CCC letter.pdf

Dear Chairman Kinsey and Ms. Ananda and Ms. Cave,

Below please find my letter. I intend that it be included with Board Packet materials for the upcoming CCC hearings in early November about permit applications for Cartel in Half Moon Bay.

Please let me know if I can be of any assistance in clarifying issues raised here. I wish I did not have other plans scheduled long ago, otherwise I would look forward to meeting all of you and speaking at the hearing.

Thanks in advance for all you do at the CCC.

My very best, Professor Krista Comer

Krista Comer

College Master, Brown College Associate Professor of English Associate Director, Center for the Study of Women, Gender, and Sexuality Rice University 6100 South Main Street Houston, Texas 77005

(0) 713-348-3207

Exhibit 7 2-15-1458-A1 30 of 38

Department of English



October 16, 2016

Chairman Steve Kinsey and all Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Steve.Kinsey@coastal.ca.gov

RE: Permit Application No. 2-15-1458

Dear Chairman Kinsey and all Commissioners,

I write to you to voice objections to the final permit plan, submitted on October 14 by the Cartel, for inclusion of women surfers as competitors at Mavericks. While it is a positive step that the Cartel proposes to add a women's heat of 6 individuals in response to women surfers' demands, key problems remain with the decision-making process related to contestant selection, as well as with the need for assurances that an annual event will indeed take place with fewer than 6 contestants. Additionally, the Cartel permit is silent about the current year, and the fact that the CCC Staff advised them to add a women's heat immediately for 2016-2017. Is the Cartel choosing to ignore staff advice, stalling, or using the "women's heat" topic as leverage for a multi-year permit extension? Having researched surfing and women's surfing for twenty years, my own views are that the Plan is wrong, and wrong-headed, in ways very familiar to those who research the history of surfing.

The Plan and its evasion of this year's contest suggest a continued belief, held by the Cartel and C-5, that they should control issues of access at Mavericks. Period. They discovered it, they know it, they believe they own it and have territorial rights – that is the claim at bottom, under the rhetoric of "waterway skills" or "character assessment" they forward as selection criteria. Because challenges to their authority have arisen, they ask the CCC to legitimate into the future an authority they used to be able to take for granted. The Cartel plan stipulates ambiguously that for a women's heat to take place in 2017-18, a "total of 6 women must meet [this] criteria," a stipulation that leaves open the possibility that, if the C-5 deems less than 6 women are qualified, the women's heat can (presumably "reasonably") be cancelled. Women surfers are supposed to trust the C-5 has women's best interests at heart. Some of these same men are on record saying women overestimate their abilities. So those are the judges to whom elite women surfers should defer, counting on their greater wisdom and historical experience about who is good enough to surf Mavericks? Researchers in other fields, like fire fighting, call this kind of behavior "benevolent sexism" – done to "protect" women who do not understand that they are not really up to the task at hand while retaining for male elites the prize of final authority or social status.

Again, having researched surfing for many years, I appreciate the historical importance of the CCC as an innovative policy maker both in areas of environment and also in areas of civil rights and indigenous *Exhibit 7* 

Rice University| Department of English-MS30| 6100 Main St. | Houston, TX 77005-1892 2-15-1458-A1 Email:english@rice.edu| Office: 713-348-4840|Fax: 713-348-5991|Website: http://english.rice.edu 31 of 38



Department of English

justice and resurgence. The major case the CCC has heard related in part to surfing has been that of the "Save Trestles" San Onofre campaigns which as many have noted, brought together a coalition of environmentally minded surf enthusiasts with other stakeholders, including those of the Panhe peoples, whose sacred sites would have faced desecration had the 241 Toll Road been approved. The issues there, and here, while not commensurate, nevertheless are related to claims of territory and ideas of ownership, and the question of to whom public lands and waterways belong.

I am presently Director of the Institute for Women Surfers, a public interest grassroots educational initiative collaboratively founded in 2014. The Institute grew out of responses to a book I published in 2010, *Surfer Girls in the New World Order*. The northern California surf scene (including mentions of Mavericks) figures largely in the book. I am involved moreover in what is becoming a broad, very active field of global research known as Critical Surf Studies. Please see below for websites related to these research arenas. While I speak here on my own behalf only, I would note that most scholars in this emerging field of Critical Surf Studies would strongly support claims of a generalized unequal access in surfing related to gender and race as they bear on issues of space, economics, respect, and authority.

I urge the CCC to require the Cartel to institute, now, a women's heat for this current year. There is no reason to wait. The matter of selection of contestants should include women on the C-5 – the principle here must be a "jury of one's peers." There should not be a threshold of 6 contestants minimum. The CCC must also explicitly require of the Cartel that it not retaliate in any way against women surfers who have come forward to compete at Mavericks – the Cartel's retaliatory practices are well known and deeply disturbing. All of the measures/correctives suggested here are consistent with the Coastal Act.

Yours sincerely,

sta

Krista Comer (kcomer@rice.edu)

Associate Professor & Researcher in Study of Women, Gender & Sexuality

Please include this letter in the Board Packet. cc: Renee Ananda, Nancy Cave

Also see:

Institute for Women Surfers (http://www.instituteforwomensurfers.org

Surfer Girls in the New World Order <a href="https://www.amazon.com/Surfer-Girls-New-World-Order/dp/0822348055/ref=asap\_bc?ie=UTF8">https://www.amazon.com/Surfer-Girls-New-World-Order/dp/0822348055/ref=asap\_bc?ie=UTF8</a>

Scholarship in Critical Surf Studies: http://criticalsurfstudiesreader.org/

 Rice University| Department of English-MS30| 6100 Main St. | Houston, TX 77005-1892
 2-15-1458-A1

 Email:english@rice.edu| Office: 713-348-4840|Fax: 713-348-5991|Website: http://english.rice.edu
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From:	Nicki Ellerd
To:	Ananda, Renee@Coastal; humboldtsurfrider@org
Subject:	Maverick Surf
Date:	Thursday, October 13, 2016 1:15:41 PM

Greetings, I read the article in the Lost Coast Outpost. While I can say I am not shocked, I am surprised that all people in Humboldt are not up in outrage. I am a female of advanced age. I have worked hard to make sure that the next generations of women do not lose what we have gained. Yes, it is true that until you are faced with issues of a personal nature or passionate to you, change is slow to happen. However, I ask you the Coastal Commission and the Humboldt County Community to step up. California women in 1911 were fed up and voted for the first time and I urge you to register and vote asap. Our Nation and our Great State have addressed Civil Rights issues for quite some time. I am hoping the ACLU will pick this up and run with it. If women are not allowed to surf at this event, it should be cancelled as men should not be allowed to surf either.

Exhibit 7 2-15-1458-A1 33 of 38 Hello Renee,

Thank you for sending Cartel's plan.

I'm very disappointed that Cartel is not planning to include a Women's Division in the 2016/17 event as proposed by the Committee for Equity in Women's Surfing. I hope they will reconsider and include a Women's Division in the 2016/17 event. Women athletes want to compete this season.

Sabrina

On Oct 14, 2016, at 6:30 PM, Ananda, Renee@Coastal <<u>Renee.Ananda@coastal.ca.gov</u>> wrote:

Hello Sabrina,

We received Cartel Management's Plan (attached) for the Inclusion of Women in final form today (October 14, 2016). Cartel Management proposes to hold a women's heat consisting of six individuals starting next year during the 2017/2018 season, and thereafter moving forward. We had previously advised them that they should add a women's heat this year, but they have apparently decided not to pursue that advice at this point. Commission staff only received their submittal today, and are currently reviewing it in more detail. Thus, we have not yet finalized our recommendation on the proposal by Cartel Management. Cartel Management is scheduled for Wednesday, November 2, 2016, item (W11a). Feel free to let me know if you have questions. Also, will you please confirm that you received the copy of the amendment application I forwarded to you?

Thank you. RTA

From: Ananda, Renee@Coastal Sent: Thursday, October 13, 2016 3:47 PM To: sabrina brennan (sabrina@dfm.com) Cc: Karen Tynan (<u>dktynan@comcast.net</u>) **Subject:** CDP Amendment Application Titans of Mavericks

Hello Sabrina,

Exhibit 7 I received your voicemail message of earlier today. Please see attached, per your request, a pdf copy of the CDP Amendment application for Titans of Mavericks surf

2-15-1458-A1 34 of 38 competition. It is not yet deemed complete. Thank you, RTA

Renée Ananda, Coastal Program Analyst California Coastal Commission – North Central Coast District 45 Fremont Street, Suite 2000 San Francisco, CA 94105 Phone – Main: (415) 904-5260 Direct: (415) 904-5292 renee.ananda@coastal.ca.gov

<Updated Final Plan\_CCC Permit Ext Request (9-14-16) received 10-14-2016.pdf>

*Exhibit 7* 2-15-1458-A1 35 of 38

From:	Mira Manickam
To:	Kinsey, Steve@Coastal
Cc:	<u>melissa morazan; Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal</u>
Subject:	Women"s Surf Division
Date:	Wednesday, October 19, 2016 12:14:34 PM
Attachments:	BrownGirlSurf.CCC.Oct19.2016.pdf

Dear Chair Kinsey and All Commissioners,

Please find attached our letter regarding a Women's Surf Division at Mavericks and our concerns about the proposals of the Cartel Management Group currently under consideration by the California Coastal Commission.

With Best Regards,

Mira Manickam-Shirley, Executive Director, Brown Girl Surf

Melissa Morazan, Director of Operations, Brown Girl Surf

--Mira Manickam-Shirley Executive Director, Brown Girl Surf (510) 239 7565 brown girl surf ™ www.browngirlsurf.com

> Exhibit 7 2-15-1458-A1 36 of 38



2323 Broadway, Oakland, CA 94612 | www.browngirlsurf.com | (510) 239-7565 | info@browngirlsurf.com

Wednesday October 19, 2016

Steve Kinsey and All Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Steve.Kinsey@coastal.ca.gov

Re: Women's Division at Maverick's Event

Dear Chair Kinsey and All Commissioners:

I am writing on behalf of the Brown Girl Surf Executive Team, to share our strong concerns about the future of Mavericks surf competition, and its implications for access and equity to the coast. Brown Girl Surf is a fiscally sponsored non-profit grassroots organization, which aims to create a more diverse, joyful, and environmentally reverent women's surf culture. We have been operating out of Oakland since 2011, and began providing community surf and ocean education programs for girls and women in 2014. Central to our work is increasing access to the ocean and the sport of surfing, and amplifying the voices of women of color surfers and waterwomen. As such, the subject of women's inclusion in the Maverick's competition is of great interest to us. It raises the question of how access to the coast and surfing is controlled and by whom, and has great implications for all groups who have sought access. As women surfers of color, we hold grave concerns about the renewal of the permit allowing the Titans of Mavericks to continue without a robust, meaningful plan for the inclusion of an equitable women's surf division this year and into the future. We stand behind the Committee for Equity in Women's Surfing, and we support their proposal for a multi-heat Women's Division in the Mavericks competition THIS year and in the future.

Unfortunately, in this country, complex histories of exclusion have perpetuated false narratives about the ability of women and people of color to engage in the ocean and surfing. At Brown Girl Surf, a major part of our work focuses on combatting these historical legacies, and showing girls and women of color that surfing is for them, and that the ocean is theirs to enjoy. For us, creating access to the ocean and surfing is not just about providing transportation and equipment, but also about shifting surf culture to be more inclusive. A crucial method by which we do this is by constantly exposing our participants to narratives of successful women in surfing, both at home and around the world, through media, through our curriculum, and through their Brown Girl Surf instructors and community members. Our teen girls, are constantly surrounded and uplifted by a diverse Northern California women's surf community, and its stand-out waterwomen. Sachi Cunningham is their friend. Bianca Valenti is their hero. Mavericks is the legend around the corner from their usual surf spot on Miramar beach.

It is difficult then, to explain to our girls the Titans of Mavericks competition. The refusal of the contest organizers to create a multi-heat Women's Division, flies in the face of everything we at Brown Girl Surf believe is necessary to create equity in the world of surfing, and in access to the ocean.

Exhibit 7 2-15-1458-A1 37 of 38



At Brown Girl Surf, we were excited about the opportunity presented last year when the Coastal Commission required the organizers of Mavericks to include women in the event. However, the contest organizers interpretation of this directive a year later is a grave disappointment and a signal that they have no real interest in pursuing an equitable path in this competition. It is shocking that given a year to plan, and a large, more-than-capable, and invigorated field of female big wave surfers, the organizers have done nothing to create a women's division in this years competition, which is the ONLY equitable way to make the Titans of Mavericks inclusive of women. Their request for a three-year permit extension without having fulfilled the Coastal Commission's directive in good faith concerns us greatly. Furthermore, their proposal for hosting a single six-person women's heat next year, is far too little too late, and most distressingly, provides loopholes for the exclusion of women based on the organizers' plan for selection. The organizers' plan to have a five person all-male committee use their highly subjective criteria to determine the fitness of women for inclusion in the contest, smacks of the type of "gatekeeping" that for decades has allowed more powerful political groups to exclude less powerful groups. This is of particular concern to Brown Girl Surf.

As the Executive Team of Brown Girl Surf, we strongly support the thoughtful Proposal set forth by the Committee for Equity in Women's Surfing, and urge the Coastal Commission to act upon its recommendations for a multi-heat Women's Division this year and in the future.

Thank you for your consideration.

With Best Regards, Mira Manickam, Executive Director of Brown Girl Surf Melissa Morazan, Director of Operations of Brown Girl Surf

Copy: Renee Ananda: <u>Renee.Ananda@coastal.ca.gov</u> Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u>

> Exhibit 7 2-15-1458-A1 38 of 38



#### **Board of Harbor Commissioners**

Tom Mattusch, President Virginia Chang Kiraly, Vice-President Robert Bernardo, Secretary Pietro Parravano, Treasurer Sabrina Brennan, Commissioner

Steve McGrath, General Manager Steven D. Miller, District Counsel

2-15-1458-A1

1 of 4

October 6, 2016

Brian Waters, COO Cartel Management 5870 Melrose Ave. Los Angeles, CA 90038

RE: Proposed modifications to Permittee's (Mavericks) access to District property.

Dear Mr. Waters,

We have received your October 4, 2016 Special Use Permit modification request, attached Exhibit A and A-1.

The Special Use Permit clause 2.1.2 allows for the SMCHD General Manager to modify access to District property, after mutually agreeing on such changes while working in good faith.

The District agrees upon the proposed permit modifications in Exhibit A, attached here. Area S3 and the adjacent parking spaces are not to be used in the event of a conflict with the local crab season opening. The District must reserve the S3 area in the event the local crab season opening coincides with the date of the Mavericks event.

If the local crab season opening does not conflict with the Mavericks event, the District has no objection to permit modification as shown in Exhibit A-1.

In the event that there will be conflicts presented due to the loading of crab pots at the public hoist, located within your desired area. I, in my sole discretion, will make the determination of whether such conflict is likely to exist. I will not make such determination without prior consultation with you and the fishing community, and will communicate any such conflict as early as possible.

In accordance with this proposal, Mavericks will not exceed the original permitted square foot property usage and will no longer utilize the upper parking lot area C-1. The *Exhibit 8* 

District General Manager must maintain full control of the venue and may make further modifications if necessary, after being mutually agreed upon.

This agreed upon modification is for only the 2016/2017 Mavericks event and will be reevaluated for future events.

Sincerely,

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Steve McGrath General Manager San Mateo County Harbor District

Exhibit 8 2-15-1458-A1 2 of 4

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Exhibit 8 2-15-1458-A1 3 of 4

EXHIBIT "A"

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Exhibit 8 -15-1458-A1 4 of 4

EXHIBIT "A-1"

RECEIVED

NCT 1 9 2016

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105

CALIFORNIA COASTAL COMMISSION NORTH CENTRAL COAST

Attention: Renee Ananda Coastal Program Analyst

> Re: AMENDED Permit Extension Request for Operation of Titans of Mavericks Event Permit Application No. 2-15-1458

Dear Ms. Ananda:

As you know, on or about November 17, 2015, the California Coastal Commission issued a Corrected Coastal Development Permit (the "CDP"), pursuant to Permit Application No. 2-15-1458, to Cartel Management Inc. ("Cartel") as the organizers of the "Titans of Mavericks" bigwave surf event (hereafter referred to as "Titans" or the "Event"), an event that, as you know, is scheduled annually to take place at Pillar Point near Half Moon Bay, (A copy of the CDP Permit is enclosed for your reference.)

The purpose of this letter is two-fold: (1) to formally request an extension of that CDP pursuant to Section 7 thereof; and (2) to put forth Cartel's "Plan for Inclusion of Women Competitors in Future Events," pursuant to Section 8 of the CDP.

#### (1)**Extension of Permit**

Under the terms of the CDP, and specifically Section 7 thereof, CDP Permit No. 2-15-1458 expires on October 31, 2016 "unless prior to that time the Permittee requests an extension of the expiration date of this CDP via a CDP Amendment." Thus, the initial purpose of this letter is to formally seek an extension of the expiration date for CDP Permit No. 2-15-1458, for activities related to the one-day 'Titans of Mavericks' surf contest (to be held sometime between November 1, 2016 and March 31, 2017, and through the 2021 season) near Pillar Point Harbor, including to have exclusive use of the offshore surfing area, to close the West Trail and the Pillar Point Marsh parking lot, to limit use of Harbor shoreline areas, and to implement traffic and parking controls throughout the Princeton-by-the-Sea in San Mateo County, as more specifically described in the application filed in the Commission offices,

As we believe the Commission is aware, the Event is generally held between November 1 and March 31 of each winter surfing season. Cartel and/or Titans of Mavericks has an exclusive use permit from the San Mateo County Harbor District ("SMCHD") for the staging of the Event *Exhibit 9* through the November 1, 2020/March 31, 2021 season. (A copy of SMCHD permit is enclosed 2-15-1458 for your reference.) Other applicable permits required of other agencies, per Special Condition 2

1 of 5

of the CDP, were obtained for the past year's event. (See Exhibit 3 to Permit Application No. 2-15-1458.) The Event was then successfully staged on February 12, 2016. The instant request for extension of the CDP is to coordinate the CDP with the existing SMCHD Permit, which itself requires Cartel and/or Titans to secure all other permits from other agencies which may require such permitting. Prior to the issuance of the CDP pursuant to Permit Application No. 2-15-1458, the Commission had not previously required such permits.

In addition, pursuant to Special Condition 6 of the CDP, Cartel submitted a "Post-Evet Report" to the Commission on or about April 15, 2016. (A copy of the post-event report is attached/enclosed herewith.) Similarly, the Commission (Renee Ananda) reported no issues as well from the supporting agencies. Thus, it would appear that Cartel has successfully satisfied all requirements for the requested extension, save for the provisions of Special Condition 8. However, as set forth more fully below, that condition has also been addressed.

#### (2) Plan for Inclusion of Women Competitors in Future Events

Special Condition 8 of the CDP provides:

The Permittee shall submit a plan for the inclusion of women surfers as competitors in future Mavericks surf events, as part of an amendment application pursuant to Special Condition 7.

It should be noted at the outset that a central precept of Titans of Mavericks has always been one of inclusion and equal opportunity. Surfing is a sport that crosses all cultural spectrums. Titans of Mavericks has never discriminated on the basis of gender, creed or ethnicity. Consistent with that ethos, Titans of Mavericks did in fact invite Savannah Shaughnessy, who was invited to the 2015/2016 Event as an Alternate.

Competitors in the Event are invited by the "Committee 5." The Committee 5 is made up of five well-recognized big wave riders that have shaped Mavericks' history. The Committee 5 represent the decision making process for all potential selectees. As set forth on the Titans of Mavericks website, criteria for inclusion in the Event (regardless of age, gender, or race) include:

- Dedication to surfing Mavericks.
- A person who is athletically in top, peak physical condition to handle the rigorous conditions and hazards of Mavericks.
- An accomplished big wave surfer that has surfed Mavericks before or whom has put recent time in that proves eligibility.
- A person that has dedicated a portion of their life staying involved with the ocean.
- A person who promotes ocean conservation and lives a healthy lifestyle.
- A person who is drug free and doesn't take performance enhancing drugs.
- A person who is respectful to his/her peers and has Character in and out of water.
- A person who puts time in at Mavericks during the pre-season.

Exhibit 9 2-15-1458 2 of 5

- A person who understands the water safety rules, and is knowledgeable on the inherent dangers of Mavericks.
- A person who provides community service efforts in their local community.
- A person who is associated with one or more community organizations.
- A person whom is educated on the ecosystem, waterway, and cold water conditions surrounding Mavericks.
- A person that understands that participation at Mavericks is a privilege, not a right

In addition, the C5 collectively watches every potential athlete throughout the season of Mavericks. They not only judge their skill in the waterway, but they weigh their character out of the water as well. In the past, no special invitations have been sent to any prospective competitor; the Committee 5 has simply navigated the waters at Pillar Point and identified surfers at Mavericks who match the selection criteria and proceeded accordingly. The Committee 5 spends the pre-season compiling a list of names as possible Titans, and brings those names to multiple committee meetings which are held every fall for deliberation. Once the votes are cast, they are sealed and professionally counted off site. The C5 process was and is designed to be inclusive of all big wave surfers, including female competitors, as evidenced by Ms. Shaughnessy's invitation to the 2015/2016 Event.

Notwithstanding the inclusive intent of the organizers of the Event, moving forward Titans of Mavericks seeks (and sought) ways to take a more active role in encouraging the inclusion of female competitors. Beginning in late May 2016, after the television broadcast of the Titans of Mavericks Event, event organizers developed various scenarios on how to better include women surfers in the Event. Considerations included the following:

- How to stage the Event in a fashion that, with the potential for additional competitors, maintained the highest level of concern for the safety of such competitors;
- How to rate and qualify women competitors that was/is fair to such potential competitors, consistent with the criteria for inclusion in the Event set forth above. Most if not all past competitors in the various iterations of the Mavericks surf contest were and are frequent visitors to Pillar Point and have been and are afforded ample opportunity to be evaluated by the C5. Thus, a system needed to be devised to provide enough notice to prospective women competitors to permit them enough "time in the water" to be assessed for their abilities to challenge the unique surf conditions at Pillar Point;
- Whether to hold an inclusive event, where male and female athletes competed "side-by-side" (as occurs in some other sports such as auto racing-see e.g. Danica Patrick- or male and female Olympians who compete head-to-head in equestrian and sailing events), or to hold a separate women's heat/event;
- If an additional/separate women's heat were established, how to fund a prize purse for the additional competitors;

Exhibit 9 2-15-1458 3 of 5

- How to fund the additional staff and safety personnel necessary to ensure the safety of the competitors;
- How to best market the fully inclusive Event to highlight women competitors.

In assessing the foregoing, Event organizers initially addressed the fairness of inviting women competitors to Pillar Point to be evaluated over the limited time between May 2016 and the "opening" of the Event's season on November 1, 2016. The question arose of whether such a 6-month time-frame would be fair to such female invitees, given that their male counter-parts had prior experience at Mavericks upon which the C5 could draw to provide a valid assessment. Additionally, Event organizers were concerned with the additional sponsorships necessary to provide prize purses for the additional competitors, and were concerned with being able to have sufficient time to secure such additional sponsorships.

Based on the foregoing, Event organizers initially proposed that their "plan" for female inclusion would be to specifically take greater steps to formally invite female athletes to participate in the 2016-17 Titans of Mavericks event, and indeed to all future events. For this year and years to come, the Committee 5 has identified a number of female athletes who have competed at other big wave surf events, and the proposal was to send out special invitations, along with a copy of the above referenced criteria, seeking to have those female athletes present their talents to the Event. All potential Titans would then be evaluated equally, on the basis of merit, using the criteria described above. Thereafter, using additional time between the 2016/17 Event and the 2017/18 Mavericks season, Event organizers would formally include women competitors beginning in that 2017/18 season.

This proposal was centered on the idea that the additional time between the 2016/17 season and the 2017/18 season would permit potential women athletes to demonstrate their unique skills to challenge the phenomenon that is Mavericks. Event organizers and many commentators agree that surfing Mavericks is unlike any other big wave adventure. Experience on the part of each competitor in the "bowl" at Mavericks is essential for the safety of all competitors.

Upon further consideration, the team at Titans of Mavericks proposes the following:

- To immediately open up the Titans of Mavericks Event to female bigwave surfers for the 2016/17 season;
- Inclusion of women in the Event will consist of the C5 establishing a "women's heat" comprised of 6 (six) renowned women big-wave surfers;
- Prize money available to such competitors will total, for the 2016/17 season, \$30,000, to be apportioned in a manner similar to the distribution rates for the 24 male competitors;
- For future events for the 2017/18 through the 2020/21 seasons, similar women's heats will also be held as proposed for the 2016/17 season, at a minimum;
- Event organizers will seek further input from women surfers and other women's surf event organizers

Exhibit 9 2-15-1458 4 of 5

#### **Conclusion**

For all the foregoing reasons, Cartel Management Inc., on its own behalf and on behalf of the entire "Titans of Mavericks" team, requests that Permit Application No. 2-15-1458 and the expiration date referenced in the CDP dated November 17, 2015 be extended through 2021, consistent with the existing permit issued by the SMCHD

Thank you for your kind attention to this matter. Should you have any questions with regard to the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,

M

Griffin Guess

Brian Waters

Enclosures

Exhibit 9 2-15-1458 5 of 5 CALIFORNIA COASTAL COMMISSION

Page

#### Memorandum

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT ST, SUITE 2000 SAN FRANCISCO, CA 94105-2219

VOICE (415) 904-5260 FAX (415) 904-5400 TDD (415) 597-5885

November 1, 2016

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director North Central Coast District

Re:

## Additional Information for Commission Meeting Wednesday, November 2, 2016

<u>Agenda</u>	<u>Applicant</u>
Item	

W8 2-16-0905-W Preserve at Pacifica, LLC

Email, William Leon 1-6 Email, Susan Schectman 7-8 Email, Peter Loeb 9 Email, Margaret Goodale 10 Email, Celeste Langille 11-12 Email, Karen Rosenstein 13-14 Email, Ariel Macias 15 Email, Erin Macias 16-17 Email, Chaya Gordon 18-19 Email, Victor Carmichael 20

Staff Report Addendum

Description

W10a Marin County LCP A No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

W10a Marin County LCP A No. LCP-2-MAR-15-0029-1 (Marin LCP Update)

Ex Parte Communication, Comm. Steve Kinsey 21 Ex Parte Communication, Comm. Steve Kinsey 22 Correspondence, Marin County Community Dev. Agency - Brian C. Crawford 23-121 Correspondence, 128 individuals

submitted this letter as of 10/26-28/16 122

Email, 314 individuals submitted this letter as of 10/26-28/16 123-124 Email, 35 individuals submitted this letter as of 10/26-28/16 125-126 Email, 12 individuals submitted this letter as of 10/26-28/16 127-128 Email, 2 individuals submitted this letter as of 10/26-28/16 129-130 Email, Katie Beacock 131-132

Email, Eric Pedley 133 Email, Margaret Gurley 134 Correspondence, Stephen Martin 135-136 Correspondence, Curtis and Christine Gardner & Family 137 Correspondence, Victoria Sebastiani 138 Correspondence, Kevin Murphy 139 Email, Ken Lombardi 140 Email, Gary Stolzoff 141 Email, Ronald and Amanda Mallory 142-143 Email, Geneva Gondak 144-145 Email, Roy and Patricia Shimek 146 Email, Kevin Shanahan 147 Email, John and Lori Butler 148 Correspondence, Stinson Beach Village Assoc. 149-154 Email, Heather Bowker and Dennis Dougherty 155 Email, Eli Botvinick 156 Email, Jason Freedman & Michelle Visser 157-158 Email, Mike Linvill 159 Email, Carroll Botvinick 160 Email, Stephen B Tracy 161-163 Email, Jeff Symonds 164 Email, Bobbi Simpson 165-166 Email, Stacy Carlsen/Brigitte Moran/ Jamison Watts/Nancy Scolari/David Lewis 167 Email, Molley and Richard Lowry 168 Email, Robert and Cailean Sherman 169-170 Email, Catherine Cicotte 171-172 Email, Molly H Reno 173-174 Email, Pamela Lichtenwalner 175 Email, Harriet Moss 176 Email, Lawrence Baskin 177-178 Email, Carrie Varoquiers 179 Email, Eric Wilcox 180 Email, Barney Quinn 181 Correspondence, Timothy M Hamilton 182 Correspondence, Kevin Murphy 183 Correspondence, Susan Nelsen 184-185 Correspondence, Linda Bucklin 186-187 Correspondence, Deborah Houlihan 188-189 Correspondence, Patricia Munter 190 Correspondence, Nancy Torrey/Kent Khtikian 191-192 Email, Timothy Hamilton 193-194 Email, Robert Johnston 195-196 Email, Lawrence Crutcher 197-198 Email, Gerald and Barbara Meral 199-200 Email, Cynthia Lloyd 201-202 Email, Alex and Diana Muhanoff 203-205 Email, Judy Stemen 206 Email, Jack Sylvan 207-208 Correspondence, Randall Fleming 209-211 Email, Jessica Reynolds 212-213 Email, Meg Simonds 214 Email, Dan & Teri Fruchtman 215 Email, Eliza Finkelstein 216-217 Email, Todd Steiner 218-219 Email, Geneva Gondak 220-221 Email, Virginia B Otis 222 Email, Barbara Ward 223 Email, Sherry Penzias 224

Email, Richard Cimino 225-227 Email, Richard Shupack 228-229 Email, Hannah B Crutcher 230-231 Email, Patrick Woodworth 232-233 Email, Bill & Maggie Krill 234 Email, Arianne Dar 235-236 Email, Annette Brands 237-241 Email, Douglas Schmidt 242-243 Email, Lokelani Devone 244-246 Email, George Clyde 247-248 Email, Richard James 249-251 Email, Larry Litvak 252-253 Email, Joanna Nasar 254-255 Email, Sarah Millus 256-257 Email, Peter Fugazzotto 258-259 Emily Persico 260-261 Email, Meg Simonds 262-263 Email, Christopher Lish 264-265 Email, Melvyn Wright 266 Email, Tim Corriero 267 Email, Daniel Dietrich 268-269 Email, David Bernstein 270-272 Email, Kenneth Frankel 273 Email, Susan Mariners 274-275 Correspondence, Janee D Parry 276 Correspondence, Amy Trainer 277-282 Correspondence, Lori Kyle 283-285 Correspondence, Victoria Sebastiani 286-287 Email, Robert Johnston 288-289 Email, Peter A. Barry 290 Email, Email, Barbara Boucke 291 Email, West Marin Sonoma Coastal Advocates 292-293 Email, Marius E. Nelsen 294-295 Email, David Bernstein 296-297 Email, Susan Nelsen 298-299 Email, Marius Nelsen 300-301 Email, Conlan Ranches CA by Ione Conlan 302-309 Email, Frederique Joly 310-311 Email, Roberta Hawthorne 312 Email, Catherine Caufield 313-316 Email, Jennifer Blackman 317-318 Email, Alice Polesky 319-320 Email, Anne Parzick 321-322 Correspondence, Carolyn K Longstreth 323-325 Email, Ann Gessert 326-327 Email, Joseph Niehaus 328 Email, Greg Tyler 329-330 Email, Kathryn Johnston 331 Email, Paula Reynolds 332-333 Email, Donald Munro 334 Email, Janet Pasha 335-336 Email, Mervin Mace 337 Email, Amanda Mallory 338-339 Email, Geraldine Sbragia 340-341 Email, Roberta Hawthorne 342 Email, Dan Lockwod 343 Email, Mary MacCready 344 Email, Patricia Wilkerson 345 Email, Ed and Marcia Nute 346-347

Email, Marius Nelsen 348-349 Email, Alexis Laurent 350-351 Email, Dean & Elizabeth Pedley 352-353 Email, Theresa Coleman 354 Email, Tony Grant 355 Email, Gail Graham 356 Email, Peter Weber 357 Email, Alan Johnston 358 Email, Marius E. Nelsen 359-361 Email, Vernon Smith 362-364 Email, Michelle MacKenzie 365-366 Email, Polly O'Malley 367-368 Email, R Zierikzee 369-370 Email, S Chapek 371-372 Email, Anushka Drescher 373-376 Email, Thom Philipel 377-378 Email, Tessa Wardle 379-380 Email, Ashley Eagle-Gibbs, EAC 381-402 Email, Sam Dolcini 403-405 Email, Jim Curland 406-407 Email, Katie Taggart 408 Email, Sterling Speirn 409 Email, Lisa Stanton 410 Email, James Kirkham 411 Email, Malcolm Ponder 412 Email, John Andrews 413 Email, Bobbi Loeb 414 Email, Ian MacColl 415 Email, Charwick Clark Ertola 416 Email, Andre Neumann-Loreck 417 Email, Pamela Lichtenwalner 418 Email, Peggy Steffens 419 Email, Suzan Goard 420 Email, Jay Rocket 421 Email, John T. Andrews 422 Email, Kathryn Hadley 423 Email, Julie Simon Munro 424-425 Email, John Gouldthorpe 426 Email, Mary Garrigues 427-428 Email, Michael Traynor 429-430 Email, Charles Egan 431 Email, Cyndie Fox432-433 Email, Anne McMullin 434 Email, Terry Houlihan 435-444 Correspondence, Jeremy Talcott/ Kirk Wilbur 445-459 Email, Jane Allen 460-461 Email, Stacie Charlebois 462-463 Email, Sarah Loughlin 464 Email, Kim Lyon 465-466 Email, Mary Ann Cobb 467 Email, Alan Proctor 468 Email, Dianne K Chasteen 469 Email, Richard Reasoner 470 Email, Peggy Steffens 471 Email, Alexandra Rome 472-473 Email, Patty Trenkwalder 474 Email, Mary Brown 475 Email, Thomas J Schnugg 476-477 Email, Nancy Schlatter 478

Email, Kristen Renton 479-480 Email, Linda Howie 481-482 Email, O Lewis 483-484 Email, Susan Taylor 485 Correspondence, Chris Scheuring 486-490 Email, Gail D Mace 491-Email, Linda and George Tillotson 492-493 Email, Dennis Jauch 494 Email, William Pereira 495 Email, Dennis Jauch 496 Email, Allen Gregg 497 Email, Kristy Patterson 498 Email, Tito Sasaki 499-500

W11a 2-15-1458-A1 (Cartel Management, San Mateo Co.)

Staff Report Addendum

W11a 2-15-1458-A1 (Cartel Management, San Mateo Co.)

Correspondence, Savannah Shaughnessy 501-504 Correspondence, Nikki Brooks 505-506 Correspondence, Scott Miller 507 Ex Parte Communication, Comm. Mark Vargas 508 Correspondence, Cori Schumacher 509-511 Correspondence, Beth O'Rourke 512-514 Email, Amanda, Levett 515-518 Email, Sabrina Brennan 519-523 Email, James Lee Han 524-525 Email, Kris Lannin & Michael Liang 526-527 Email, Bill Kehoe 528-529 Email, Karen Tynan 530-533 Email, Karen K. Anderson 534-535 Email, Marnie Bell-Ferguson 536 Email, Edmundo Larenas 537-538 Email, Dayia Soul 539-541 Email, Sabrina Brennan 542 Email, Committee for Equity in Women's Surfing 543-545 Email, Blair Blackwell 546-547 Email, Jennifer Savage 548-550 Email, Amanda Levett 551 Email, Aynsley Parker 552-553 Email, Beth Pielert 554-555 Email, Thomas Sheffield 556-557 Email, Mira Manickam 558 Email, Brown Gril Surf 559-560 Email, Mary Larenas 561-562 Email, Nadine Choe 563 Email, Sarah Gerhardt 564 Email, Nancy Revering 565-566

# Wlla

Dear California Costal Commission & Titans of Mavericks contest organizers,

First off, I want to say a huge thank you to the Titans of Mavericks event, the surfing community, and all of the amazing female athletes who have pushed the level of our sport to achieve what we have today; a women's division in the Maverick's event and World Surfing League (WSL) tour. It has taken hard work, dedication, enthusiasm, teamwork, and many years of adventure, fun, and true grit to arrive at this point. Progress can be slow in big-wave surfing, as it must be to promote safety, fun, and success because it is a dangerous, extreme sport. A lot of patience and training are involved, and the sport will continue to slowly grow to new heights.

My name is Savannah Shaughnessy, I am 27 years old, from Santa Cruz County, Since watching the film "Year of the Drag-in" when I was in middle school I have loved Maverick's. When I was 12 years old I decided I wanted to surf Maverick's the same way as the men I watched in the film. It truly was a male-dominated sport at that time. I sought out experienced mentors and began preparations for safety and success. I took a three-day personal watercraft (PWC) course with Shawn Alladio at K38 in Morro Bay when I was 14 years old, and that winter I watched the Maverick's contest on the Jet Ski. It was my first close-up view of Maverick's. By the end of the day I wanted to be in the contest too. I remember being inspired when Sarah Gerhardt was selected as an alternate for the Maverick's event, then called, Men Who Ride Mountains in 2001. I first came to attempt to surf Maverick's in 2005 with Sarah Gerhardt when I was 16 years old. I have been coming back ever since. It has never been a career for me. My career is in health care as a registered nurse. However, I have dedicated a substantial amount of my life training for and surfing big-waves, with Maverick's being my focus and obsession. I have watched many of the Maverick's contests from the water, and I have surfed after many of the events as the sun was setting.

I remember during the 2012/2013 big-wave surfing season the event organizers attempted to create a women's division. They were unable to due to a lack of female athletes willing to surf Maverick's, with some having unreasonable demands to acquire their participation.

I have seen, and had to privilege to be a part of the growth of big-wave surfing. In 2010, the Maverick's event was held in 50-60 foot tall perfect surf, and the athletes took the sport to a new level. Female big-wave surfing has seen a very steep progression since 2010 as well. Most recently, a handful of female athletes traveled to Maverick's, supported by WickrX Super Sessions in December 2014. We all became closer, and surfed very small, stormy Maverick's together. A few of the women extended their trip for the opportunity to surf Maverick's on a larger, cleaner day. I remember Emily Erickson catching a really nice wave that day. It showed an increased female interest in Maverick's. I have judged the Mavericks event, and I have been considered for the event as an alternate in the men's division.

My brother is surfing in this event for the first time this year. I suffered a life changing injury last winter at Maverick's that has kept me out of the ocean for almost a year now. I know this wave, and this community, and I am absolutely in love with both. This is why I want to ensure that the women's division in the Titans of Mavericks event is planned to promote safety, fun, and success.

It is important that the plans for the women's division come from collaboration between surfers in the big-wave community and the organizers of the event, not from politicians outside of the community who do not understand Maverick's, the athletes, and the competition.

For the first time in the history of big-wave surfing, there are enough skilled, competent female surfers who have the necessary experience surfing large waves to create a women's division in the already established big-wave surfing events. This year, both the WSL and Titans of Mavericks events will include a women's division comprised of one, one-hour heat. This is a very small, specialized group of women, and this is the perfect format at the perfect time.

Big-wave surfing is different from other sports because the competition arena is not a "static playground." It is an uncontrolled, changing environment that can become dangerous very quickly to the most calculated, and physically and mentally trained athletes. Also, while the best swell and weather forecasters counsel the event organizers to select the biggest, cleanest swell of the year to run the contest; the conditions can still be somewhat unpredictable. The fog, changing tides, changing winds, and swells that are building leading to larger waves throughout the day, or swells that are dropping quickly resulting in smaller waves throughout the day must all be navigated. Surfing Maverick's is to experience the true wilderness; it is raw and wild. Each contest has faced one, possibly all of these challenges; it is the ocean we are talking about after all. Each year, the event is run on a very tight schedule. Some years the event had to begin two hours late due to thick fog, and the competitors had to forego any planned breaks between heats due to a late start or increasing dangerous winds. There is enough time to include a one-hour women's division, but there truly is not enough time in the day to add more than one additional heat, nor are there enough female athletes.

The time of one hour per heat has been selected because during a large swell there are typically one to two sets of big-waves per hour. The competitors need a full hour in order to catch 1-3 waves. If heats were any shorter, there would be many competitors unable to catch a single wave in their heat, male or female. I suggest that the women's heat should be held before the men's final. This timing is ideal so that both final heats are held consecutively, and so that the men have a break after their semi-final heats to rest before their final heat.

The women's heat is planned to be on the same day as the main event, which is fantastic for progressing the sport and pushing the women to new levels. However,

many women surfing big-waves are not surfing waves that are as large as those that their male counterparts are riding. The day of the event is selected to showcase the athlete's abilities and push their limits. Thus the day of the event should be held with waves standing 50 feet tall, and while clean conditions are sought-after. athletes must have the ability to adapt to less than ideal conditions requiring additional skill, experience, and confidence. There are a select few big-wave female surfers surfing waves of this caliber, and at this ability level. For some women this is easily double the size of the wayes they are surfing at big-waye surfing locations. Maverick's is a very technical big-wave, it has been argued to be the 'Mount Everest' of big-wave surfing, and is often compared to Jaws on Maui. Asking for athletes to go that far outside of their comfort zone and ability level is unsafe. There are 5-6 women who have surfed Maverick's and have the skill and experience to surf bigwaves at this caliber safely and successfully. I am beyond excited to see them perform in the event; I know it will be impressive. However, besides this small group, there are hardly enough dedicated, skilled athletes to form an alternate list. The women's event needs to be one heat for safety, fun, and success. I hope the sport will continue to grow, and I believe it will. At this time, and I predict for the next five years (based on the amount of growth in the last five years), a six-woman one-hour heat with four alternates will be the best format for the women's division.

The prize money has been calculated fairly between the men and women's divisions. It is calculated based on the number of athletes in each division; \$5,000.00 has been contributed toward the prize purse for each division per number of athletes that comprises each division. There are six female athletes competing, so there will be an equitable \$30,000.00 in the prize purse.

There will be two female members added to the Committee 5. It will become the Committee 7. This committee will collaborate to determine the six female athletes to compete in the women's event this year, and the 4 female alternates. The Committee 7 will select both male and female athletes each year for the competition from this year forward. For the season of 2016/2017 the male competitors have already been selected by the Committee 5. The event organizers are adding myself and Nikki Brooks to the Committee 5. Nikki Brooks has been documenting women's surfing, and big-wave surfing for at least 15 years. She is present at Maverick's each swell that provides enough energy for waves to break at Maverick's, and every contest. She is watching the athletes, and documenting their accomplishments. She also knows Maverick's, and the big-wave surfing community very well. Nikki Brooks is also a skilled sailor, teaches marine biology, a long-distance ocean swimmer, and a surfer.

Lastly, a multi-year permit is needed for the event to allocate and acquire substantial, loyal, and fruitful sponsors. The process of being required to apply for a new permit every year would literally kill this event, which has been so special and valuable to many surfers, spectators, and local businesses. Big-wave surfing has never been a profitable sport. Men and women who obtain their salaries solely

surfing big-waves are rare, and typically live month-to-month swell-to-swell. It is a lifestyle, and they risk everything to travel, progress, and achieve their goals. This event has been run on a very tight budget, and on occasion, even a competitor will contribute money towards the prize purse. For example, one year there was not enough money to run the Todos Santos event, so Greg Long, (one of the most impressive and widely celebrated big-wave surfers), put up the money required for "the show to go on." A multi-year permit will allow for better sponsorship of the event, which will lead to better compensation and prize monies for the male and female athletes. This will help progress the sport because more men and women will be able to afford to participate. Limiting this event would oppose growing the sport and women's division.

The event organizers have collaborated with women in the big-wave community who have the desire to communicate and effectively work towards an amazing event. So far, these women include Emily Erickson, Sarah Gerhardt, Nikki Brooks, and myself. I really enjoy seeing the progress made, and the women's division is being planned to, and will be carried out to best fit the female athletes. I think we all can agree that everyone is excited to see women officially joining the main event. The contest will be as safe as possible, fun, equitable, and a big success. This is a fair, safe, and fun beginning.

Sincerely,

dawammah. Alkaufirmy.

Savannah Shaughnessy

## W11a

#### Nikki Brooks

3736 Hilltop Court Soquel, CA 95073 831-566-1900 seanikkibrooks@hotmail.com

October 30, 2016

Dear California Coastal Commission, Mavericks Governing Entities, Cartel Management, and Interested Parties,

I am writing in support of the women's heat to be held at the Titans of Mavericks event for the 2016/2017 season. I am a surf photographer from Santa Cruz, CA and I have been documenting big wave surfing at Mavericks every season since 2006. Over the years I have focused on women's big wave surfing and have been following the women who surf at Mavericks as well as at other big wave locales around the world. I have photographed notable swells and big wave contests at Mavericks, Waimea Bay (Oahu), Jaws (Maui), Nelscott Reef (Oregon), Puerto Escondido (Mexico), and Pico Alto (Peru). I have documented waves ridden by men and women that have been nominated for big wave awards and world records. My photographs and features focusing on women big wave surfers such as Savannah Shaughnessy, Sarah Gerhardt, Jamilah Star, Paige Alms and Maya Gabeira have been published internationally.

As a photographer, I have witnessed many swells and have photographic record of the women that have been surfing Mavericks over the past ten years. There have only been a few women that have been committed to surfing Mavericks for more than five years. I am very pleased to see more women surfing Mavericks the last few years, and I am impressed with their performance at Mavericks and at other big wave venues.

I am very excited that the Titans of Mavericks is providing an opportunity for women to surf in a competition at Mavericks. This is a significant event in the progression of women's big wave surfing! Women big wave surfers, especially ones that are committed to surfing Mavericks, have earned this opportunity.

Mavericks is a very dangerous wave, and like all big waves, it demands respect. Years of surfing experience at Mavericks must be a requirement when considering potential competitors. Big wave surfing is not a feat tackled with pure brawn. Having the right frame of mind, mental and physical strength, knowledge of the swell directions, weather, tides, a connection to the other surfers in the lineup, training to handle extreme wipeouts and dangerous situations, as well as knowledge of the idiosyncrasics that occur within an ever changing environment, can only be achieved after dedicating oneself to Mavericks over the years. I feel that the criteria that the Titans of Mavericks list on their website in order to be considered as a potential competitor should be applied to all potential women competitors as well. When considering this criteria, along with my years of documenting surfing at Mavericks, I believe that one heat with six women competitors and four alternates is an appropriate way to honor women's big wave surfing. I am confident that in time, as more women venture to Mavericks to surf its giant waves, there will be more women candidates that have earned their place to compete there.

The logistics of putting on a big wave surf contest are challenging. Aside from there only being so many daylight hours during the winter season, many factors have to come together in order to have enough time to run the heats in contestable súrf. Environmental factors such as wind, tide, visibility, and swell duration can all effect the contest conditions. A big wave surf contest should be viewed as a speciality event, and includes a limited number of competitors in order to ensure completion of the contest in one day. Permitting an additional heat for the women to compete is possible under ideal circumstances, but trying to squeeze any heats beyond this would be very difficult. Unfortunately swells rarely produce significant size the following day, thus prolonging the Titans of Mavericks event into a two day contest is not an option.

I believe that the Titans of Mavericks has the best interests of the women in mind and they have done a commendable job providing an event that showcases the world's best big wave surfers that are dedicated to surfing Mavericks. I am in support of a multi year contract to be granted to the Titans of Mavericks by the California Coastal Commission.

Thank you for your time and consideration.

Yours Truly,

Nikki Brooks

#### Agenda Item W11a

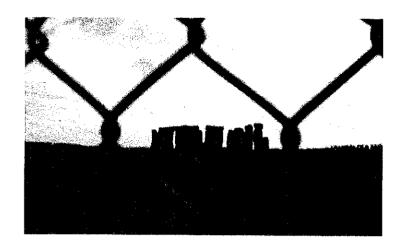
Scott Miller P.O. Box 145 Dillon Beach, CA. 94929 (707) 878-2167

October 28, 2016

California Coastal Commission 45 Fremont St., suite 2000 San Francisco, Ca. 94105-2219

Re: Permit #2-15-1458-A1 (Cartel Management)

Dear Commissioners and Staff,



#### This permit should not be extended for four years.

After all of the discussion last year, the Cartel applied this year for another Manfest. Congratulations to CCC Staff for forcing them into the era of equal rights. The Commission should maintain control *annually* until the Cartel can show an honest effort to follow through on their promises.

Cartel Management has demonstrated that they do not want to include women, past champions, or anyone they do not like. They still are not including the most qualified participants. They are only including their friends.

## This is not a competition of the best surfers in the world. This is corporatesponsored, state sanctioned localism. "Our wave, Our beach, Go home!"

This is a permit to close the most revered location on the best day of the year. It is a permit to close Stonehenge on the solstice, so that a small group of self-selected Druids may have their exclusive party.

The decision of who gets to enjoy this incredibly rare resource in the best possible conditions without crowds of commoners is secretive, biased, and sexist. This is not a surf contest. It is a popularity contest. Popularity contests are not a coastaldependent activity. Members of the public who want to surf Mavericks should not be locked out during prime conditions just because friends of the Cartel want to showcase themselves.

Do not extend this permit until the Cartel has proven that they are capable of including more than just their close circle of friends.

Lunada Bay for Just One Day. One day is one too many.

Sincerely Scott Miller

•	· ·		<b>vv</b> 11a
- EX	PARTE COMMUNICA	ATION DISCLOSURI	RECEIVED
Filed by Commissioner:	Mark Vargas		OCT 21 2016
1) Name or description of p	roject:	······································	······································
Permit No. 2-15-1458-A1 (Carl	el Management, San Mateo	o Co.)	·
2) Date and time of receipt	of communication:	·	
October 21, 2016 at 6:26PM	۱ -		·
3) Location of communicati (If not in person, include th		on, e.g., telephone, e-r	nail, etc.)
Electronic Communication		, <u></u> , <u></u>	<del>, , , , , , , , , , , , , , , , , , , </del>
4) Identity of person(s) initi	ating communication:		·····
Sabrina Brennan			· · ·
	· • • • • • • • • • • • • • • • • • • •	•	
5) Identity of persons(s) red	eiving communication:		
Mark Vargas			,
6) Identity of all person(s) p	resent during the comm	unication:	
Sabrina Brennan, Mark Varg	as .		· .
7) Complete, comprehensiv graphic material presented	-	nication content (attacl	n complete set of any text or
While coordinating the date an sent a message saying: "I just			following week, Sabrina Brennan bermit please."
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October, 24, 2016	- 1 Curt	n V g	· · · · · · · · · · · · · · · · · · ·
communication, if the communic the subject of the communicatio	ation occurred seven or more n. If the communication occu eding and provide the Executi	e days in advance of the Co rred within seven (7) days ve Director with a copy of a	within seven (7) days of the ex parte mmission hearing on the item that was of the hearing, provide the information ny written material that was part of the sclosure.

W11a

## W11a

Cori Schumacher Executive Director The Inspire Initiative PO Box 2147 Carlsbad, CA 92018





History of Women's Surfing

October 19, 2016

#### **California Coastal Commission**

North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

CC:

Renee Ananda: Renee Ananda@coastal.ca.gov Nancy Cave: Nancy.Cave@coastal.ca.gov Jeannine Manna: Jeannine.Manna@coastal.ca.gov Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

#### Re: Permit No. 2-15-1458-A1 (Cartel Management, San Mateo Co.).

Dear Chair Kinsey, Honorable Commissioners and Commission Staff,

I am writing you today to respectfully request your assistance in requiring more specific and legally accountable plans for the inclusion of women surfers in the "Titans of Mavericks" annual surfing event.

As a 3-time women's world surfing champion, 2-time North American women's surfing champion, women's rights advocate, and co-founder and executive director of The Inspire Initiative, an education-based non-profit organization purposed with increasing the diversity and inclusivity of surfing, I have over 3 decades of experience working to make surfing more equitable and accessible for every woman, regardless of her ethnicity, sexual orientation, or socio-economic status.

Despite the many, hard-fought strides women have taken over the years in surfing, there continues to be elements within the surfing world that strongly oppose equity for women surfers. Given surfing is rarely associated with public education or government institutions, competitive women surfers do not benefit directly from such important legislation as Title IX (1972).

#### RECEIVED

OCT 21 2016

CALIFORNIA COASTAL COMMISSION Despite this, and at great risk to our careers and our finances, many of us have tenaciously pursued equity and inclusion for ourselves, for each other, and for future generations. We have and continue to support each other through coalition building, awareness raising, and reaching out to folks, like you, who can help influence where too often we are silenced, ignored, and often shunned.

Time and time again, in my advocacy work for women surfers related to the surf industry, the surf media, and institutionalized competitive surf organizations, I have experienced the same behavior and rhetoric being exhibited by Cartel Management related to their "Titans" event: assurances of steps toward inclusion with no actual steps taken and no accountability, until external pressure is applied.

Cartel's extant parameters for deciding who is allowed to compete in the actual event, are specifically geared toward rationalizing the exclusion of women, and do not provide a clear path to include women in the "Titans" event.

It is not enough that women are being included with men in the initial draws for the event or as alternates. These are empty gestures meant to quiet the growing number of voices from within and outside of surfing calling on equity for women in this event. The fact that women are consistently not chosen to advance to the actual surf event highlights the need to change the formatting (creating a women's *division* distinct from the men's division) and the need for a women's representative on the decision-making body for the event, the so-called "Committee 5" group.

I cannot stress enough how important it is for there to be a women's representative, of the women competitors' own choosing, on Committee 5. A recent and powerful example of just how important the inclusion of a female representative advocating on behalf of women competitive surfers is, can be found in the World Surf League (WSL), the recognized governing body of international, professional surfers.

The current women's representative, Jessi Miley-Dyer, joined the WSL a few years back as an accomplished, retired female professional surfer. Through her guidance and leadership, the WSL has increased the number of events for women on the WSL professional surfing tour and increased the prize money of each event. Also, the way professional female surfers on this tour are represented in WSL marketing, is markedly more dignified and focused on their athleticism than ever before. I strongly believe that the same is needed on Committee 5.

Cartel Management needs to be held accountable for not meeting the expectations of this year's permit. They have not fulfilled their commitment to actually include women in the event this year and so should not be given a multi-year permit for the "Titans" event.

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I strongly encourage the Coastal Commission to deny Cartel's request for a multi-year permit and instead, issue a single-year permit with the following conditions:

- 1. Cartel Management shall include a women's *division* for each year that the "Titans" event is held. This means, at minimum, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- 2. The prize money for the women's division shall be equal to the men's division.
- 3. Cartel Management shall include at least one woman on Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors themselves. In the interest of transparency and in order that there be no conflict of interest, this woman should not be one of the competitors.

It should be made clear to Cartel Management that if they fail to meet the conditions set forth by the Coastal Commission to ensure equal access, equal inclusion, and equal pay for women, their permit will be pulled. The benefit of a single-year permit for this event is to ensure these conditions are being met in a way that the women surfers themselves find equitable and fair.

In closing, I want to stress to the Commission and Commission staff that the four women surfers collectively known as the "Committee for Equity in Women's Surfing", who have bravely brought this issue before you, continue to be active in competition and in the broader surf industry realm (sponsorships, media, etc). It is a well-known and documented fact that women surfers who take such risks publicly, especially while still in the midst of their careers, open themselves to widespread retribution and backlash.

I proudly stand with these women and all those who are advocating for them. I hope we can count on you, Chair Kinsey and Honorable Commissioners, to help us continue our pursuit of equity and justice on behalf of our surfing grandmothers, mothers, this generation of female surfers, and most importantly, the next generation of our surfing daughters *and* sons.

Kindest Regards,

Cori Schumacher

## W11a



SeaLevelTV 1273 Hanover Lane Ventura, CA 93001

October 21, 2016

Steve Kinsey and All Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

Steve.Kinsey@coastal.ca.gov Re: Women's Division at Maverick's Event—Permit No. 2-15-1458-A1

Dear Chair Kinsey and All Commissioners:

The hard-won news broke this Wednesday to the equivalent of a social media standing ovation: Cartel Management, the producers of *The Titans of Mavericks* big wave surfing event announced that a women's heat will be included in the 2016/2017 contest. This would appear to be an unambiguous victory, right? Guess again. To the general public, of course it would appear this way. However this announcement leaves out many important details and appears to lack familiarity with the proposal submitted by the <u>Committee for Equity in Women's Surfing (CEWS)</u>.

"6 Women. 1 Hour. \$30,000 on the Line" — Breaking it Down

I am a lifelong competitive athlete. For the past fifteen years I have been involved in all aspects surf competition: competitor, event organizer, judge, coach. Currently I'm the team captain and an appointed board member of the Malibu Surfing Association. Prior to surfing I competed as a distance runner, bike racer and skier.

The CEWS proposal specifically asked for a women's division rather than a single women's heat, which is what was announced this week (see image "A" below). This may seem like hair splitting, but it's actually critical to ensuring that women are granted equal access to this event, held in a public waterway. The wording of the announcement suggests that there will be one women's heat with six competitors

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vying for \$30,000. Sounds exciting and we all can't wait to watch these top-tier athletes make history! However a surf contest division typically consists of a large number of athletes competing to win, even in the case of an invitational like *Titans*. For example, a "women's division" in the <u>World Surf League</u> women's championship contest includes 18 professional women surfers. Heats begin with preliminaries and athletes advance to a final heat based on their performance. This is the same format that will be employed for <u>all twenty two invited male "Titans</u>", in addition to eight wildcards and eight alternates, equalling a total of thirty eight potential male competitors. Roughly speaking, this means the men's division will include several preliminary heats lasting an hour, followed by semi-finals and a final.

There are a few long running, disparaging jokes in our surf contest culture that are established patterns and relevant to gaining a deeper understanding of the current Mavericks situation. One is the fact that women's heats tend to be scheduled during times of the least favorable wind and tides while the men predominantly enjoy the finest conditions the day has to offer. The other makes light of heat sheets that don't offer enough heats for women, resulting in the comment, "I went straight to the finals", often delivered with a wry smile and the distinct feeling that you've been ripped off. I have lived these moments over and over again. The disadvantage to women athletes is not only an affront to the training and preparation involved in competing, it's economically unfair when you look at the fact that both men and women athletes have invested the same amount of time and money into travel, lodging, meals, and other expenses yet the women spend just fraction of the time competing that that the men do.

On Wednesday, October 19, 2016 *The Titans of Mavericks* announced via Facebook that they would include a single heat for six women athletes in the 2016/17 event. In surf contest parlance, this is referred to as a "final". This is out of step with the CEWS proposal that specified a women's division with multiple heats as a condition of the permit.

I urge the CCC to require the following conditions as originally proposed by the Committee for Equity in Women's Surfing:

- 1. Cartel Management shall include a women's division for each year that the "Titans" event is held. This means, at minimum, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- 2. The prize money for the women's division shall be equal to the men's division.
- 3. Cartel Management shall include at least one woman on Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors themselves. In the interest of transparency and in order that there be no conflict of interest, this woman should not be one of the competitors.

Including women in key decision-making roles is critical. I strongly recommend that women athletes are invited to the table to provide direction on everything from the selection process of invited athletes to scheduling women's heats to maximize the opportunity for peak performance.

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Chair Kinsey and kind Commissioners, thanks for your time and your careful attention to the technical aspects and minutiae of competitive surfing. Supporting a women's division with multiple heats as specified in the CEWS proposal will send a positive message that clearly communicates that the coast is for everyone.

Best Regards,

Beth O'Rourke Documentary Filmmaker and Writer, SeaLevelTV Team Captain and Board Member, Malibu Surfing Association



A. The Tit of Mavericks announcement for a "women's heat", published October 19, 2016

## W11a

From:	Amanda Levett
To:	Kinsey, Steve@Coastal
Cc:	<u>Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal</u>
Subject:	LETTER in support of Permit #2-15-1458-A1
Date:	Wednesday, October 26, 2016 10:30:29 AM
Attachments:	<u>2-15-1458-A1_SEEKINGPEAKS.pdf</u>

Good morning, Mr. Kinsey,

Attached is a letter I wrote in support of the CEWS' proposal for a Women's Division in the Titan's of Mavericks surf competition. Thank you very much for your time and consideration.

Amanda Levett

Founder, Seeking Peaks. "Water Women Worldwide" President, The Vagabond's House, Boutique Inn & Spa

amanda@seekingpeaks.com 831-521-0037

#### WINTERBANKS LLC



amanda@seekingpeaks.com 831-521-0037

Winterbanks LLC PO Box 2747 Carmel CA 93921

October 23, 2016

California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

RE, Permit #: 2-15-1458-A1 Women's Division, Mavericks Competition

Dear Chair Kinsey, Honorable Commissioners, and Commission Staff,

Before I begin a letter of request and urgency, I would like to share my gratitude. In the last year, the California Coastal Commission has been a face of conservation and has taken a significant stance for public access to the coast—an issue that is also guite valuable to us surfers. So I thank you.

Now, as the prestigious contest, Titan's of Mavericks, has announced it's season, the California Coastal Commission has another chance to be on the right side of historical change. If not for change and improvement, why do we take the often thankless jobs in public service?

My name is Amanda Levett. I am the owner of The Vagabond's House, Boutique Inn & Spa in Carmel-by-the-Sea. I am the founder of Seeking Peaks, a water woman's global network. I am also proud to work as a coach for Surf Las Olas, Surf Safaris for Women, and as the head coach and developer of their newest intermediate camp, Surf Mas Olas. As a surfer, an instructor, and a business owner, I have a unique view on women in surfing that is not so tightly connected to the core surf industry. The members of Seeking Peaks and the guests of Surf Las Olas are not the typical "surf" market and do not respond positively to the objectification and sexualization of women that is so apparent in the surf industry's marketing. They are women matured beyond the dreams of beach bodies and backpacking. They are often beginners or intermediates and they are vocal about how male dominated this sport is.

Cartel Management recently boasted on Facebook that the Titans of Mavericks will be holding its first female heat this year. While some might see this as a boon for equality, I am not satisfied, as this does not scream parity as much as it says window dressing or consolation prize. It falls short and reads closer to an attempt at placating us. Please don't misunderstand me. I am grateful and excited to watch tremendous female athletes compete. However, this does not reflect the requests of the Committee for Equity in Women's Surfing's proposal. The CEWS proposal is clear and is a much better reflection of equality. Therefore, I encourage the CCC to take each condition with reverence. The conditions are as follows:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
  - Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats shall be identical for both the men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5, as the women need female representation.
  - This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

Women have been asking for equal recognition in and out of the water for years. A single heat proposal acts as a gesture, at best, and nefariously echo the excuses that thinly veil discrimination and devaluation, at worst. This said, I ask again that the CCC consider the potential that this proposal has for the future of equity for women in this sport. And I do thank you for your time. This was after all, a two page letter.

With Kind Regards,

#### Amanda Levett

Winterbanks LLC

Founder, Seeking Peaks

#### President, The Vagabond's House

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# W11a

From:	Sabrina Brennan
To:	Ananda, Renee@Coastal
Cc:	Cave. Nancy@Coastal; Rexing, Stephanie@Coastal; Manna, Jeannine@Coastal
Subject:	Cartel Managment Permit No. 2-15-1458-A1
Date:	Wednesday, October 26, 2016 4:59:47 PM
Attachments:	Hey Guys by Sabrina Brennan 2-3-16.pdf

#### Hello Renee,

Please include the attached editorial in the board packet.

Thank you, Sabrina

RECEIVED

OCT 26 2016 W11a

CALIFORNIA COASTAL COMMISSION

## Hey guys, Mavericks needs women

February 3, 2016 by Sabrina Brennan

When it was my turn to speak during public comment at the November 2015 California Coastal Commission hearing, I explained that the San Mateo County Harbor District has a five-year exclusive permit with Cartel Management, the Titans event promoter. It specifies that only one surf contest can be held at Mavericks from Nov. 1 to March 31. I noted that the Mavericks contest does not include a women's heat and no women have ever surfed in the final competition. I asked the Coastal Commission to add a condition to the Coastal Development Permit that would require a women's heat.

My expectations were low. To my surprise my public comment was not lost on Commissioner Mark Vargas. He was concerned about the lack of equity.

Contest organizers defended their all-male selection process. Contest founder Jeff Clark said, "The way we choose those invitees to surf in the Mavericks event is through a polling of the peers, the guys that surf out at Mavericks and the guys that are pushing it to the level of performance, that is the absolute highest level of performance. Now, there are women that surf Mavericks, I've surfed with many of these women at Mavericks and there's the bowl at Mavericks, the most extreme and intense place to take off, and there's, (pause) well we call it the west bowl, the much easier place to catch the waves, and the guys that get invited in this event, men or women take off in the bowl. And at this point we haven't seen that kind of performance that would, you know, when the Committee 5 is watching a group surf Mavericks it's like there's always one guy that stands out. It's that kind of, okay, can that person beat the guy who won it last year or the year before. Who has the ability to win this event. And the guys on the Committee 5 were with me when I first talked someone into going out there with me. They're the guys in the early 90's that actually surf Mavericks and still surf Mavericks, and they

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know, they have a very good eye of the performance level that we're looking at, not only to surf Mavericks at the highest level, but to surf it safely and be in the condition that if you go down out there it's not going to become a problem for the lifeguards, we want to avoid the rescue situations."

Note that that the "Committee 5," which selects competitors is not necessarily fair in its process. Case in point: Three days before the Coastal Commission hearing *Sports Illustrated* reported that the 2014 Mavericks defending champion, as well as 2006 Mavericks champion and 2014 Big Wave World Tour Champion Grant "Twiggy" Baker had fallen out of the Committee 5's favor. Baker was banned from the 2015-2016 Mavericks contest for distributing a petition to support former 2013 Mavericks champion Peter Mel's reinstatement in the contest. Mel was banned from the Mavericks contest because of a "conflict of interest." The reasons given for banning Baker were convoluted. Jeff Clark told *Stab Magazine* that Baker had, "put other athletes' at risk by being associated with a petition that was (circulated) on behalf of Mel to challenge the Committee 5's decision on matters pertaining to the framework of their event protocol for the selection process."

During the discussion at the Coastal Commission hearing, Mark Vargas said, "I'm still a little concerned about the fact that there is no clear plan for highlighting, involving, or encouraging the growth of women in this event or in this sport. I'll float it out there. I'd like to see if I can make an amending motion to add a specific condition that we ask the applicant to provide a plan for encouraging equal opportunity for women surfers in future events."

In 1994, bodyboarder Sarah Lucas broke the Mavericks gender barrier and four-years later Sarah Gerhardt became the first woman to ride the enormous wave standing on a surfboard. On *The Inertia* website Gerhardt is quoted saying, "I live as though I don't have any limitations, when I have many. Physically, mentally, I've got many limitations. But surfing, surfing at Mavericks, makes me forget about them. And I try not to think about those limitations. I just go."

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In November 2015 a clear mandate was issued by a 7-4 vote to approve Vargas' amended motion. Moving forward, oversight by the Coastal Commission will be necessary to insure that equity for women athletes includes a Women's Division with multiple heats, appointment of a woman to the Committee 5, and a condition that corrects the gender pay gap in prize money. The Coastal Act provides coastal access for all.

### Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

The Eddie at Waimea in Oahu and Mavericks in Half Moon Bay are examples of off tour big-wave events that showcase an athlete's talent and help them gain valuable sponsorships. A total of 9 contests have been held at Mavericks. The first event was in 1999, the same year 1 moved to Seal Cove, a bluff-top neighborhood in Moss Beach. My wife Almee and I enjoy walking out our front door to watch awe-inspiring surfing at Mavericks. For years we've been hoping that women would be invited to compete and we're thankful for the 2015 Coastal Commission decision.

Last month, it was announced that Savannah Shaughnessy would be included as an alternate in the event. It's a well-deserved honor and a nice gesture however few alternates actually surf in the event. The decision came after alternate Garrett McNamara had emergency surgery resulting from a Mavericks wipeout earlier in the month. A total of six new alternates were added in January, including Savannah and her brother Patrick. The first woman selected as an alternate was Sarah Gerhardt. She was the last alternate in the first two events held in 1999 and 2000; she was not selected to compete.

In the world of elite surf competition women compete against women, as is the case with most sports. In 2015 the World Surf League championed equal pay for men and women. For the first time, women surfers earned the same prize money as their male counterparts on the

WSL's Samsung Galaxy Championship Tour. However prize money doesn't solve the problem of inequality in the number of women selected to compete at the elite level. In 2015 WSL Women's Championship Tour included 17 professional surfers competing in 10 events and the men's tour includes 34 professional surfers competing in 11 events. Increasing the number of events and the number of awards for women, as well as offering equal prize money, is the only way to achieve equity in competitive surfing.

The WSL Big Wave Awards first launched in 2000, to recognize the surfer who rode the year's biggest wave. Now into its 16th season, the Big Wave Awards has grown to include seven categories. The 2014/15 Big Wave Awards event included six categories for men to compete and win prize money and only one category for women. The 2014/15 purse for Performance of the Year was \$15K for men plus a \$4,500 watch and \$10K for women. Paige Alms performance at Jaws helped her land the \$10k women's award.

The 2014/15 WSL Big-Wave Ride of the Year award exemplifies the gender pay-gap. One could argue that women aren't excluded from this event, presumably if a woman got the best ride of the year she could win, however, because women are not included in many year round competitions there are limited opportunities for them to win. Fewer events and less prize money makes it challenging for women athletes to surf big-waves as frequently as required to win Rider of the Year. Currently the WSL Big Wave Tour holds seven international events with 24 contestants in each event, and none of these events include women. This results in Rider of the Year prize money going to men, first place \$60k, second \$15k, third \$10k, fourth \$5k and fifth \$3k. The same is true of Maverick, with a \$120k purse for the 2015/16 event.

Pioneers like Gerhardt and Shaughnessy deserve recognition for their inspiring contribution to big-wave surfing. Requiring women athletes to compete against men blocks women from equal pay, marginalizes professional athletes, and discourages women and girls from participating in sports. It's time all athletes had an equal opportunity to compete at Mavericks.

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From:	James Lee
To:	<u>Ananda, Renee@Coastal</u>
Cc:	<u>SurfEquity@gmail.com</u>
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Thursday, October 27, 2016 4:42:35 PM

#### Hi Renee,

My name is James Lee Han and I am a San Mateo County resident who has been following the news about the Mavericks surf contest closely. I am writing to you in support of the proposal submitted to you by the Committee for Equity in Women's Surfing, which calls for six women competing in a total of three heats in a women's division: two semifinals and a final.

As a lifelong San Mateo County resident whose family regularly visited the ocean, Pillar Point Harbor and the San Mateo County coastline has been a place I consider my backyard. As an aspiring marine scientist, responsible stewardship of our beautiful, rugged coastline is incredibly important to me. Also, as the former secretary of a 501(c)(3) non-profit called Save Pete's Harbor, I have lobbied the State Lands Commission in order to promote the preservation of a historic marina on state-owned submerged lands, in a way that would have brought the old marina into better compliance with the public trust doctrine.

For all of these reasons, equitable access is a top concern for me as a San Mateo County resident who is passionate about the coast. I believe that oversight by the Coastal Commission is necessary to ensure equity for women athletes at all Mavericks events. I support a women's division with multiple heats, appointment of a woman to the athlete selection committee, and a condition that requires equal prize money.

It is well within the Coastal Commission's purview to require that Cartel honor these conditions, as part of the Coastal Commission's purpose is to assure equitable access to the coastline. Also, as someone who is a regular attendee of meetings of the San Mateo County Harbor District and has therefore seen the way Cartel Management and their representatives have behaved within the local community, I believe it is also **imperative** that the Coastal Commission make Cartel Management's permit conditional on the requirements proposed by the Committee for Equity in Women's Surfing, because **Cartel Management has not proven themselves to be a reliable steward of the coast or a responsible community partner.** 

Early last year, a local elected official who resides near the site of the Mavericks contest, Sabrina Brennan of the San Mateo County Harbor District, started raising concerns about the permitting process that her Harbor District staff and Cartel Management were involved in. Because Ms. Brennan had done her due diligence as an elected official and raised salient concerns about the permit Cartel was asking for, Jeff Clark, his wife Cassandra, and Brian Waters, all representatives of Cartel Management, all repeatedly attended Harbor District meetings and used the public comment period as well as the local media to try to discredit and intimidate her. Because the majority of the Harbor District's staff and board were openly hostile to Ms. Brennan at the time (there has been almost a complete turnover in district staff since then), the Clarks and Brian Waters saw an opportunity to bully Ms. Brennan with impunity, and they exerted an inappropriate amount of influence on the workings of the Harbor District by playing a significant role in pressuring Ms. Brennan to resign as the board's president in May of last year. This kind of selfserving political opportunism that directly influences and damages the workings of a local special district whose mission includes stewardship of a portion of our coast is inappropriate behavior for a business entity claiming to want to put on an athletic contest that benefits the local community and the wider public.

Cartel's bullying does not begin and end with Ms. Brennan. Recently, Cartel has been in the news for allegedly stealing the identity of a resident of the San Mateo County coast, John Ullom, who also raised concerns about Cartel Management to the public agencies that had the authority to issue permits to Cartel. One news report called Cartel "scandal-plagued."[1][2] Also, back in 2011, Jeff Clark clashed with his exwife over the right to put on a contest at Mavericks.[3] Unfortunately, I am disappointed to report that clashing with women and throwing them under the bus for their own financial benefit has been Cartel's *modus operandi* for a long time.

Even without all these concerns in mind, it would be well within the Coastal Commission's purview to demand that Cartel ensure women's equity in any event that involves them profiting off their use of the California coast. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act Furthermore, when considering the approval of a permit for a company like Cartel and the people who run it, I would argue that it is absolutely imperative that the Coastal Commission make requirements of Cartel that ensure equity for women and assure that all those who care about our coast feel respected, and are able to feel that the coast is as much for them as it is for anyone else.

Thank you so much for your time and your work on behalf of California residents.

Sincerely,

James Lee Han Redwood City, CA 650.207.7251

References:

[1] "Scandal-Plagued Organizers of Titans of Mavericks Sued for Defamation by Community Activist" (<u>http://www.theinertia.com/surf/scandal-plagued-organizers-of-titans-of-mavericks-sued-for-defamation-by-community-activist/</u>)
[2] "Peninsula Activist Sues Titans of Mavericks Operators For Discrediting Him With Fake Blog" (<u>http://www.nbcbayarea.com/news/local/Peninsula-Activist-Sues-Titans-of-Mavericks-Operators-For-Discrediting-Him-With-Fake-Blog-397177051.html</u>)
[3] "MAVERICKS: Battle Emerges Between Clark, Ex-Wife" (<u>http://patch.com/california/halfmoonbay/mavericks-battle-emerges-between-jeff-</u>

clark-ex-wife-oee775b50ce)

From:Kris Lannin LlangTo:Ananda, Renee@CoastalCc:surfeguity@omail.com; Michael LiangSubject:Cartel Managment Permit Application No. 2-15-1458-A1Date:Thursday, October 27, 2016 10:02:13 PM

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

# The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered

annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

)

Kris Lannin & Michael Liang 200 California Avenue Moss Beach, CA 94038

From:	<u>blil kehoe</u>
To:	<u>Ananda, Renee@Coastal</u>
Cc:	SurfEquity@gmail.com
Subject:	Cartel Management Permit Application No. 2-15-1458-A1
Date:	Thursday, October 27, 2016 4:21:31 PM

Renee Ananda, Coastal Program Analyst, California Coastal Commission – North Central Coast District

I support a Women's Division with multiple heats, appointment of <u>multiple</u> <u>woman</u> to the Maverick's athlete selection committee (C5), and a condition that requires equal prize money. as required by the Equal Pay Act, which states men and women must be given equal pay for equal work in the same establishment.

It is imperative that oversight by the Coastal Commission will be necessary to ensure that fairness and equity for women athletes, which includes a Women's Division at all Mavericks events is established as a permanent part of the management structure by Cartel Management. It is also important that Cartel Management conducts its meetings, selection of athletes, and all other business in an open and transparent manner to ensure fair treatment for all, especially when public resources are being used.

#### For these reasons I think the CCC should not grant a multiyear CDP until Cartel has proven themselves over multiple seasonal events.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.

- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

-

Thank you,

Bill Kehoe

From:	Karen Tynan
To:	Ananda, Renee@Coastal
Subject:	Please include this update re: the CCC Permit for Titans of Mavericks
Date:	Thursday, October 27, 2016 2:35:08 PM

Re: Titans of Mavericks Permit Application

#### Renee,

Please add this last communication regarding the above referenced issue to the commissioners' packets prior to the November 2<sup>nd</sup> meeting. I am writing to provide an update regarding my efforts on behalf of CEWS (Committee for Equity in Women's Surfing) and the women athletes.

We are pleased at the inclusion of women. However, because the permit applicants only included the women at such a late stage, we have not been able to get details or work out logistics. In fact, I e-mailed the below letters on October 25, 2016 and again today, but have not received a response from Brian Waters. I am not sure how to interpret the lack of response other than to conclude that it is more obfuscation and obstruction of the inclusion of women.

Respectfully, Karen Tynan Attorney for CEWS

From: Karen Tynan [mailto:karen@karentynanattorney.com]
Sent: Thursday, October 27, 2016 12:15 PM
To: brian@cartel-management.com
Cc: griffin@cartel-management.com; cassandra@titansofmavericks.com; Jeff@titansofmavericks.com; brianoverfelt@hotmail.com
Subject: RE: Letter from Karen Tynan re: CEWS, Mavericks

#### October 27, 2016

Via e-mail Brian Waters brian@cartel-management.com

#### Re: 2<sup>nd</sup> Communications - Committee for Equity in Women's Surfing

Greetings:

Our office represents the above referenced group, the Committee for Equity in Women's Surfing, with regard to the "Mavericks" events held annually by your group. We previously e-mailed you on October 25, 2016, but **we have not received a response**. Therefore, we are resending the below communications in its entirety with one additional request, that we receive your proposed participation agreement for the women athletes prior to November 2, 2016.

#### Prior Communications in Full:

First, we need to have communications regarding the Women's Division should be made to the CEWS and Sabrina Brennan and Attorney Karen Tynan. Communications made directly to the women athletes are distracting and don't lend to transparency. The women athletes will be the ultimate decision makers, but we need a conduit for those communications.

Second, we'd like to have negotiations and communications in writing. We realize that phone calls are helpful, but with regard to the terms of the contest and other aspects of the Women's Division, we need to memorialize our plans. If you have any proposals or offers, we need to be able to accurately share and evaluate them.

Lastly, we need to immediately schedule a roundtable discussion for the Women's Division and logistics as well as formalizing the plan for moving forward. We would have liked to have the meeting before November 2<sup>nd</sup>, but it doesn't look like that would be possible. Please provide three proposed meeting times on November 3<sup>rd</sup>, 4<sup>th</sup>, or 15<sup>th</sup>. Thank you.

Respectfully,

#### Karen Tynan

KT/nbf

cc: See below Griffin Guess <u>griffin@cartel-management.com</u> Cassandra Clark <u>cassandra@titansofmavericks.com</u> Jeff Clark Jeff@titansofmavericks.com Brian Overfelt brianoverfelt@hotmail.com

**From:** Karen Tynan [mailto:dktvnan@comcast.net]

Sent: Tuesday, October 25, 2016 12:56 PM

To: 'brian@cartel-management.com' < brian@cartel-management.com>

**Cc:** 'griffin@cartel-management.com' <<u>griffin@cartel-management.com</u>>;

'cassandra@titansofmavericks.com' < <u>cassandra@titansofmavericks.com</u>>;

'Jeff@titansofmavericks.com' <<u>Jeff@titansofmavericks.com</u>>; 'brianoverfelt@hotmail.com'

<<u>brianoverfelt@hotmail.com</u>>

Subject: Letter from Karen Tynan re: CEWS, Mavericks

#### October 25, 2016

Via e-mail Brian Waters brian@cartel-management.com

#### Re: Committee for Equity in Women's Surfing

Greetings:

Our office represents the above referenced group, the Committee for Equity in Women's Surfing, with regard to the "Mavericks" events held annually by your group. We'd like to memorialize our position and how we can move forward with the inclusion of the women athletes in both the event and the selection of participants as well as other logistical decisions.

First, we need to have communications regarding the Women's Division should be made to the CEWS and Sabrina Brennan and Attorney Karen Tynan. Communications made directly to the women athletes are distracting and don't lend to transparency. The women athletes will be the ultimate decision makers, but we need a conduit for those communications.

Second, we'd like to have negotiations and communications in writing. We realize that phone calls are helpful, but with regard to the terms of the contest and other aspects of the Women's Division, we need to memorialize our plans. If you have any proposals or offers, we need to be able to accurately share and evaluate them.

Lastly, we need to immediately schedule a roundtable discussion for the Women's Division and logistics as well as formalizing the plan for moving forward. We would have liked to have the meeting before November 2<sup>nd</sup>, but it doesn't look like that would be possible. Please provide three proposed meeting times on November 3<sup>rd</sup>, 4<sup>th</sup>, or 15<sup>th</sup>. Thank you.

Respectfully,

Karen Tynan

KT/nbf

cc: See below Griffin Guess griffin@cartel-management.com Cassandra Clark cassandra@titansofmavericks.com Jeff Clark Jeff@titansofmavericks.com Brian Overfelt brianoverfelt@hotmail.com

Karen Tynan, Attorney at Law

karentynanattorney.com http://www.linkedin.com/pub/karen-tynan/11/a53/977

MAILING address: 1083 Vine Street, #201 Healdsburg, CA 95448

707.395.0062 (OFFICE) 707.508.8476 (MOBILE) 707.921.7352 (FAX)

**CONFIDENTIALITY NOTICE**: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use of disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From:	Karen K. Anderson
To:	Ananda, Renee@Coastal
Cc:	SurfEquity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Thursday, October 27, 2016 3:38:45 PM

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

# The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

Regards, Karen K Anderson Half Moon Bay, CA 94019

From:	Marnie Bell-Ferguson
To:	Ananda, Renee@Coastal
Cc:	<u>SurfEquity@amail.com</u>
Subject:	Support for Committee for Equity in Women''s Surfing for Inclusion of women athletes in the Titans of Mavericks event
Date:	Thursday, October 27, 2016 2:13:20 PM

Dear Renee Ananda -

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act.

Please include the following conditions to insure equity for women athletes:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
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- Cartel Management shall include at least one woman on theCommittee 5. This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

Marnie Bell-Ferguson 404-915-5485 From:Edmundo LarenasTo:Kinsey, Steve@CoastalTo:Kinsey, Steve@CoastalCc:Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanle@CoastalSubject:Support for inclusion of Women In Mavericks contestDate:Friday, October 28, 2016 11:11:17 AMAttachments:Support letter for Women at May contest.docx

Dear Chair Kinsey and Commissioner,

I have attached a letter in support of Women in the Mavericks contest.

Respectfully

Edmundo Larenas Chair Surfider Foundation San Mateo Chapter



#### October 27, 2016

Chair Steve Kinsey California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

#### Steve.Kinsey@coastal.ca.gov

#### CC:

Renee Ananda: Renee.Ananda@coastal.ca.gov Nancy Cave: Nancy.Cave@coastal.ca.gov Jeannine Manna: Jeannine.Manna@coastal.ca.gov Stephanie Rexing: Stephanie.Rexing@coastal.ca.gov

#### Subject: Support for women's heat in Mavericks surf contests

Dear Chair Kinsey and Commissioners,

I am writing to you to express our chapters' full support for the proposal submitted by the Committee for Equity in Women's Surfing. Please do not be swayed by the contention that there are not enough Women big wave surfers to hold a contest. This statement is self-serving and contrary to the facts. The World Surfing League has included Women in their big wave contests in waves of equal grandeur as those at Mavericks.

We commend the Commission and staff for helping Women athletes continue to make progress towards fair and equal treatment in professional sports. We urge the Commission to only give the contest organizers, whomever they are in this year and those that follow, a one year permit. This will maximize the Commissions ability to ensure that the permit requirements and any conditions for future contest are met. It is particularly important this year because the eleventh-hour inclusion of a Women's heat in the contest was offered by the organizers only after Coastal Commission staff made it clear in their preliminary report on the contest plan that no permit would be forthcoming if women were not included.

Respectfully,

Edmundo Larenas

**Edmundo Larenas** 

Chair

San Mateo Chapter of the Surfrider Foundation

From:	Davia Soul
То:	<u>Ananda, Renee@Coastal; Dayla Soul</u>
Subject:	Cartel Management—Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 7:33:49 AM
Attachments:	Davia Soul CCC Letter.pdf

Renee,

Hello. I am including a letter in support of multiple heats for women at Titan of Mavericks, Please see attached.

Thank you,

Dayla Soul IAP Director 415-368-3702

IAPfilms LLC

Dayla Soul 702 Canyon Dr. Pacifica, CA 94044 phone 415 368 3702 email <u>itaintprettyfilm@gmail.com</u> website <u>http://itaintprettyfilm.com</u>

Thursday, October 27, 2016

Steve Kinsey and all Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 <u>Steve Kinsey@coastal.ca.gov</u>

Re: Cartel Management-Permit Application No. 2-15-1458-A1

Dear Chair Kinsey, Honorable Commissioners and Commission Staff,

I am a local filmmaker here in the Bay Area. I have a full length Documentary on women's big wave surfing called "It Aint Pretty." We are currently screening the film internationally and have won numerous awards. I believe the success of the film is due in large measure to overwhelming public support for women in sports.

For two years, I followed Bianca Valenti while filming my documentary and I enjoyed telling her life story. Valenti and other elite women big wave athletes deserve an opportunity to compete at Mavericks. As a stakeholder and a supporter of the women's big wave movement I would love to see women compete in multiple heats at the Titans of Mavericks event. The athletes, community, and the media are ready for equity in women's big wave surfing.

For the past 17 years, Mavericks event organizers have been resistant to change. Cartel did not develop a plan to include women in the event after your board approved the 2015 CDP. For this reason I request that you not approve a multiyear permit. A 1-hour heat with 1/3 of the prize money is a token gesture and does not represent meaningful equity. Why take such a small step? Women athletes are ready to perform today. Please hold off on a multiyear permit until the event organizers have a proven track record of inclusion and a detailed plan in place that provides equity for women athletes. In November, we will elect Hillary Clinton as the first US woman president. The time is now. Please take this opportunity to advance women's big wave surfing and provide equal access to the Mavericks wave.

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with multiple heats, appointment of a woman to the athlete selection committee (C5), and a condition that requires equal prize money. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

#### The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

I appreciate your time.

iank vou. Davla Soul

From:	Sabrina Brennan
To:	Kinsey, Steve@Coastal
Cc:	<u>Ananda, Renee@Coastal; Cave, Nancy@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanie@Coastal;</u> <u>karen95403@gmall.com</u>
Subject:	Cartel Management Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 3:37:01 PM
Attachments:	<u>CEWS Letter PA # 2-15-1458-A1.pdf</u>

Dear Chair Kinsey,

Please read the attached letter from the Committee for Equity in Women's Surfing.

Thank you, CEWS

SurfEquity.org 650-535-2644

### CEWS

#### COMMITTEE FOR EQUITY IN WOMEN'S SURFING

1083 Vine Street, #201 Healdsburg, CA 95448 Phone 707-508-8476 Facebook: <u>www.facebook.com/SurfEquity</u> Twitter: <u>https://twitter.com/SurfEquity</u> Website: <u>www.SurfEquity.org</u>

Wednesday, October 26, 2016

Steve Kinsey and all Commissioners California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Steve.Kinsey@coastal.ca.gov

#### Re: Cartel Management Permit Application No. 2-15-1458-A1

Dear Chair Kinsey and all Commissioners,

We are following up on our proposal for a multi-heat Women's Division in the Titans of Mavericks 2016/17 event.

We are pleased that Cartel appears to be listening to the advice of Coastal Commission staff. Moving forward, we hope that Cartel and the Titans board will work collaboratively with the Committee for Equity in Women's Surfing.

On Sept. 20, 2016, we submitted our proposal to your North Coast District office and that same day the Titans of Mavericks announced their first cut of 56 athletes for this year's contest. The list included four women, but eight days later the second cut of 38 included none. On Sept. 28, Cartel submitted an incomplete CDP application to your office. The application did not include a plan for the inclusion of women in the Mavericks competition. On Oct. 14, we sent a letter to express our concern about the absence of a multi-heat women's division and the fact that women athletes were not invited to participate in the 2016/17 event. Also on Oct. 14, Cartel sent an amendment requesting a four-season permit that would terminate in 2021 and in exchange they offered a one-hour heat for 6 women competitors starting in 2017/18. Five days later, on Oct. 19, Cartel sent a second amendment and posted a social media announcement. This time they proposed a one-hour heat for 6 women competitors this season. Their plan for a women's heat lacks specifics and does not addressed key points included in our proposal. In an effort to resolve these concerns Karen Tynan, counsel for the CEWS, initiated a meeting with Cartel and the Titans board. Karen sent emails on Oct. 25 and 27, to Cartel's Chief Operating Officer Brian Waters, and copied the Titans board; she has not received a response. A prompt reply was expected because the event season officially opens on Nov. 1 and the Coastal Commission hearing is only a few days away.

A multiyear permit would put women athletes at a disadvantage. Oversight and accountability are needed to ensure equity. Please don't approve a multiyear permit.

The Committee for Equity in Women's Surfing urges the Coastal Commission to require the following:

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champion of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both male and female divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Fair terms of participation and liability waivers shall be crafted by CEWS or other athlete representation with input from Cartel to develop terms best for athletes, the event, and the sport.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. A multiyear permit does not allow for growth and does not hold the competition accountable for those changes.

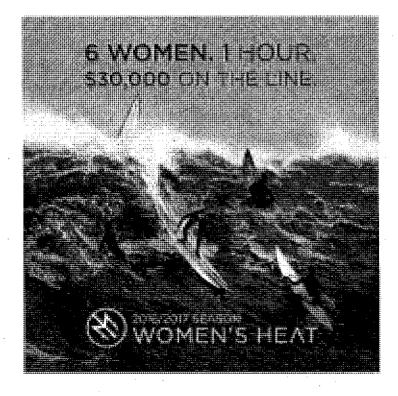
### C E W S

We believe that it's time for women athletes to be given an opportunity to compete in a multi-heat women's division at Mavericks. It will be good for women, for the Maverick's legacy, and it ensures fair and equal access to coastal waters.

Thank you for considering our views.

Paige Alms Keala Kennelly Andrea Moller Bianca Valenti

#### Oct. 19, 2016, Titans of Mavericks Facebook post



Сору

Renee Ananda: <u>Renee.Ananda@coastal.ca.gov</u> Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u>

From:	<u>Blair Blackwell</u>
To:	<u>Ananda, Renee@Coastal</u>
Cc:	SurfEquity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 1:15:34 PM
	5 11

Dear Ms. Renee Ananda, Coastal Program Analyst, California Coastal Commission – North Central Coast District.

I am writing re the Cartel Management Permit Application No. 2-15-1458-A1 to express my view that oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events.

I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

#### The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

- Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semifinals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats would be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the Women's Division shall be equal to the Men's Division.
- Cartel Management shall include at least one woman on the Committee 5. This
  woman shall represent female competitors and shall be chosen by female big
  wave competitors. In the interest of transparency and in avoidance of conflict,
  this female should not be a competitor.
- Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

many thanks for your time.

.

Blair Blackwell Oakland, CA

From:	Jennifer Savage
To:	Kinsey, Steve@Coastal
Cc:	<u>Cave, Nancy@Coastal; Ananda. Renee@Coastal; Manna, Jeannine@Coastal; Rexing, Stephanle@Coastal</u>
Subject:	Re: Cartel Management CDP application 2-15-1458-A1_Support for CEWS
Date:	Friday, October 28, 2016 8:15:00 PM
Attachments:	Surfrider-Foundation Mavericks.pdf

Apologies – I neglected to attach the letter – Best, Jennifer

On Fri, Oct 28, 2016 at 4:17 PM, Jennifer Savage <<u>isavage@surfrider.org</u>> wrote: Dear Chair Kinsey, Please accept this letter on behalf of the Surfrider Foundation in support of the

Please accept this letter on behalf of the Surfrider Foundation in support of the inclusion of a women's division as a requirement for Cartel Management's CDP amendment regarding the Titans of Mavericks contest.

Thank you,

Jennifer Savage

6000 V/A

Jennifer Savage | California Policy Manager | Surfrider Foundation (707) 267-8458 | jsavage@surfrider.org

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Jennifer Savage | California Policy Manager | Surfrider Foundation (707) 267-8458 | jsavage@surfrider.org



Chair Steve Kinsey California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Steve.Kinsey@coastal.ca.gov

CC:

Renee Ananda: <u>Renee.Ananda@coastal.ca.gov</u> Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u>

#### **RE: Cartel Management CDP application 2-15-1458-A1**

Dear Chair Kinsey and Commissioners,

Though our global network of nearly 100 chapters, Surfrider Foundation has long been committed to ensuring beach access throughout the world. Here in California, we and our supporters look toward the Coastal Act as the benchmark by which public access is measured – and guaranteed. Although the concept of "access" is most often considered in the terms of physical barriers such as illegal gates or signage, prohibitive parking policies, coastal erosion caused by sea walls, poor water quality or other clearly quantifiable deterrents, **the Commission has also acknowledged that access can be defined – and denied – by less tangible measures.** 

The lack of inclusion of a women's division in the Titans of Mavericks contest has constituted the latter interpretation for several years by, as noted in the current staff report, "[reducing] access opportunities for a specific subset of people." We applaud last year's decision by the Commission to insist contest organizers comply with Coastal Act Section 30210, which states that "maximum access... and recreational opportunities shall be provided for all of the people." We were disappointed this year to see that, when applying for the contest permit this year, Cartel suggested an "outreach program" instead of the full women's division expected, failing to be consistent with the action taken and direction provided by the Commission in their approval of the 2015 permit.

We further agree with the point made by Brown Girl Surf's Executive Team in that organization's letter to the Commission on this issue, specifically: This application and the conditions attached to it **"raise the question of how access to the coast and surfing is controlled and by whom, and has great implications for all groups who have sought access."** The answer to that question should always be based on Coastal Act compliance, which, in this case, includes adhering to the Coastal Commission's directives as specified.

Office: 949.492.8170 | Fax: 949.492.8142 | info@surfrider.org | www.surfrider.org P.O. Box 6010 San Clemente, CA 92674-6010 Therefore, we stand behind the Committee for Equity in Women's Surfing and support their proposal for a multi-heat Women's Division in the Mavericks competition this year and in the future. We see this as the appropriate continuance of the Commission's strong stand on access equity – and the best way to fulfill the access rights guaranteed to all citizens by California's Coastal Act.

Sincerely,

Jennifer Savage Surfrider Foundation California Policy Manager

From:Amanda Levett.To:Ananda, Renee@Coasta!Cc:Kinsey, Steve@Coasta!Subject:Fwd: My letter for TitansDate:Frlday, October 28, 2016 12:22:22 PMAttachments:Untitled document.pdf

#### Good afternoon,

This is a forwarded letter from Aynsley Parker, in support of the proposal for the women's division at Maverick's. Permit # 2-15-1458-A1

Thank you for all of your time in considering this matter,

Amanda Levett amanda@seekingpeaks.com

Begin forwarded message:

From: "aynsley parker (via Google Docs)" <<u>aynsparker@gmail.com</u>> Subject: My letter for Titans Date: October 27, 2016 at 12:58:03 PM PDT To: <u>equity@seekingpeaks.com</u> Reply-To: aynsley parker <<u>aynsparker@gmail.com</u>> October 27, 2016

California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

RE. Permit #: 2-15-1458-A1 Women's Division. Mavericks Competition

Dear Chair Kinsey, Honorable Commissioners, and Commission Staff,

Before I begin a letter of request and urgency, I would like to share my gratitude. In the last year, the California Coastal Commission has been a face of conservation and has taken a significant stance for public access to the coast—an issue that is also quite valuable to us surfers. So I thank you.

Recently, Cartel Management submitted an application and amendment application for a Coastal Development Permit needed to stage the Titans of Mavericks contest. As the hearing to consider these applications approaches, I would like to express my concern regarding Cartel's plan to include female big wave surfers in the Titans of Mavericks competition.

I urge you to consider the requests put forth in the proposal from the Committee for Equity in Women's Surfing. The CEWS proposal is clear and represents true equality for women in the Titans of Mavericks competition. The requests are as follows:

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
- Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.
- Judging criteria and heat formats shall be identical for both men and women's divisions.
- The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.
- The prize money for the women's division shall be equal to the men's division.
- Cartel Management shall include at least one woman on the Committee 5, as the women need female representation.

- This woman shall represent female competitors and shall be chosen by the female competitors. In the interest of transparency and in avoidance of conflict, this female should not be a competitor.
- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

Thank you for your consideration of this matter. I look forward to the November 2 hearing during which you will discuss Cartel Management's application and amendment application.

Sincerely,

Aynsley Parker

From:Beth PlelertTo:Ananda, Renee@CoastalCc:SurfEquity@gmail.comSubject:Cartel Managment Permit Application No. 2-15-1458-A1Date:Friday, October 28, 2016 9:52:40 AM

#### Dear Renee,

Oversight by the Coastal Commission is necessary to ensure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with multiple heats, an appointment of a woman to the athlete selection committee (C5), and a condition that requires equal prize money. According to the Equal Pay Act—men and women must be given equal pay for equal work in the same establishment.

The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP):

1.) Cartel Management shall include an equal Women's Division for each year that the "Titans" event is held. An equitable division means, at the very least; 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.

2.) Cartel must develop a detailed plan for a Women's Division with multiple heats. Six women to compete in three heats in a women's division: two semi-finals and a final, with the inclusion of six women alternates.

3.) Judging criteria and heat formats would be identical for both men and women's divisions.

4.) The women's heats should be scheduled for the time of day that will best showcase their surfing abilities.

5.) The prize money for the Women's Division shall be equal to the Men's Division.

6.) Cartel Management shall include at least one woman on the Committee 5. This woman shall represent female competitors and shall be chosen by female big wave competitors. In the interest of transparency and in avoidance of conflict, this female will not be a competitor.

7.) Furthermore, Women's Division sequencing should be considered annually as the sport develops. Multiyear permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to ensure equity for women athletes.

Thank you.

Beth Pielert

Writer/Director

goodfilmworks.com

From:	Thomas Sheffield
To:	<u>Ananda, Renee@Coastal; SurfEquity@gmail.com; Zoe Lee</u>
Subject:	Fwd: Support Women Surfers RIGHT NOW! TONIGHT! - Cartel Managment Permit Application No. 2-15-1458- A1!
Date:	Friday, October 28, 2016 7:47:33 AM

I do not agree.

Thomas Sheffield tsurfs@icloud.com 650-619-4091

Begin forwarded message:

From: Kris Lannin Liang <krislannin@gmail.com> Date: October 27, 2016 at 9:59:31 PM PDT **To:** Kris Lannin Liang <<u>grlbordr@vahoo.com</u>> Cc: <u>SurfEquitv@gmail.com</u>, Ann Forrister <<u>ann@annforrister.com</u>>, Casey Schaufler < <u>casey@schaufler-ca.com</u>>, Melanie Hohnbaum <kodiakbleu@yahoo.com>, Tom Sheffield <tsurfs@icloud.com>, Edmundo <<u>surfdoggie@gmail.com</u>>, Mary Larenas <<u>mnlarenas@gmail.com</u>>, Mary DeLong <<u>delong.mary@gmail.com</u>>, Robert Cala <<u>rob.cala@vahoo.com</u>>, Michael Liang <<u>mliang11@gmail.com</u>>, Ashley Gray <<u>agrayssfhs@yahoo.com</u>>, Sue Pemberton <<u>spemberton@calacademy.org</u>>, Barbara Kossy <<u>bkossy@coastside.net</u>>, Julie Walters <<u>juliebw2@gmail.com</u>>, Juliette Applewhite <<u>jbapplewhite@gmail.com</u>>, Dave Olson <<u>dave.olson@gmail.com</u>>, Dawn Beavis <<u>dabeavis@gmail.com</u>>, Darrick Emil <<u>demil@smcgov.org</u>>, Michelle King <<u>theequeenking@gmail.com</u>>, Michelle Dragony <<u>michelledragony@gmail.com</u>>, Aaron Campbell <a href="mailto:aaron@campbell-studio.com">, Carol Wong < wongrws@gmail.com >, Carol Wong < wong < wongrws@gmail.com >, Carol Wong < eatwalnuts@vahoo.com, Heather Willis <urbancrunchy@gmail.com>, Eric Csizmar < eric.csizmar@sen.ca.gov>, Elizabeth Knier <<u>enknier@comcast.net</u>>, Lisa <<u>office@hmbyc.org</u>>, Nancy Sefton <<u>nancvsefton@asmamt.net</u>>, Dawn Soler <<u>dawn.soler@abc.com</u>>, Kelly Griffin <<u>kellvariffin@cox.net</u>> Subject: Support Women Surfers RIGHT NOW! TONIGHT! -

Cartel Managment Permit Application No. 2-15-1458-A1!

Fictures, please send this (below) in Renae Ananda rence.manda@onastol.cl.gov\_ms) co: Surffuntes/ternsil.com\_TODAY

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires equal prize money. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

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- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

 
 From:
 Mira Manickam

 To:
 Ananda, Renee@Coastal

 Cc:
 melissa morazar; Cave. Nancy@Coastal; Manna, Jeannine@Coastal; Rexind, Stephanle@Coastal; SurfEquity@gmail.com

 Subject:
 Cartel Management Permit Application No. 2--15--1458--A1

 Date:
 Friday, October 28, 2016 9:33:31 AM

 Attachments:
 BrownGirlSurf.CCC.Oct28.2016.pdf

Dear Ms. Ananda,

Please find attached our letter voicing our concerns about Cartel Management's Permit Application No. 2--15--1458-A1, currently under consideration by the California Coastal Commission.

With Best Regards,

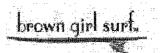
\_\_\_

Mira Manickam-Shirley, Executive Director, Brown Girl Surf

Melissa Morazan, Director of Operations, Brown Girl Surf

Donate to our First Annual Fundraising Drive <u>www.browngirlsurf.causevox.com</u>

Mira Manickam-Shirley Executive Director, Brown Girl Surf (510) 239 7565 brown girl surf TM www.browngirlsurf.com



2323 Broadway, Oakland, CA 94612 | www.browngirlsurf.com | (510) 239-7565 | info@browngirlsurf.com

Renee Ananda California Coastal Commission North Coast District Office 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 Phone (415) 904-5292 Renee.Ananda@coastal.ca.gov

Friday, October 28, 2016

Re: Cartel Management Permit Application No. 2-15-1458-A1

Dear Ms. Ananda:

I am writing again, on behalf of the executive team of Brown Girl Surf, to share our concerns about Cartel Management's application for a multi-year permit for the Maverick's surf contest. As advocates for equity, inclusion, and access to the ocean for all people, this matter is of great concern to us. What happens to the women of Maverick's has implications for all people who seek equitable access to activities conducted along the California Coast. We are thrilled that this year, Maverick's will include a 60 minute women's heat with equal prize money, and view this as a huge step towards equity in the contest. However, we strongly oppose the granting of a multi-year permit based on the fulfillment of this condition alone.

While the inclusion of a women's heat is a great step towards equity, mechanisms for gatekeeping and exclusion in the contest are still in place. Ultimately, a five-person all male committee makes decisions about the inclusion of women, based on a highly subjective criteria, which can be used to justify any selection decision.

Furthermore, a women's heat is a far cry from a women's division, with qualifying heats and a final heat. As outlined in the proposal put forth by the Committee for Equity in Women's Surfing, a women's division is a necessary condition of equitable inclusion. The argument that there are not enough qualified female competitors to create a women's division is simply not true. With a deep field of women capable of competing at Maverick's, a 6 person women's heat will quickly appear a token gesture in the coming years, in a competition which features a robust men's division, including qualifying rounds, semi-finals, and final heats.

We strongly endorse the proposal put forth by the Committee for Equity in Women's Surfing (CEWS), and suggest that any permit renewal be contingent upon fulfillment of the demands set forth in the CEWS proposal. Key among these demands are the inclusion of a multi-round Women's Division in the future, as opposed to a single heat, equal prize money, and the inclusion of a woman on the selection committee for the contest. We understand that change takes time. However, we need a mechanism in place to ensure that we continue to move forward and the change does not stop here. A multi-year permit simply does not ensure such forward progress.

# brown girl surf.

Despite intense media scrutiny and public outcry against their exclusionary practices, the organizers of the Titans of Maverick's showed no signs of shifting their contest structure in their proposals to the Coastal Commission as late as September 28<sup>th</sup> of this year. Only when faced with the threat of not gaining a permit renewal, did the organizers shift their course to include a women's heat this year. If granted a multi-year permit, there will be no incentive for the contests organizers to take the continued steps needed to create real equity in this contest, and no real mechanisms for ensuring they do so.

Thank you for your consideration.

With Best Regards, Mira Manickam, Executive Director of Brown Girl Surf Melissa Morazan, Director of Operations of Brown Girl Surf

Copied:

Nancy Cave: <u>Nancy.Cave@coastal.ca.gov</u> Jeannine Manna: <u>Jeannine.Manna@coastal.ca.gov</u> Stephanie Rexing: <u>Stephanie.Rexing@coastal.ca.gov</u> Committee for Equity in Women's Surfing: <u>SurfEquity@gmail.com</u>

From:Mary LarenasTo:Ananda, Renee@CoastalSubject:Please Support Equity in Women"s SurfingDate:Friday, October 28, 2016 12:01:56 PM

Good morning Renee,

I 100% support the content of this email. When other world renown big wave surfing contests include women and treat women fairly it is embarrassing for me as a resident of San Mateo County to have our local big wave contest not do the same. The last minute inclusion of women in the Titan's of Mavericks contest appears to be a reluctant, superficial attempt to include women. Equality for all needs to come to this contest.

Sincerely,

Dr. Mary Larenas

Moss Beach

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

### The CCC should not grant a multiyear CDP until Cartel has proven themselves.

Please require the following conditions on the Coastal Development Permit (CDP);

- Cartel Management shall include an equal women's division for each year that the "Titans" event is held. An equitable division means, at very least, 2 qualifying heats for female competitors with the winners of the two heats advancing to a final heat to determine the overall women's champions of the event.
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- Furthermore, women's divisions sequencing should be considered annually as the sport develops. Multi-year permits do not allow for growth and do not hold the competition accountable for those changes.

The Coastal Act provides coastal access for all. Granting a CDP to an athletic event that engages in gender discrimination is not in step with the spirit of the Coastal Act. Please include the additional conditions listed above to insure equity for women athletes.

From:	Nadine Choe
To:	<u>Ananda, Renee@Coastal</u>
Cc:	<u>surfequity@gmail.com</u>
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Friday, October 28, 2016 7:00:35 AM
Date:	Friday, October 28, 2016 7:00:35 AM

#### Hi Renee,

I'm writing to support womens' professional big-wave surfing.

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

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Thank you,



 Nadine Choe | Acquisitions & Development

 TF Cornerstone | 387 Park Avenue South | New York, NY 10016

 t 212.901.8055 | f 212.901.8186 | nadine.choe@tfcornerstone.com

 TFC.com | @tfcornerstone | YouTube | Facebook

Sarah Gerhardt, Ph.D. 230 Dufour Street Santa Cruz, CA 95060 sgerhardt41@gmail.com (831) 566-0555

October 29, 2016

Dear Mavericks Governing Entities, Titans Contest Organizers, and Interested Persons,

I am writing in support of the Women's heat to be held during the Titans Mavericks Invitational Contest. Although I first surfed Mavericks in the 1998/99 season, and have ridden waves there every year since then (except one season during a pregnancy), I have not spoken up about a women's inclusion in the Mavericks contest until now. However, I believe that this is the right time to speak about a Mavericks contest that includes women.

First, let me begin by saying that Mavericks is a unique wave, which requires a very high level of athletic skill and many years of experience. Any wave there can maim and kill, and experience may be the key difference between death and survival. Only the most dedicated big wave surfers with knowledge and experience at Mavericks should be invited to surf in a contest held there for safety reasons alone.

Second, running a contest at Mavericks is a difficult, logistical feat. A good surfing day at Mavericks has several factors that must align, including tide levels and tidal swings, wind speed and wind direction, swell height, period and direction, and no fog (the best swells are often plagued by fog for up to half of the day). Very few days will actually have all of the factors aligning for an 8 hour period. Adding the requirement of having all the agencies involved on the best possible contest day, makes running a successful event an extreme challenge. Even the Eddie Aikau (Waimea, Hawaii) contest, which was created 30 years ago, has only run 8 times due to the factors outlined above.

Third, and finally, with respect to a female presence surfing Mavericks, less than a handful of women have consistently been surfing there for the past 5 years. Recently, more women have shown interest in surfing Mavericks and specifically in surfing in the Mavericks contest. Wickr Super Sessions invited (and paid) all of the women who surf big waves around the world to participate in a project that culminated in a fun expression session together at Mavericks and there were less than 10 who surfed Mavericks on that "small" Super Sessions day. Even though there are fewer than 5 female surfers who have consistently surfed Mavericks, there is a definite interest amongst some of the outstanding women big wave surfers from other locations around the world who want to compete in the Titans contest. And it should be done! I believe that one heat with 6-8 women and a short alternate list should accommodate all of the most gualified female surfers.

Best Regards,

Sarah Gerhardt, Ph.D.

From:	Nancy Revering
To:	Ananda, Renee@Coastal
Cc:	SurfEquity@gmail.com
Subject:	Cartel Managment Permit Application No. 2-15-1458-A1
Date:	Saturday, October 29, 2016 9:29:50 AM

Dear California Coastal Commission Staff,

Oversight by the Coastal Commission is necessary to insure that equity for women athletes includes a Women's Division at all Mavericks events. I support a Women's Division with **multiple heats**, appointment of a woman to the athlete selection committee (C5), and a condition that requires **equal prize money**. According to the Equal Pay Act, men and women must be given equal pay for equal work in the same establishment.

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Sincerely, Nancy Reyering Martin Walker

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