

CALIFORNIA COASTAL COMMISSION

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W6d

DATE: March 1, 2022

TO: California Coastal Commission and Interested Persons

FROM: John Ainsworth, Executive Director
Sarah Christie, Legislative Director
Linda Locklin, Public Access Program Manager

SUBJECT: **HOLLISTER RANCH ACCESS PROGRAM UPDATE**
for March 9, 2022, Coastal Commission Meeting

This briefing identifies planning steps taken since the Coastal Commission workshop held on November 18, 2021.

Hollister Ranch Coastal Access Program (HRCAP) workshop

Following the Coastal Commission's workshop on the draft HRCAP at the November meeting where the Commission heard from over 50 speakers, the Commissioner's identified concerns and suggested several changes to the Program, including:

- Delete the maximum daily visitor number (don't get locked into a cap) and replace with adaptive management techniques in order to protect the natural and cultural resources at the beaches and bluff tops.
- Ensure that some percentage of visitors are allowed to drive-in private cars, to augment other components such as shuttles, pedestrian, and bicycle access, in order to provide equitable opportunities for families and special needs visitors.
- Ensure that shoreline armoring is not allowed.
- Support and expand Chumash cultural access.
- Ensure and expand (if needed) outreach to EJ communities.
- Expand on discussion/analysis regarding possible issues between cattle operation and public access; cattle operation should not be a barrier to new public access.
- Dogs should not be allowed.
- Include as needed seasonal visitor caps or closures to protect sensitive species.
- Include a Trail the length of the property.
- Provide more detail on how the Program implementation moves from one phase to the next.
- Prioritize underserved communities- both children and their parents, and make them feel welcome.

- Ensure that monitoring and enforcement is included.
- Explore and include as appropriate co-management with Tribes, perhaps using Mendocino and Sonoma County as models.
- Ensure that the shuttle program is free of charge, runs frequently, and directly serves underserved communities.
- State Parks could take on some management roles.
- Explore communication options; if cell phones don't work, then identify other means of communication. Lack of cell phone service is not a reason to deny new public access.
- Cultural resources study is important; should be led by Chumash; should be completed as soon as possible.
- See additional questions directed to Hollister Ranch Home Owners (Exhibit A).

In response to Commissioner comments and direction, the State Agency Team is working with our consultants to update the HRCAP. A revised Draft of the HRCAP will be completed in the near term and will be posted to the CCC website for public review.

The Commissioners also asked the Hollister Ranch representative a number of questions about the Ranch, such as the number and location of developed parcels, types of residential infrastructure, as well as details about Ranch infrastructure. The HROA representative was not able to answer these questions in the workshop, so after the workshop Commission staff sent an email to the HROA listing the questions asked by the Commissioners (see Exhibit A). On January 4, 2022, the HROA attorney responded to this request by stating that the HROA is not able to provide this information due to privacy concerns, and that release of this information would be unreasonable and illegal (see Exhibit B).

Voluntary Interim Public Access - Early Action Program

The Hollister Ranch Owners Association continues to express a desire to provide some level of increased voluntary public access to the Hollister Ranch beaches, prior to the HRCAP implementation. This voluntary program is discussed in the Implementation Steps in the Draft HRCAP (page 80). To assist with developing the scope of early access, the State Agency Team recently created an Advisory Committee. The Committee members represent various user groups, such as the Guadalupe Dunes Center, Chumash tribes, the Gaviota Coast Conservancy, as well as individual Hollister Ranch owners. The main objective of the Committee is to ensure that these new voluntary access programs provide equitable access.

Separate from the Early Action Program, the Homeowners have invited Chumash tribal members to visit the Ranch beaches. Over the winter solstice, several members accepted this invitation and conducted private ceremonial activities. It is expected that some level of Tribal use will continue in the near term.

Last, as noted in the Draft HRCAP (page 80), the Tribes will have a leadership role in the preparation of the cultural and tribal resource surveys prior to allowing general public use at the Ranch beaches. Details of that work program and administrative logistics for the study are still evolving.

April 1, 2022 Deadline for HRCAP Approval and Opening Access to Hollister Ranch beaches

Unfortunately, the State Agency Team has concluded that it will not be possible to meet the statutory deadline of April 1, 2022, for the completion and implementation of a contemporary public access program for Hollister Ranch, as required by Public Resources Code Section 30610.80 (2)(C), and enacted by AB 1680 (Limón, 2019). (See Commission letter to the Legislature, Exhibit C).

Although Commission staff and our State Agency partners have worked very diligently over the last two years to develop a comprehensive Program to provide for meaningful, equitable access with enough flexibility to allow for adaptive management as needed to protect natural and cultural resources consistent with the statutory timeline, as noted, we have not yet been able to reach agreement with the HROA on a voluntary early access. In addition, the legal steps necessary to obtain property interests required to support the level of access envisioned in the current Draft Program would take substantially more time that is afforded by the statute without the cooperation of the HROA.

Correspondence from the HROA in advance of the November workshop (see Exhibit D) over the applicability of the California Environmental Quality Act (CEQA) to the Coastal Commission's pending action to approve a Hollister Ranch Public Access Program (HRCAP), along with other stakeholder input and questions as to analysis of potential environmental impacts from a proposed access program, has made it clear that completing a full Environmental Impact Report, including more thorough resource surveys and robust public input process required of CEQA, is the most prudent path to undertake for the HRCAP. Preparing a Programmatic Environmental Impact Report (PEIR) would be the appropriate process to ensure environmental compliance, public input and protection from potential litigation.

Therefore, the State Agency Team will now be shifting its focus to CEQA compliance and selecting a consultant to begin work on the EIR process. We expect the process to take about 18 months; when completed, the revised HRCAP and EIR will be brought to the Commission for review, adoption, and certification.

Locklin, Linda@Coastal

From: Locklin, Linda@Coastal
Sent: Friday, December 3, 2021 9:29 AM
To: Ed De La Rosa
Cc: Chapman, Trish@SCC; Christie, Sarah@Coastal; Hall, Wendy@SLC (Wendy.Hall@slc.ca.gov); Newland, James@Parks; Martin, Greg@Parks
Subject: Workshop follow up - Commissioner questions
Attachments: CCC Questions to HROA 12.1.21.docx

Ed-
At the Hollister Ranch Workshop two weeks ago, there were several questions posed by Commissioners to the HROA. I wanted to send you the list of questions as I heard them, so that you/HROA can respond to the Commissioners. The best way to get your information to the Commissioners, is for you to send your response, addressed to the Commissioners, but emailed to me directly. That way I can include your responses as an Exhibit to the next report we prepare for the Commission.

Linda and the State Agency Team

*Linda Locklin
California Coastal Commission
Coastal Access Program Manager
831-427-4875*

CCC Questions on 11/18/21 to HROA:

Number and location of all developed parcels

List of all development on each parcel, including but not limited to:

- Homes
 - How many homes are occupied full time?
- Second/Guest homes
- Outbuildings (barn, shed, detached garage, cabana, gazebo, sauna, etc)
- Corrals, paddocks
- Recreational Structures - swimming pool, sports court (tennis, basketball, bocce ball, pickle ball, etc)
- Wells (shared or private)
- Water tanks (shared or private)
- Septic systems (shared or private)
- Entry Gates

Description and location of all development on the Ranch (in addition to personal residential property), including such improvements as:

- Communal Cabanas, bathrooms, parking
- Horse/stock corrals
- Cattle operation support structures – eg fencing, stock ponds, shipping corrals, etc
- Ranch headquarters buildings

CCR's:

- How many owners are allowed to own one parcel?
- How many guests can each owner invite in to use the beach on one day?
- Are there beach use restrictions for:
 - Dog walking (leashed or un-leashed)
 - Horseback riding
 - Cattle grazing
 - Protection of snowy plovers during nesting season
 - Avoidance of culturally sensitive areas



File No.: 3889

January 4, 2022

Via U.S. Mail & Certified (RRR):
and Email (Linda.Locklin@coastal.ca.gov;
llocklin@coastal.ca.gov)

RECEIVED

JAN 11 2022

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Linda Locklin
California Coastal Commission
725 Front St # 300
Santa Cruz, CA 95060

RE: THE HOLLISTER RANCH PROPERTY OWNERS ASSOCIATION
-Response to December 3, 2021 Correspondence

Dear Ms. Locklin:

This firm is general legal counsel to The Hollister Ranch Property Owners Association (“HROA”). I’ve been forwarded your email dated December 3, 2021, and the attachment entitled “CCC Questions to HROA” dated December 1, 2021, on behalf of “Linda and the State Agency Team”, wherein you request information and data from the HROA regarding HROA members, homes, second homes, guest houses, outbuildings, corrals, paddocks, recreational structures such as swimming pools, information regarding water, wells, septic systems and gates located on Hollister Ranch.

Based on your request for this information for purposes of sharing such information with members of the Coastal Commission and the general public by including such information in a “report we prepare for the Commission” the HROA is not able to provide the requested information.

Both California statutory and common law vigorously protect the privacy of HOA members and California consumers, and all reasonably sensitive information and any data that might lead to disclosure of information that may subject an individual or organization to identity theft or other invasion of privacy. Further, the HROA is a private residential community operated and managed by a homeowners association. The HROA members have a reasonable expectation that the HROA will keep their information confidential and not release it to non-members.

With respect to personal information about its members, the HOA is required to follow reasonable security procedures and practices appropriate to the nature of the information and to protect the personal information from disclosure. (California Civil Code § 1798.81.5).

Exhibit B

Linda Locklin
January 4, 2022
Page 2

Not only would it be unreasonable and illegal for the HROA to disclose the information you desire to publicize, but it would also violate the long standing process, pattern of conduct and existing protocols of the HROA against disclosure of such information, something the HROA's members have come to depend upon over many decades, and which all HOA members in California are reasonably entitled to expect.

Courts in California have consistently ruled that members have legitimate expectations of privacy. There is a legally recognized privacy interest "in precluding the dissemination or misuse of sensitive and confidential information ('informational privacy') and informational privacy is the core value furthered by the California Constitution, article I, section § 1 (Hill v. National Collegiate Athletic Assn., supra, 7 Cal.4th 1). Article I, section 1 of the California Constitution protects against invasions by private citizens as well as by the state. (Hill v. National Collegiate Athletic Assn. (1994) 7 Cal.4th 1; Chantiles v. Lake Forest II Master Homeowners Assn. (1995) 37 Cal.App.4th 914).

Lastly, we are concerned about your expressed intent to publicly disclose such information, which appears contrary to statutory law.

If you have any further questions, please do not hesitate to contact me. Thank you.

Very truly yours,

BEAUMONT TASHJIAN



JEFFREY A. BEAUMONT, ESQ.

JAB:ec
cc: Board of Directors



California Department of
Parks and Recreation

February 28, 2022

Senate President Pro Tempore Toni Atkins
Assembly Speaker Anthony Rendon

Honorable Pro Tem Atkins and Speaker Rendon:

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

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

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

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

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

Exhibit C

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

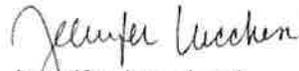
Thank you for your consideration and support for this process. Please feel free to contact us with any questions, suggestions or concerns you may have.

Sincerely,



John Ainsworth
Executive Director
California Coastal Commission

Sincerely,



Jennifer Lucchesi
Executive Officer
State Lands Commission

Sincerely,



Amy Hutzell
Executive Officer
State Coastal Conservancy

Sincerely,



Armando Quintero
Director
Department of Parks and Recreation

cc Senator Monique Limón



HOLLISTER RANCH PUBLIC ACCESS PROGRAM
 PROGRESS REPORT
 February, 2022

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

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

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

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

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

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

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

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

Submitted pursuant to Government Code Section 9795.



Hollister Ranch™

Via Electronic Mail

October 8, 2021

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

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

Dear Chairman Padilla & Commissioners,

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

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

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

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

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

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

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Exhibit D

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

Balancing Access with Protection of Sensitive Coastal Resources

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

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

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

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

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

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

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

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

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

Importance of Early Environmental Review

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

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

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

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

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

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

Focus on Cooperative Efforts to Establish Access

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

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

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

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

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

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

Sincerely,

Edward J. DeLaRosa

Edward J De La Rosa
The Hollister Ranch Owners' Association