

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
WEB: WWW.COASTAL.CA.GOV



Th10c

Prepared November 13, 2024 for November 14, 2024 Hearing

To: Commissioners and Interested Persons

From: Peter Allen, Statewide Transportation Program Manager
Eric Stevens, Senior Transportation Analyst

**Subject: Additional hearing materials for Th10c
CDP Number 2-24-0867 (Wildlands Conservancy Access Improvements)**

THIS CORRESPONDENCE PACKAGE HAS BEEN UPDATED TO REPLACE PAGE 253 WITH A CORRECTED COPY OF THE EMAIL DATED NOVEMBER 8, 2024, FROM TOM ROTH. NO OTHER CHANGES HAVE BEEN MADE TO THE CORRESPONDENCE PACKAGE.

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed

Table of Contents

Correspondence received from Elected Officials

Correspondence received in Support

Correspondence received in Opposition

Correspondence received from Peter Prows

Correspondence received from Tom Roth



COUNTY OF SONOMA
BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403

(707) 565-2241



November 6, 2024

California Coastal Commission

Dear Chair Hart and Coastal Commissioners,

We respectfully ask, that all hearings and proceedings regarding The Wildlands Conservancy's Estero Ranch property, 2000 Estero Lane, Bodega Bay, recently consolidated permit between Sonoma County and The California Coastal Commission (Sonoma County permit number CPH23-0011) be held at a location convenient to Sonoma County residents, particularly those that will be directly affected by the proposed development.

The Wildlands Conservancy , a private conservation organization, acquired the Bottarini Ranch in late 2015 or early 2016. Throughout the acquisition process, many Bodega Bay Area residents believed that the acquisition of the property was going to lead to minimal public use with parking and access via Doran Park, and only as the tide allowed.

The majority of the tight knit community of Bodega Bay is aware that TWC submitted a permit for construction of a public access gate at Short Tail Gulch via Osprey Drive in the Bodega Harbour Subdivision. Many have been anxiously awaiting Permit Sonoma's full hearing process for the project so that they can be in the audience to voice their opinions and to observe the process. Many in the area are lacking in the technical literacy required for online participation, cell phone reception, access to internet resources, and viable devices. A long drive would be onerous to many that live in the greater Bodega Bay Area. All of these are equity concerns that a Coastal Commission meeting close to home would address.

There are many in the community with concerns about the Estero Ranch Property. It would be a considerable boon to our community members to have convenient access to the hearings and proceedings so that transparency can be established.

Sincerely,

Lynda Hopkins
Supervisor – District 5, Sonoma County, Board of Supervisors

Beth Bruzzone
Chair, Sonoma County Coast Municipal Advisory Council



Outlook

Estero Americano Preserve Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Ryan Berger <ryan.b@wildlandsconservancy.org>

Date Fri 11/8/2024 11:56 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc Luke Farmer <luke.f@wildlandsconservancy.org>

Happy Friday, Ca Coastal Commission,

Please find attached the photos of 315 postcards signed by enthusiastic members of the public in support of providing public access and hiking trails at the Estero Americano Coast Preserve in Bodega Bay, CA. We will also be mailing the actual postcards to the Commission's San Francisco offices today.

Please let us know if you have any questions or issues in accessing the google drive link to the photos. Here is the link to the drive: [The Wildlands Conservancy | Estero Americano Coast Preserve | Public Access Postcard Campaign](#)

We look forward to the hearing next week,
Ryan

--



RYAN BERGER

Sonoma Coast Preserve Manager

JENNER HEADLANDS PRESERVE

PO Box 94

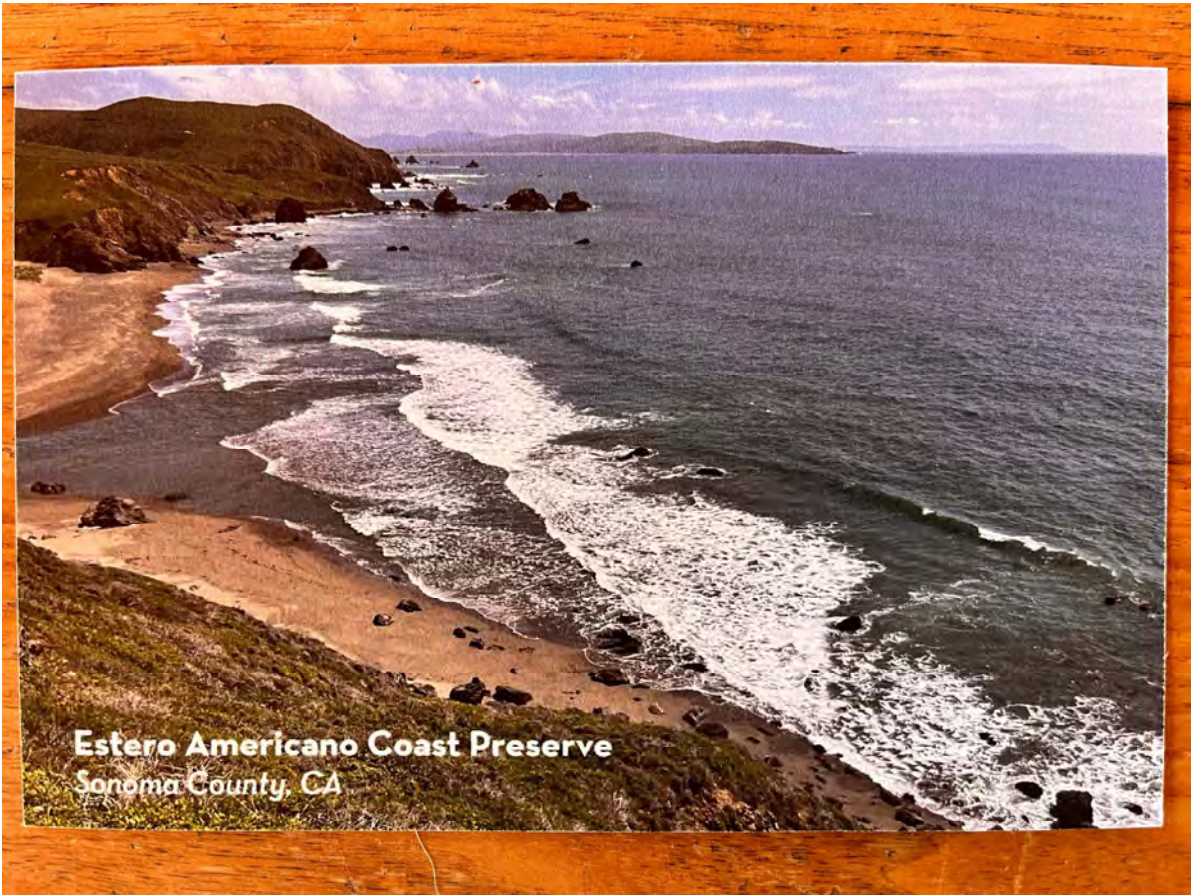
Jenner, CA 95450

(707) 696-3263 cell

OUR DUAL MISSION

To preserve the beauty and biodiversity of the earth and to provide programs so that children may know the wonder and joy of nature.

This email is intended solely for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or otherwise required to be protected from disclosure. If the reader of this email is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication or its attachments is strictly prohibited. If you have received this communication in error, please delete it as well as all copies or backups of it entirely from your email system and notify me that you received this email in error.



Estero Americano Coast Preserve
Sonoma County, CA

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.
This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible asset to Sonoma County residents and visitors to the coast.
*California Coastal Commission
455 Market St. Suite 300
San Francisco, CA 94105*
SIGNATURE *Linda Thomasen*
EMAIL [REDACTED]
PRINTED NAME Linda Thomasen
ZIP CODE 95405

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.
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*California Coastal Commission
455 Market St. Suite 300
San Francisco, CA 94105*
SIGNATURE *Michelle Caval*
EMAIL [REDACTED]
PRINTED NAME Michelle Caval
ZIP CODE 95405

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
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SIGNATURE *Eva M. Mellett*
EMAIL [REDACTED]
PRINTED NAME Eva M. Mellett
ZIP CODE 95446

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
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SIGNATURE *Anita Thomsen*
EMAIL [REDACTED]
PRINTED NAME Anita Thomsen
ZIP CODE [REDACTED]

To the California Coastal Commission:
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SIGNATURE *Eric Pasch*
EMAIL [REDACTED]
PRINTED NAME Eric Pasch
ZIP CODE 94952

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
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SIGNATURE *Joshua Sols*
EMAIL [REDACTED]
PRINTED NAME Joshua Sols
ZIP CODE 95466

To the California Coastal Commission:
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I love to hike. I stay on Sonoma Coast because of conservancy trails spending \$ in Bodan Bay, Jenner, Dursons Mills over numerous days. I bring \$ in + will continue with
SIGNATURE *Elizabeth Murray*
EMAIL [REDACTED]
PRINTED NAME Elizabeth Murray
ZIP CODE 94110

To the California Coastal Commission:
RE: Application No. 2-24-0867, item 7h10c to be heard on Nov 14
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SIGNATURE *Laurel Shaffer*
EMAIL [REDACTED]
PRINTED NAME LAUREL SHAFER
ZIP CODE 94954

To the California Coastal Commission:
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Love the place + appreciate the people who take such wonderful care of it! A wonderful Asset!
SIGNATURE *Michael Raoktsch*
EMAIL [REDACTED]
PRINTED NAME Michael RAOKTSCH
ZIP CODE 94110

To the California Coastal Commission:
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SIGNATURE *Synthia Neumann*
EMAIL [REDACTED]
PRINTED NAME Synthia Neumann
ZIP CODE 95420

To the California Coastal Commission:
RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14
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SIGNATURE Shana Lipich
EMAIL [REDACTED]
PRINTED NAME Shana Lipich
ZIP CODE 94107

To the California Coastal Commission:
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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME MORAN HANDELSON
ZIP CODE 94111

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SIGNATURE Ollie Dute
EMAIL [REDACTED]
PRINTED NAME [REDACTED]
ZIP CODE 94908

To the California Coastal Commission:
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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME YE CHEN
ZIP CODE 94108

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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME Frank Miller
ZIP CODE 94117

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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME Michelle Ireland
ZIP CODE 95401

To the California Coastal Commission:
RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14
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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME Anaere Brown
ZIP CODE 94703

To the California Coastal Commission:
RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14
I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.
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SIGNATURE [REDACTED]
EMAIL [REDACTED]
PRINTED NAME Nancy Rocks
ZIP CODE 95401



November 8, 2024

Via Email: NorthCentralCoast@coastal.ca.gov

Re: Application No. 2-24-0867 (Wildlands Conservancy Access Improvements)

Dear California Coastal Commission:

Sonoma Land Trust wholeheartedly supports The Wildlands Conservancy Coastal Development Application to provide an important California Coastal Trail connection to a historically privately held section of the coast.

Sonoma Land Trust and funding partners acquired the 547-acre Estero Americano Coast Preserve in 2015 with immediate transfer to The Wildlands Conservancy to permanently protect this biologically rich and extraordinarily scenic property, continue appropriate agricultural use, and expand the California Coastal Trail to this stretch of wild, coastal California.

The Preserve flanks the Estero Americano tidal estuary, and a $\frac{3}{4}$ -mile stretch of the Pacific coastline and is part of the Gulf of the Farallones National Marine Sanctuary. Due to its diverse assemblage of wetland communities and estuarine habitats, this area is recognized by the California Department of Fish and Wildlife as one of the most significant coastal habitat areas in the State.

The project's broader objective was to expand landscape-level conservation by bridging several protected places on the North Coast for wildlife connectivity, climate resilience and recreational connections. The Preserve is adjacent to and near several protected lands and marine areas including SLT's Estero Americano Preserve, Pinnacle Gulch and Doran Beach Regional Park, Bodega Head (Sonoma Coast State Beach), Bodega Marine Lab, the Gulf of the Farallones National Marine Sanctuary, Estero Americano State Marine Recreational Management Area, the Bodega Marine Reserve and private property protected by Marin Agricultural Land Trust.

There is a growing recognition that access to parks and open space is critical to the physical and mental health and well-being of a community. The iconic Sonoma Coast, and its associated parks and protected lands, is a national destination visited by millions of people each year and is cherished by residents and tourists alike. The TWC Access Improvement Project expands the existing recreational network located within and around the town of Bodega and provides a hiking experience with sweeping views of Point Reyes, Bodega Head, Doran Beach and prime whale watching, wildflower, and wildlife observation opportunities. The Estero Americano is paddled by kayakers and canoers with an informal put-in near the town of Valley Ford. The Estero Americano Coast Preserve provides a location for kayakers to pull out from the Estero

before making the return trip.

Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast — a legacy of natural beauty and biodiversity for generations to enjoy.

Sincerely,

A handwritten signature in blue ink that reads "Eamon O'Byrne". The signature is written in a cursive, flowing style.

Eamon O'Byrne
Executive Director



RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Reetta Raag <rraag@sbcglobal.net>

Date Wed 11/6/2024 3:42 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Dear Coastal Commission members,

I support The Wildlands Conservancy's proposal for public coastal access at its Estero Americano Coast Preserve in Sonoma County.

Thank you,
Reetta Raag



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Janice Abreu <janiceabreu@me.com>

Date Wed 11/6/2024 3:41 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Greetings,

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,

Janice Abreu



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Phil Kay <phillipkay@me.com>

Date Wed 11/6/2024 3:20 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Whom It May Concern:

Please expedite the Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. The public deserves access to these lands as soon as possible. Thanks.

Phil Kay



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From clfishel@aol.com <clfishel@aol.com>

Date Wed 11/6/2024 2:05 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc jennerheadlands@wildlandsconservancy.org <jennerheadlands@wildlandsconservancy.org>

Greetings Commissioners, Thank You for your dedicated service!

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Also, I recommend that the very limited informal kayak access to the Estero be improved. - *Christopher Fishel*



Outlook

RE: Application No. 2-24-0867

From Mary Moore <marymoore500@gmail.com>

Date Wed 11/6/2024 1:48 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Sincerely,

Mary Moore



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Gordon Shettle <gshettle@gmail.com>

Date Wed 11/6/2024 12:32 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Regards, Gordon Shettle
1448 12th Ave, San Francisco



RE: Application No. 2-24-0867, item Th10c to be heard on November 14

From Linda Stephens <linrn1998@gmail.com>

Date Wed 11/6/2024 11:44 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I am an enthusiastic supporter of The Wildlands Conservancy & have visited several preserves including: Oak Glen Preserve, Whitewater Preserve, Santa Margarita River Preserve, Wind Wolves Preserve & Jenner Headlands Preserve, to name just a few!

All of these preserves have something valuable & unique to offer the public by allowing free & open access.

I would love to see Estero Americano Coast Preserve open to the public, providing reliable access to a part of the Sonoma Coast that, to date, is held in private ownership.

Please approve pedestrian access to the preserve & the beach at the mouth of the Estero Americano.

Thank you for your consideration.

Sincerely,

Linda T Stephens

Sent from my iPhone



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From woodrat <woodrat@sonic.net>

Date Wed 11/6/2024 10:57 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc woodrat <woodrat@sonic.net>

 1 attachment (54 KB)

phred sig.tiff;

Honorable Comissioners,

I am a neighbor of the Estero, in Occidental. It is a unique and special environment, superlative in natural values.

I support its opening for hiking and other low-impact recreational access, including a parking lot and perfected easement to Highway One.

In addition, I enclose the Wildland Conservancy's letter:

"I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast. "

Respectfully,

 phred sig.tiff

Fred Euphrat
consultant in forestry and watersheds
fred@euphrat.org

11/7/24, 9:39 AM

Mail - Stevens, Eric@Coastal - Outlook

707.591.5966



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Nancy <nancyvin@sonic.net>

Date Wed 11/6/2024 10:35 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Nancy Vineyard



Outlook

RE: Application No. 2-24-0867

From Tracy Elmore <tzelmore@gmail.com>

Date Wed 11/6/2024 10:21 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

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Please open the Estero Americano Coastal Preserve to everyone!

From DW Draffin <dwdraffin@gmail.com>

Date Wed 11/6/2024 9:54 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Hello,

As a fourth-generation Californian and lifelong hiker, I urge you to allow the Wildlands Conservancy to continue their great work in California in rescuing new lands, restoring their health, and opening them for free to the public.

The Sonoma Coast has historically been among the most difficult of all our coastal stretches to access - I should know! 17 years ago, my wife and I hiked with our daughter from our home in San Francisco up the California Coastal Trail to the Oregon Border. 499 miles in six weeks. Our best adventure ever.

But the Sonoma Coast, which is really the crown jewel of the entire coast, severely lacked for access compared to Marin to the south and Mendocino to the north. This effort can help change that.

Thank you,

David Draffin



Application No. 2-24-0867, item Th10c to be heard on Nov 14

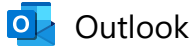
From Jerry Smith <jerrysmith5@hotmail.com>

Date Wed 11/6/2024 9:52 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Jerry Smith
1102 Westmoreland Circle
Walnut Creek, CA 94596



Application No. 2-24-0867, item Th10c to be heard on Nov 14

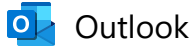
From Rob Kunkel <rob_kunkel@yahoo.com>

Date Wed 11/6/2024 9:51 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,
Rob



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Rob Kunkel <rob_kunkel@yahoo.com>

Date Wed 11/6/2024 9:51 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,
Rob



Outlook

Re: Application No. 2-24-0867, item Th10c to be heard on Nov 14.

From wendylou@sonic.net <wendylou@sonic.net>

Date Wed 11/6/2024 9:48 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Whom It May Concern,

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

I had the opportunity to take a guided walk at the Estero Americano Coast Preserve with a wildflower expert and staff from the Wildlands Conservancy. It was an inspiring and amazing, wonderful experience! To visit this unique and stunning locale after living in Sonoma County since 1970, was an unparalleled discovery! I am so grateful that the Wildlands Conservancy makes such experiences possible, where we can learn about the flora and fauna, and enjoy the privilege of exploring such a rare environment. It's a source of pride that the Wildlands Conservancy creates incredible access to parts of our coastal environment, which adds so significantly to education, and health and well being, for visitors and residents where they can be in such a beautiful place. This means so much to me, and I advocate for the public access to be approved, so that this area can be shared with others.

Thank you,

Wendy Nicholson

13660 Green Valley Road

Sebastopol, CA. 95472



Outlook

RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From sally <smwood@dcn.org>**Date** Wed 11/6/2024 9:47 AM**To** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

November 6, 2024

To: California Coastal Commissioners**RE:** Application No. 2-24-0867, item Th10c to be heard on Nov 14.

Dear Commissioners:

First of all, thank you for your work in protecting coastal California and preserving public access to our beautiful Pacific shore.

And hooray for the California Coastal Commission Staff, whose report supports The Wildlands Conservancy's permit application, and describes it as an "exciting opportunity."

I live in Bodega Harbour, and am a firm advocate for people having access to natural outdoor areas. During the pandemic, I witnessed folks' desperation to get out in nature. Visitors drove hours to get to the beach and waited in line to enter Doran Regional Park, just to see the ocean and get a safe breath of sea air.

I recently had the privilege of attending a guided hike on the Estero Americano Preserve. It is incredibly beautiful, with awe inspiring views. According to California Fish and Wildlife it is one of the most richly biodiverse coastal prairies in California. Our guides pointed out unique natural features, and described TWC's plans for restoration and their hopes for the property's future.

As a dedicated hiker, I walk frequently on TWC's Jenner Headlands Preserve and have found it to be the best cared for wild area I've visited. Trails are well maintained and marked, volunteer and educational opportunities are frequent, rangers are friendly and knowledgeable, and the bathrooms are always clean. I am confident TWC will do an excellent job with the Estero Americano Preserve.

It is my belief that we are all better when we remember we are visitors on this earth, and we understand that it's our job to love it and take care of it. People who have access to wild lands have a better chance of knowing this, not just in their minds but in their hearts.

I urge you to approve TWC's permit for the Estero Americano Preserve.

Sincerely,

Sally M. Wood

PO Box 566
Bodega Bay, CA
94923
530 218-3547



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Patty <poconnor1954@att.net>

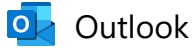
Date Wed 11/6/2024 9:43 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,
Patricia O'Connor
7935 Covert Lane
Sebastopol, CA 95472
(415) 307-2267

Sent from my iPhone



Outlook

Open Estero Americano Coast Preserve to Public

From John Donnelly <donnelyj63@gmail.com>

Date Wed 11/6/2024 9:42 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

We support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

John & Sara Donnelly
578 7th St W, Sonoma, CA 95476



Application No. 2-24-0867, item Th10c to be heard on Nov 14. (Estero Americano (Sonoma/Marin County Line))

From Frank Field <fajfield@edgelightimages.com>

Date Wed 11/6/2024 9:37 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Members of the California Coastal Commission:

I write to express my strong support for The Wildlands Conservancy's application to open the Estero Americano Preserve for responsible public access.

Conservation and preservation of treasured lands is one of the highest uses of public funds. To continue to use public funds requires ongoing support from the citizens. Most citizens rightfully believe that such preserved lands should be open for responsible public access. I believe that if we fail to open conserved lands, we will ultimately lose public support.

From its work across California, and especially its work at the Jenner Headlands, we know that the Wildlands Conservancy is a capable steward of public lands.

I urge the Commission to approve the Conservancy's application at its November 14 meeting.

Frank Field
The Sea Ranch, California

Postal Service mail to: PO Box 1476, Gualala, CA 95445
E-Mail: fajfield@edgelightimages.com



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From STEPHEN SOLTYSIAK <pommace@comcast.net>

Date Wed 11/6/2024 9:35 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

The Wildlands Conservancy aligns with my personal values, and I strongly urge to approve their proposal.

Sincerely,
Stephen Soltysiak, Forestville, CA



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From STEPHEN SOLTYSIAK <pommace@comcast.net>

Date Wed 11/6/2024 9:35 AM

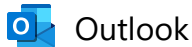
To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

The Wildlands Conservancy aligns with my personal values, and I strongly urge to approve their proposal.

Sincerely,
Stephen Soltysiak, Forestville, CA



Application No. 2-24-0867, item Th10c to be heard on Nov 14.

From Frank Field <fafiield@edgelightimages.com>

Date Wed 11/6/2024 9:31 AM

To NorthCentralCoast@coast.ca.gov <NorthCentralCoast@coast.ca.gov>

To Members of the California Coastal Commission:

I write to express my strong support for The Wildlands Conservancy's application to open the Estero Americano Preserve for responsible public access.

Conservation and preservation of treasured lands is one of the highest uses of public funds. To continue to use public funds requires ongoing support from the citizens. Most citizens rightfully believe that such preserved lands should be open for responsible public access. I believe that if we fail to open conserved lands, we will ultimately lose public support.

From its work across California, and especially its work at the Jenner Headlands, we know that the Wildlands Conservancy is a capable steward of public lands.

I urge the Commission to approve the Conservancy's application at its November 14 meeting.

Frank Field
The Sea Ranch, California

Postal Service mail to: PO Box 1476, Gualala, CA 95445

E-Mail: fafiield@edgelightimages.com



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Hiking with Gay Pride <hikingwithgaypride@yahoo.com>

Date Wed 11/6/2024 9:30 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14.

From Ryan Hodge <cr_hodge@yahoo.com>

Date Wed 11/6/2024 9:24 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County and urge you to approve this application expeditiously.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



in support of access to the Estero Americano Coast Preserve in Sonoma County

From Rob Jordan <robmjordan@gmail.com>

Date Wed 11/6/2024 9:20 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Hello, commissioners.

Thank you for your work to make California's magnificent coast accessible to all.

Please extend that effort to enable coastal access to the Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for your consideration.

--

Rob Jordan

cell: (415) 760-8058

rob-jordan.com



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From jim rosenau <jim@thisintothat.com>

Date Wed 11/6/2024 3:53 PM

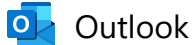
To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support access to the Estero Americano Coast Preserve in Sonoma County.

I had the opportunity to tour the site recently and would like the general public to be able to do so. It will be a great benefit to locals and those who travel further.

--

Jim Rosenau Jim@ThisIntoThat.com 510 845 0106 www.ThisIntoThat.com



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Mary O'Leary <maryoleary303@gmail.com>

Date Fri 11/8/2024 8:16 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

I look forward to hiking there with my grandchildren, and showing them respect and appreciation of this spectacular coast region.

Thank you,
Mary O'Leary



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Gabi <gabiwolf@aol.com>

Date Fri 11/8/2024 7:06 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Ladies and Gentlemen,

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Sincerely,
Gabi Shader



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Brigitte Grimshaw <bgrimshaw@comcast.net>

Date Thu 11/7/2024 8:40 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Brigitte



Outlook

RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From John Selhorst <johns@sonic.net>

Date Thu 11/7/2024 7:51 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Sincerely,

John Selhorst

Sebastopol



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From The Lochners <4lochs@comcast.net>**Date** Thu 11/7/2024 7:17 PM**To** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Have you been out to this Estero? I have on foot from Bodega Bay and by kayak from Freestonel It is too lovely not to share!

Please I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Jan Lochner

Sonoma County Resident for over 50 years!



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From shoshonamft@gmail.com <shoshonamft@gmail.com>

Date Thu 11/7/2024 6:25 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Sent from my iPhone



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Lora Monemzadeh <lmonemzadeh@gmail.com>

Date Thu 11/7/2024 5:21 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,

Lora Monemzadeh



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Steve Olsen <sjohay@yahoo.com>

Date Thu 11/7/2024 1:41 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Outlook

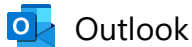
Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Denise Hawkins <msneecy@yahoo.com>

Date Thu 11/7/2024 1:14 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Hollie Smith <hollie-annie@sbcglobal.net>

Date Thu 11/7/2024 11:27 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. I live in Sonoma County and feel there is not enough access to the coast in some respects. In fall and winter, you may see 1/2 full parking at Doran or numerous other beaches along the Sonoma coastline. But on hot summer days (increasingly more of them as the years go by), the parking lots fill up and you will find many cars parked helter-skelter along the Hwy as people scramble for parking to get to someplace cooler than inland. Access to the coast cannot just be for the rich who can afford a home there; no one is stopping those million-dollar homes from being built. Please support this effort to open up more recreational options for persons wanting to enjoy the coastline.

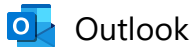


Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From anouk sl <anouk_sl@yahoo.com>**Date** Thu 11/7/2024 10:15 AM**To** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From dubinsky@rxyoga.com <dubinsky@rxyoga.com>

Date Thu 11/7/2024 9:10 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for considering and hopefully supporting the Wildlands Conservancy proposal to open coastal access at Estero Americano.

Gail Dubinsky Spielman



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Mindy Lee-Olsen <laloli101@gmail.com>

Date Thu 11/7/2024 8:58 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Sincerely,
Mindy



Outlook

ApplicationNo.2-24-0867,itemTh10tobeheardonNov14

From Bruce Hagen <brucekeyofh@gmail.com>

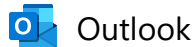
Date Thu 11/7/2024 8:17 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

please open up Estero Americano to passive use public access. I've lived in Petaluma for 40 years and have been a consistent advocate for public access combined with education about how to "leave it better than you arrived " For the same reason, I helped champion the City of petaluma's effort to keep Lafferty Ranch and open it as a public passive use nature park.

Thanks for your support!

Bruce Hagen
145 Grevillia Drive
Petaluma, CA 94952
707-338-7363



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From chris ligtenberg <ligtenbergs@icloud.com>

Date Thu 11/7/2024 7:37 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Chris



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Jean Farmer <jeanwfarmer@gmail.com>

Date Wed 11/6/2024 8:23 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To whom it may concern,

I am a Sonoma County resident, a retired Registered Nurse and **I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County via a pedestrian trail that is currently part of the Local Coastal plan.**

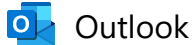
As a retired nurse I know how important experiences in nature are for the health of all members of our community. This property was purchased with public money for the public. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. **Please approve the access point that is in the Coastal Plan map.** Once access is available, people will be able to enter the preserve free of charge, so that anyone can experience this magnificently beautiful area.

I so deeply appreciate Wildlands management of this land and look forward to the general public and especially children being able to engage with the natural world here.

Thank you for your consideration.

Sincerely,

Jean Farmer RN
jeanwfarmer@gmail.com
7235 Hayden Avenue
Sebastopol, CA 95472



RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14.

From Judith Dambowic <jdambowic@gmail.com>

Date Wed 11/6/2024 6:44 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Outlook

Hello from the Contact Page

From Steve C <sparverius75@gmail.com>

Date Wed 11/6/2024 6:32 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Project Name and Application Number:

RE: Application No. 2-24-0867

Nature of Communication (In Person, Telephone, Other):

Other

Date and Time Requested:

item Th10c to be heard on Nov.14.

Full Name:

Steve Corey

Email:

sparverius75@gmail.com

On Behalf Of:

The Wildlands Conservancy

Comments:

support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Public comments submitted to the Coastal Commission are public records that may be disclosed to members of the public or posted on the Coastal Commission's website. Do not include information, including personal contact information, in comments submitted to the Coastal Commission that you do not wish to be made public. Any written materials, including email, that are sent to commissioners regarding matters pending before the Commission must also be sent to Commission staff at the same time.



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Larry Modell <larrymod@comcast.net>

Date Wed 11/6/2024 6:27 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

As a longtime advocate for public lands and open space in Sonoma County, I write in support of The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve.

Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, the proposal to allow access by hikers to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Regards,

- Larry Modell
larrymod@comcast.net



Estero Americano Coast Preserve for passive public use

From Sarah Reid <trailsgal@gmail.com>

Date Wed 11/6/2024 5:42 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

RE: Application No 2-24-0867, item Th10c to be heard on November 14, 2024:

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for your consideration,

Sarah Reid, Santa Rosa CA 95404

Pronouns: she/her

"In every walk with nature, one receives far more than he seeks." --John Muir



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Lucy Clarke <lucyclarke317@gmail.com>

Date Wed 11/6/2024 4:00 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Sandra Fournier <sandrafournierca@gmail.com>

Date Fri 11/8/2024 10:42 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

As someone who is starting to be able to manage trails with easy access this has become so important to me, to safeguard access to areas of extreme natural beauty. It's good for the soul of every human being. Kind regards,

Sandy Fournier
530-401-4908

Sent from my iPad



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From leslie lihou <lihouleslie@gmail.com>

Date Fri 11/8/2024 1:39 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Leslie Lihou
Sonoma County resident 95407

Sent from my iPhone



RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Carol Pachl <carolpachl@comcast.net>

Date Fri 11/8/2024 5:00 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Dear Coastal Commission,

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public.

The Wildlands Conservancy, with decades of success in land stewardship and public access, is proposing the establishment of 5 miles of low-impact trail for daily passive recreation on its Estero Americano Coast Preserve. This network of trails will connect with existing segments of the California Coastal Trail, and provide reliable access to a part of the Sonoma Coast that has been held in private ownership for generation

Consistent with the Local Coastal Plan, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Best regards,
Carol Pachl
58 Estates Drive
Orinda, CA 94563



RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Jeannene Langford <jeannene.langford@gmail.com>

Date Fri 11/8/2024 5:06 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

As a hiker, kayaker and Naturalist I strongly support the Wildlands Conservancy's proposal for coastal access at the Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a vital landscape and open it to the public, free of charge, for passive recreation. As you know the lands on either side of the Estero Americano Coast Preserve are privately owned and not open to the public.

Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County all residents and visitors to the coast.

Thank you,

Jeannene Langford

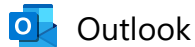


Jeannene Langford

ART AND DESIGN

(707)321-4041





Application No. 2-24-0867, item Th10c to be heard on Nov 14

From judith Rousseau <jrousseau12@hotmail.com>

Date Sat 11/9/2024 10:24 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. It was purchased for public use but is almost inaccessible!

I have hiked there along the rocky cliffs during rare extreme minus tides but have to hurry back to avoid the dangerous high tides.

Responsible public use creates more support for our coast.

Thank you for listening

Judith Rousseau

Graton

Get [Outlook for iOS](#)



Outlook

RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Samantha Hasek <samantha.hasek@gmail.com>

Date Sat 11/9/2024 12:38 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Hello,

I support the Wildlands Conservancy proposal for pedestrian access to the Estero Americano property. Public access to this land is important and TWC has been working for a long time to bring this to fruition.

Thank you!

Samantha Hasek



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From joan meyer <watmaugh@yahoo.com>

Date Sat 11/9/2024 12:58 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Joan Meyer, hiker

Sent from my iPhone



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Kathleen Neuwirth <khn009tjn@gmail.com>

Date Sun 11/10/2024 7:28 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County. This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you,
Kathleen Neuwirth



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Lorie Silver <garryoakbay@gmail.com>

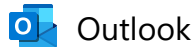
Date Sun 11/10/2024 3:04 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for your consideration



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Lorie Silver <garryoakbay@gmail.com>

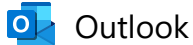
Date Sun 11/10/2024 3:06 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for your consideration,
Lorie Silver
Sebastopol



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Claudia Vieira <cvgardendesign@gmail.com>

Date Mon 11/11/2024 7:26 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

My husband and I own a property in Inverness Park, at the bottom of Tomales Bay. He has young-onset Alzheimer's and his primary therapy and joy in life now comes from walking in nature. Both of us would benefit greatly from having the Estero Americano Coast Preserve opened for public access.

Thank you for your consideration.

Claudia and Bud Vieira



Outlook

RE: Application No. 2-24-0867, item Th10c to be heard on Nov 14.

From amy bryant <ambryant8181@gmail.com>**Date** Mon 11/11/2024 8:05 AM**To** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.



Outlook

Application No. 2-24-0867, to be heard Nov 14 2024

From Naftali Moed <naftali.moed@gmail.com>

Date Mon 11/11/2024 10:32 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I am writing in support of the Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money and the ability of the public to access this land and the coast we are entitled to enjoy have been restricted for far too long. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public but that doesn't not mean the public shouldn't be able to access land that it has provided funding to purchase. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and to people of California and beyond.



Outlook

Application No. 2-24-0867, item Th10c to be heard on Nov 14

From John Callaway <callaway@usfca.edu>

Date Mon 11/11/2024 11:19 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Dear Coastal Commission,

I am writing in strong support of the Wildlands Conservancy's request for coastal access at Estero Americano that is being considered on November 14th. Wildlands has done a very good job in managing properties throughout the state and their plan for public access will allow for a reasonable amount of use and access to this incredible area.

I was lucky enough to visit this area multiple times over 30 years ago while mapping eelgrass and other habitats in the Estero. It is an incredible part of the California coast, and I've wanted to visit again but access has not been possible. I hope that it will open up again and strongly encourage you to approve the request for public access at Estero Americano.

Sincerely,
John Callaway
2429 Roosevelt Ave
Berkeley, CA 94703



Application No. 2-24-0867, item Th10c to be heard on Nov 14

From Thomas Beck <thomasjbeck@yahoo.com>

Date Mon 11/11/2024 12:20 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

During recent trips around the state, I have had the opportunity to visit various lands associated with The Wildlands Conservancy and have been impressed by the remarkable beauty of the lands and thankful that I was able to hike and explore parts of the state I had not had the chance to experience before.

Thomas Beck
Redwood City



Application Number 2-24-0867, Item Th10c

From Wayne Gibb <wdgibb@hotmail.com>

Date Wed 11/6/2024 9:18 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Hello,

I support The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

This property was purchased with public money to protect a spectacular landscape and open it to the public, free of charge, for passive recreation. The lands adjoining the Estero Americano Coast Preserve are privately owned and not open to the public. Consistent with the Local Coastal Plan and considered a spur trail of the California Coastal Trail, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano will be an incredible benefit to Sonoma County residents and visitors to the coast.

Thank you for your consideration.

Wayne Gibb
8425 Spring Drive
Forestville, California 95436



Outlook

Application Number: 2-24-0867 The Wildlands Conservancy

From Peter Colby <peterwcolby@gmail.com>**Date** Fri 11/8/2024 1:28 PM**To** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

I am writing as a homeowner in Bodega Harbour. I have reviewed the Staff Report for this matter as well as the comments submitted by the BHHA's attorneys. The Commission's analysis projects a tremendous increase in traffic through Bodega Harbour but makes no provision for new parking, imposes no limitation on numbers of vehicles, and does not provide for monitoring of traffic impacts in the early years of the project (as is provided for other impacts). With respect to the impact on parking, it is notable that previous approvals required construction of the small parking lot on Mockingbird Drive; no such parking facilities are planned in this case. Given all this, it is difficult to understand the lack of opportunity for meaningful community participation in the planning process. Before granting this permit, the Commission should provide for a public hearing in the vicinity of Bodega Harbour.

Respectfully submitted,
Peter Colby



Public Comments - Nov 14, 2024, Agenda Items 8 and 10c

From Carmen Estrada <cestrada.bhha@gmail.com>

Date Fri 11/8/2024 12:41 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; Henningsen, Luke@Coastal <luke.henningsen@coastal.ca.gov>

To: Members of the California Coastal Commission:

Thank you for forwarding the notice regarding the CCC hearing on 11/14/2024. Please consider this as public comments on the two items below.

I. Comments Opposing Appendix B Public Access Plan, I-35 Estero Ranch Preserve, Sonoma County Local Coastal Plan – Coastal Commission Agenda Item 8; November 14, 2024

II. Comments Opposing The Wildlands Conservancy CDP Application 2-24-0867; Agenda Item 10c; November 14, 2024

I am the President of the Bodega Harbour Homeowners Association (BHHA). The first item is a planned "future" public access entry to the Wildlands' ranch in the draft Local Coastal Plan, Public Access, Appendix B, I-35 Estero Ranch Preserve; the second item is the Wildlands CDP application which includes the installation of the gate on the boundary of our property at the Shorttail Gulch trail easement. Many Association members, owners, and residents are concerned about these items, and oppose approval of the Wildlands' proposal to install a gate on Shorttail Gulch trail for entry to their property. Any public comments in opposition related to either item should be understood as an opposition to both.

Both agenda items relate to Sonoma County and The Wildlands Conservancy seeking future public access to Estero Ranch through our community, and installing a gate on BHHA property (Shorttail Gulch Trail). Both concern the single issue whereby Wildlands seeks public access to their property through our association's *public access trail to the beach* that has been in existence for nearly 50 years. That public access trail is to the Shorttail Gulch beach area as stated in the grant deed given to the county by the developer of our community in 1977. The Shorttail Gulch trail public access does not grant access to a neighboring ranch property.

The BHHA Board opposes both propositions for many reasons already presented to the county, Wildlands, and the Commission. As long ago as April, 2021 our counsel wrote to the Wildlands Executive Director, Frasier Haney, and opposed the gate installation. Nonetheless Mr. Haney and the Wildlands staff continue to present this proposed public entry as a viable option to the Commission, the Sonoma County Parks Department, the county planning department, and the county Board of Supervisors. You have been misled.

The BHHA has a volunteer Board of Directors and the past Presidents have all opposed the installation of a gate on Shorttail Gulch for entry to a neighboring ranch development. Most recently former President Kim Kilkenny communicated our position to Luke Henningsen in the Commission's San Francisco office. As local residents and neighbors, we have always understood that the proposed public entry at Shorttail Gulch is not a viable option. Nor is it a legal one.

As President of the Bodega Harbour Homeowners Association, I am proud to represent the interests of my neighbors, most of whom are retirees, including former teachers, social workers, small business owners, and others. We support our community and are committed and excellent stewards of the precious coast, including the public access that has been part of our community since it was founded. We watched as Wildlands had to relinquish its original plan for direct access from Highway One for their ranch development because those plans disregarded the legal rights of neighboring landowners. Wildlands is now turning to Plan B, pushing all daily public access to their property through our residential community, again disregarding the legal rights of the neighboring landowner, here the BHHA.

Thank you for your consideration.

Carmen Estrada
President
Bodega Harbour Homeowners Association



Comment on Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay) - Agenda item Th10c 11/14/2024

From Jackie Gomes <jackieg22@att.net>

Date Fri 11/8/2024 5:00 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc jackieg22@att.net <jackieg22@att.net>

I am opposed to the commission staff's recommendation to approve this proposal.

I am one of the Homeowners of a home in Bodega Bay, the home that sits across the street from the Shorttail Gulch trail entrance.

Let me first say, as a person born and raised in California and for decades resided in Northern California, I am grateful for the beauty, the nature and the access we have to such wonderful places to hike, to boat, to adventure and discover. The northern coast of California is one of the most beautiful world, and I am in support of public access to the coastal areas.

So why do I oppose this proposal? because it has not at all been designed to account for the full breadth of change it brings. The Wildland Conservancy has purchased the Estero Ranch with the intent to provide for public access, trails, hiking, boating, but has no requirements whatsoever to build the access roads, parking and infrastructure such an endeavor should reasonably be required to propose and build. Instead this organization wants to grant the one point of access off the the Shorttail gulch trailhead that is inside the Bodega Bay South Harbor community and bear no responsibility for the addition, again, of the access capacity truly required to support this project, rather, all of the parking, ingress and egress will fall to what is currently in the community. There are minimal extra parking spaces established in this residential neighborhood, not designed to accommodate the needs of the adjacent 547-acre ranch. The parking and roads of this community have been designed for the size of the community and the current two beach access points.

The staff recommendation to approve this proposal includes this statement about impact:

*However, there is no disputing that the easement is a public easement held by the County for public use, and it is clear to staff that that easement can be used in the ways envisioned by the proposed project, including because it allows for **public pedestrian access, which is all that is proposed here**; because there are no limits in the easement on the amount of pedestrian use; and **because it does not appear there will be excessive traffic, parking, or pedestrian use that would burden the HOA in any case.***

What study was done to support this last statement? what are the facts behind it? if you travel in to Bodega on warm days in the interior in the summery you will see cars lining the streets, streets designed to not have space for parking on both sides, streets that then would not be big enough to allow firetrucks through to protect residents and their properties. What studies show the traffic will not increase, the parking is sufficient? the access what it needs to be in emergencies. To suggest "pedestrian access is really all that is proposed here" how do you suppose these pedestrians will get to that trail head.

It is irresponsible for the safety of the entire Bodega Bay South Harbor community approve this proposal as is.

Do the right thing, make TWC prepare an access plan that includes the new roads, and parking on their 547 acre parcel rather than burdening an adjacent community to cover these aspects of this sprawling proposal.

Jackie Gomes
Bodega Bay Homeowner



Estero Americano, Bodega Bay

From Lee Heldt <lee.kalo@yahoo.com>

Date Thu 11/7/2024 8:40 AM

To Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Dear Mr. Stevens,

I am writing you as one of many concerned homeowners in Bodega Harbour regarding the proposed development of the 547 acre Estero Americano Coast Preserve.

The impact on our quality of life, and reason for choosing Bodega Harbour to live, will be significant. The increased traffic is my greatest concern. Additionally it puts added pressure on our already overburdened fire, police, and ambulance resources.

I request that you and your fellow commissioners review this proposal with an open mind and consider alternatives for access and parking.

Sincerely,

Katharine Heldt
21199 Hummingbird Court
Bodega Harbour

Sent from my iPad



Item 10 a Application No. 2-24-0867, (Wildlands Conservancy Access Improvements, Bodega Bay)

From Norma Jellison <normalj@sonic.net>

Date Sun 11/10/2024 1:03 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

RE: Item10 a Application No. 2-24-0867 Wildlands Conservancy Access Improvements, Bodega Bay

I feel the staff report is lacking for The Wildlands Conservancy's proposal for coastal access at its Estero Americano Coast Preserve in Sonoma County.

It fails to identify the negative impacts on the streets in the Bodega Bay Harbour Subdivision associated with opening public access thru this residential neighborhood.

Anyone who has used nearby coastal access via the Sonoma County Regional Park Pinnacle Gulch Coastal Access Trail which as an off street parking lot which Estero access does not!! can easily see the overflowing of vehicles onto the adjacent 2 lane residential street.

The same thing will happen on Osprey Drive!

Cars will line both sides of the **2 lane** residential street, making access by fire trucks and emergency vehicles to service the residences in that neighborhood and public using Short Tail Trail to access the beach and Estero Americano problematic at best. The staff report ignores this situation in its report.

Further, anyone who has gone to the tide pools on Pinnacle Rock Beach has seen the deterioration over time since Regional Parks began publicizing the Pinnacle Gulch Coastal Access Trail. To assume/say Wildlands staff will monitor and protect the tidepools is not credible.

AK to the Wildlands Conservancy - this property was purchased with public money **to protect a spectacular landscape** and open it to the public, free of charge, for passive recreation.

While access may be consistent with the Local Coastal Plan, pedestrian access to the Preserve and the beach at the mouth of the Estero Americano without credible protections to limit and mitigate impacts to the residential neighborhood and the beach environment of pristine tidepools is an abrogation of the Commission's responsibilities to protect the Public Trust.

Thank you for considering my comments.

Norma Jellison

Norma Jellison
P O BOX 1636
Bodega Bay CA 94923

A new ethic for the ocean where the ocean is not seen as a commodity we own but as a community of which we are a part.

*The sea is worth saving for its own sake. Bill Ballantine NZ
And take this to the land as well.*



Outlook

Fwd: Comments on Application No. 2-24-0867 (Wildlands Conservancy Access Improvements. Bodega Bay)

From darlene jeris <darlene.jeris@gmail.com>

Date Fri 11/8/2024 1:15 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Subject: Comments on Application No. 2-24-0867 (Wildlands Conservancy Access Improvements. Bodega Bay)

To Members and Staff of the California Coastal Commission,

The referenced Application by the Wildlands Conservancy for dawn to dusk, unlimited and unsupervised visitors access to the Estero Americano Ranch ignores or glosses over critical shortcomings in its proposal to you. As a resident of Bodega Bay I strongly oppose the application in its current form and hope you do as well. The current Application is deficient in the following ways:

- There has been no in-depth environmental impact study (EIS) or detailed CEQA review. This is a unique natural site with a substantial population of raptors, as well as other species some of which are categorized as protected or threatened.
- There has been NO substantive review of alternatives to the proposed ShortTail Gulch access point. This is major missed opportunity to arrive at more effective solution to the objective of opening the Estero Americano Ranch.
- The proposed route of access to the Ranch is insufficient for the volume of traffic anticipated and it substantially impacts hundreds of residents. There is no viable provision for parking in the Plan. The Application suggesting that visitors park at Doran beach (2 miles away) or at the very small lot located at Pinnacle Gulch trailhead is unworkable given those parking areas already are completely full with current visitor volume during good weather. The suggestion that street parking be used is not just unworkable but dangerous. Streets near the proposed ShortTail Gulch trailhead are only 21 feet wide and cannot accommodate more parking and allow for the efficient access and passage of fire trucks or other emergency vehicles. There is no credible plan that would allow for the rapid egress or evacuation of residents and visitors in case of a natural disaster such as a wildfire or earthquake; The South Bodega Harbour subdivision has only one single access road as the evacuation route for potentially thousands of beach and Estero Ranch visitors, residents, vacation renters, staff, and service personnel during a high-visitation day.
- There are no provisions to address public safety, specifically the need for additional law enforcement given the anticipated additional visitors to the very sizable property. The same

concern applies to medical and ambulance services. It also does not address the likely increases in noise, pollution, vagrancy, illegal fires, parking and traffic violations.

- There are no provisions for bathroom facilities and refuse management at the proposed Short Tail Gulch access point. The current site has one medium sized trash receptacle--which often overflows on busy days. Given there are no restroom facilities, unfortunately the trail itself is often the depository for human waste. With added visitors it is inevitable these issues will be exacerbated.
- The traffic study does not conform with Sonoma County's [Traffic Impact Study Guidelines](#) in several major ways; and, the comparison sites referenced in the study all have adequate dedicated on-site parking. During peak visitation days Short Tail Gulch and Pinnacle Gulch are already overburdening the existing infrastructure.
- Until today's meeting, **there has not been a single hearing or public workshop** despite many requests by local residents to County officials. Sonoma County's Permit Sonoma began the review of the Wildlands local permit and had largely completed it, but the results were not released. The consolidation decision by the County, moved by Consent --with again no opportunity for public discussion-- occurred despite multiple citizen requests to not proceed with consolidation given the absence of public discussion. The public has not had the opportunity to ask questions, offer observations, or educate themselves as to benefits, costs, and alternatives of this proposal. The fact that the only public hearing on a matter of such importance occurs today, and at a location and time that makes it very difficult for many Bodega Bay stakeholders to attend, seriously violates the commitment of Sonoma County as well as the Coastal Act for transparency, public review and open deliberation.

The Coastal Act "*emphasizes the importance of the public being able to access the coast, and the preservation of sensitive coastal and marine habitat and biodiversity. It dictates that development be clustered in areas to preserve open space, and that coastal agricultural lands be preserved. It prioritizes coastal recreation as well as ... uses that need a waterfront location. **It calls for orderly, balanced development, consistent with these priorities and taking into account the constitutionally protected rights of property owners.***" [\[Source\]](#)

This Application and the process which preceded it unambiguously fails this standard.

I respectfully ask the Coastal Commission to reject the application in its current form.

Respectfully,

/s/ Darlene M. Jeris

Resident Bodega Bay

Darlene.Jeris@gmail.com



Outlook

Comments for Commisioners: 11/14 hearing on Estero Access

From Linda Khachadourian <ljkhach@gmail.com>

Date Thu 11/7/2024 12:38 PM

To Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Hello. I am writing on behalf of my husband and I, homeowners in Bodega Harbour. We have just heard about the hearing on November 14, 2024 related to the Wildlands Conservancy request for an access gate to Estero Americano via Shorttail Gulch. This is not a well thought out request and must be denied.

During the pandemic, we experienced the unsafe conditions created by excess cars parking on Bodega Harbour streets. There is inadequate parking for use beyond current levels, as streets are narrow and were not intended for "parking lot" type use, cars have trouble passing through when used that way, and emergency vehicles cannot even fit. We hope that the Coastal Commission will please reconsider this request by the Wildlands Conservancy.

Some specific concerns below:

- No provision for any new parking and suggests that visitors park on the streets of Bodega Harbor. The Wildlife Conservancy's own traffic study (which is flawed and undercounts) estimates up to 100 new car trips through and around the Harbour to access this development during busy periods.
- No provision for increased traffic on Route 1 approaching through Bodega Bay
- No provision for fire risk mitigation
- No provision for emergency vehicle access (Osprey drive is only 21' wide - insufficient for fire trucks if cars are parked on the street). The project does not include a safety plan or address the impacts of how parking along Bodega Harbour residential streets will block access by safety vehicles.
- No provision for added police or emergency medical services to support increased visitors
- No provision for added trash removal that comes with potentially hundreds of people using this space
- No provision for an environmental impact study to determine potential impacts on raptors and other species, some of which have "protected status".
- Parking at Doran is not feasible and will not be utilized (Wildlands Conservancy acknowledges this in their application-page 8).

- The application does not address or account for impacts to Bodega Harbour residents
- The application violates the 1977 Settlement Agreement.
- The application represents a "taking" as the impacts will reduce the rights of Bodega Harbour homeowners.
- The project violates policies in the Sonoma County Local Coastal Plan which provide that new public access facilities be consistent with public safety and Policy C-PA-3c which provides that the distance between coastal access trails and residences should be as large as possible to protect the quality of the user experience and the privacy of the occupants of the residence. Access facilities shall be designed and managed to minimize conflicts with residential development.
- The project violates Coastal Act section 30001.5(c) which requires that public recreational opportunities in the coastal zone be consistent with constitutionally protected rights of private property owners and Section 30214 (a)(3) which provides that implementation of public access facilities be limited based upon the proximity of the access area to adjacent residential uses.

I would appreciate you sharing this letter with the Coastal Commissioners as part of their deliberations. Thank you for your attention to this important issue.

Linda and Gilbert Khachadourian
700 Kittiwake Court, Bodega Bay
Ljkhach@gmail.com
916-761-3910

John P. Loughlin
P.O. Box 751
Bodega Bay, CA 94923
JohnPLoughlin79@gmail.com

November 7, 2024

To the Chair, Vice-chair, Commissioners, Alternate Commissioners, and Staff of the California Coastal Commission

Via email: NorthCentralCoast@coastal.ca.gov

Via email : eric.stevens@coastal.ca.gov

RE: CCC Application No. 2-24-0867 (Wildlands Conservancy Access Improvements)

Dear Commissioners & Staff of the California Coastal Commission,

Thank you for the work you do on behalf of the public. It is appreciated and manifests everyday along the coast. In reading the Commission's Strategic Plan, my comments speak directly to (1) the Commission's priority of Maximum Public Participation, (2) the flaws and omissions contained in the Application, (3) the balancing of public access and private property rights, and, (4) most critically, asking for the Commission's help and offering a suggestion to perhaps find a path forward that minimizes contention and the potential for long, drawn out litigation regarding this Application.

(1) I am writing as a full-time resident of Bodega Bay out of a grave concern that the Application to open the Estero Americano Ranch to public access has reached the Commission in the absence of *any* County-initiated local public discussion or hearings.

Despite numerous requests from many community residents to County officials, including multiple requests over multiple Sonoma County Mid-Coast Municipal Advisory Council public meetings, and letters to the County, beginning in late 2023 and continuing through the present, there has been no County response other than assurances there should be, or would be, opportunities for discussion. There have been no public forums, no opportunity for public participation in understanding the benefits and the costs of opening the Estero preserve —until your meeting today. Sonoma County's decision to advance this Application to the Commission, without allowing Permit Sonoma to complete its work on the local permit application, and for the Board of Supervisors to NOT have local

discussion or any investigation of alternatives for opening the preserve has had the serious effect of undermining public confidence in the process.

It is especially troubling, particularly in light of the concerns and questions raised by the public with regard to this Application, that *there has been no examination of alternatives to achieve public access* other than through the ShortTail Gulch trail located within the ~600 home Bodega Harbour community.

(2) The current Application ignores serious negative impacts and would appear to NOT conform to the Sonoma Local Coastal Plan now also under consideration by the Commission. The proposed LCP Section 30240 - Environmentally Sensitive Habitat Areas, Section 30214- Implementation of Public Access Policies (a 4) (b), and Public Access Plan Section 4 - Parking including Parking Objective C-PA-4.1 and 4.2 suggest the Application does not comport with the intent of the proposed LCP.

In layperson's terms, there should be a full environmental impact study executed prior to action on this Application. The Estero Americano ranch encompasses a unique environment and biosphere with nesting raptors including bald eagles, as well as protected species of salamander. There is great community concern that there has been no environmental impact study performed or made public.

The Application makes no provision for additional parking that visitors to the Preserve would require. Today, there exists one small 16 vehicle parking lot located at the trailhead of the Pinnacle Gulch trail. This lot is generally completely full during good weather and always on weekend days and holidays. The Application references public parking at Doran Beach. This facility is 2+ miles from ShortTail Gulch and on weekends and holidays this lot is full with vehicles turned away. Finally, the Application suggests visitors can park on the streets near ShortTail Gulch. This is a completely residential neighborhood of dozens of homes in the immediate vicinity of the trailhead. The community already deals with street parking for beach access overflowing from the small parking lot at Pinnacle Gulch trailhead. This is an overburden on residential street infrastructure that never was designed or equipped to handle the volume of vehicle traffic proposed in the Application.

The roadways adjacent to ShortTail Gulch and cited by the Application as available for visitor parking measure 21 feet curb to curb. Today parking is permitted on both sides of these residential streets. With additional visitors to the Preserve and the absence of any other parking options, most visitors to the Estero Ranch site will park on both sides of the street. Today, this already occasionally occurs with existing visitors to ShortTail Gulch for beach access. When this occurs, there can be inadequate space for a fire truck to pass. Even with one side of street parking, given vehicle sizes, this may be insufficient for fire trucks to access the 60+ homes located in South Harbour of Bodega Harbour in the event

of an emergency. Local fire officials have expressed genuine concern which to date has gone unaddressed. A significant influx of additional visitors parking on Osprey Drive and Mockingbird Drive presents a potentially very serious safety issue in an emergency. It also speaks to the need for Sonoma County to have allowed completion of the Permit Sonoma review of the local Wildlands permit application. This critical issue deserves being addressed for the health and well-being of visitors and residents impacted by this Application.

There is well-founded concern over the potential for additional litter and trash accumulating at the ShortTail Gulch trailhead. Presently, there is a single medium sized trash receptacle at the entrance to Short-Tail Gulch. It appears to be emptied 1x per week which is often inadequate with trash deposited on the ground next to the can --- this trash blows creating a mess, and it attracts animals which further scatter the trash. Increasing visitor traffic through ShortTail Gulch will result in additional litter and trash, further exacerbating an already unresolved issue which impacts the quality of life of those living near the trailhead.

Current ShortTail Gulch trail conditions & upkeep are poor. Various trail sections actually present safety hazards to current visitors -- including metal spikes protruding from some stairways, missing railing components, major ruts and washouts, etc. The current trail condition represents both the risk of injury and of liability. Increasing visitor use would seem counter intuitive and raise concern about current and future maintenance of the trail. As a frequent user of the trail, I am often disgusted by the dog and human feces which can be found on the trail. Additional use unfortunately will likely exacerbate that issue further impacting the public's ability to enjoy the trail and beach.

Finally, I am deeply concerned that our local fire, ambulance, sheriff and other emergency services and resources are already taxed with an increased volume of calls and emergencies resulting from the increases in visitors to our community over the past several years. This Application ignores the reality of an increasingly overburdened community resulting from substantially increasing the number of visitors, and the Application makes absolutely no reference or provision to offset or remediate the increased demand for services that will come with opening the Estero Americano ranch.

(3) As you are likely aware from other submissions, the position of the Bodega Harbour HOA and its counsel is the 1977 TransCentury agreement to which the Coastal Commission was a party, precludes the use of ShortTail Gulch as an access point to the Estero Americano Ranch. The Bodega Harbour community has long supported public access to the ocean, and to the community's golf facilities. Many, many visitors, as well as residents enjoy beach access provided by Pinnacle Gulch and ShortTail Gulch trails. Property owners knew when they purchased property that public beach access was a

condition of purchase. However, the substantial detrimental outcomes on residents of using Bodega Harbour as the only entry point for the Estero Preserve are completely contrary to the compact that has existed since 1977. This Application seems disingenuous since the limited access to the Estero Americano property was well known at the time of purchase by the Wildlands Conservancy, and the Applicant is now asking the Bodega Harbour community to solve its problem.

(4) Given there literally has been no opportunity for public discussion, and only today for public comment, and in light of substantial local concern around this Application, and, given the Applicant seemingly has not actively engaged in examining other potential options for accessing and opening the property to the public, I would ask the Commission to consider the following: Under the auspices of the Commission constitute a Study Group charged with examining all of the potential options and approaches to accessing and opening to the public the Estero Americano property. A Study Group representing the various constituencies (The Wildlands, County, Local Residents, The Bodega Harbour HOA , Environmental organizations, etc.) charged with examining and evaluating alternatives to making the property accessible to the public very well may find a solution that satisfies all of, or more of, the interests of the various parties. It may also reduce the risk of litigation and actually speed the opportunity for the public to enjoy the Estero Americano. It would also serve to rebuild public trust in these processes and proceedings.

I hope the Commission will consider this suggestion, or deny this Application given the numerous and substantial issues it presents.

Respectfully,

/s/ John P. Loughlin



development of the 547-acre Estero Americano Coast Preserve

From Sharon mayfield <ssmay24@hotmail.com>

Date Thu 11/7/2024 3:01 PM

To NorthCentralCoast@coastal.ca.gov <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Dear Sirs,

It has been brought to my attention that Sonoma County has asked the California Coastal Commission (CCC) to approve the opening and development of the 547-acre Estero Americano Coast Preserve owned by The Wildlands Conservancy (TWC) located off of Route 1 and abutting Bodega Harbor.

The TWC plan calls for the development of 5+ miles of hiking trails, restrooms, and staff housing. This property was acquired by TWC in 2015 with full knowledge that there was extremely limited public access to the property via kayak or private road. The owners of the private road granted supervised access to the property 4 times per year. I understand TWC plans to open unlimited, dawn to dusk, access to the Estero via Bodega Harbor's ShortTail Gulch--**contrary to and in violation of a 1977 agreement between the State, County, CCC and the developers of Bodega Harbour**. This court approved judgment provided limited public access only to the beach via both ShortTail and Pinnacle Gulch trails.

TWC's plan before the Coastal Commission makes:

- NO PROVISION for any new parking and suggests that visitors park on the streets of Bodega Harbour, including Osprey Drive and Mockingbird Lane. The TWC's own traffic study (which is flawed and undercounts) estimates up to 100 new car trips through and around the Harbour to access this development during busy periods.
- NO PROVISION for increased traffic on Route 1 approaching and through Bodega Bay
- NO PROVISION for fire risk mitigation

- NO PROVISION for emergency vehicle access (Osprey Drive is only 21' wide - insufficient clearance for fire trucks if cars are parked on the street)
- NO PROVISION for added police or emergency medical services to support increased visitors
- NO PROVISION for added trash removal that comes with potentially hundreds of people using this space.
- NO PROVISION for an environmental impact study to determine potential impacts on raptors and other species, some of which have "protected status".

It is my understanding that the county has ignored multiple requests from the community calling for local public discussion, and there has been NO SERIOUS EXAMINATION OF ALTERNATIVE ACCESS TO THE Preserve.

This proposed development will impact the quality of life of Bodega Harbour and Bodega Bay residents. It puts the community at risk given our already overburdened fire, police and ambulance resources. It potentially increases the risk of property damage and/or theft especially to vacation homes that are not always occupied. It also has the very real potential of diminishing property values given increases in traffic and street parking, thus reducing revenue for the state from property taxes.

While I would prefer the land remain wild and untouched just as Marin County has designated their portion of the Estero Americano, at the very least, there should be a formal study of alternatives for access and parking, and other protections under the auspices of the CCC with a study group comprised of **all** the interested parties--homeowners, ranchers, TWC, etc.

Thank you for your consideration of this matter.

Sincerely,
Sharon (Fite) Mayfield
991 Sea Eagle Loop
Bodega Bay



TWC access through Bodega Harbor community

From Kimberly Miller <kimberlym8282@gmail.com>

Date Thu 11/7/2024 3:54 PM

To NorthCentralCoast@coastal.ca.gov <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Thank you for the opportunity to voice my concerns regarding public access to TWC. I am thrilled that the land will be available to the public. It is beautiful land and should certainly be shared with the public.

Our home is directly across from the trailhead to Shorttail Gulch Trail. With current street parking for access to the trailhead, it gets congested and difficult to drive safely down the street (Osprey Drive) when there are cars parked on both sides of the road. People getting in and out of their cars at times seems unsafe. An emergency vehicle could not get through if my house were to catch on fire or if I needed an ambulance. I'm not sure what the legalities would be if I couldn't get emergency services to my home because of the added access to TWC at Shorttail Gulch Trail becoming overwhelming.

We respectfully request more work to be done to find a different access point to TWC. In addition to the safety issues I have mentioned, we bought our dream home on Osprey Drive with the understanding that the peaceful location would remain so, without increased traffic and increased access beyond the weekenders enjoying the beach at the end of the trail.

Sincerely,
Kimberly Miller



Outlook

short tail gulch access to estero

From Matt Moye <matt@vincentarroyo.com>

Date Fri 11/8/2024 10:50 AM

To Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

To whom it may concern:

We own a home in Bodega Harbour on Sea Eagle Loop in Bodega Bay. I am writing in hopes that the commission decline the access to the Estero via Short Tail Gulch. My family spends a lot of time at the Harbour. My young children ride bikes and we enjoy the safety of not having traffic on the roads. When we bought our home, we were aware of the Short Tail Gulch access to the beach and were ok with that as we feel all people should have access to the shoreline. With the new purchase of the land by the TWC we feel that there is no right to use the same access that was originally proposed and granted by the Bodega community. Please consider denying the request of access to the Estero via the Short Trail Gulch access. If you have any questions please don't hesitate to reach out to me.

Thank you

Matthew & Adrian Moye
942 Sea Eagle Loop



Public Hearing Notice-Wildlands Conservancy Access

From Dan Mulholland <dmulholland@corefoodservice.com>

Date Thu 11/7/2024 10:57 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

I am Dan Mulholland, owner, 20181 Osprey, Parcel # 708

While I am appreciative of the work the Wildlands Conservancy is doing, I believe this project needs more research to find a more suitable solution. When we purchased property in a secure and private homeowners association, we did it with the understanding that the association governed the property you are “trying to access” we paid dues to maintain and secure this area. The deed and planning department plans say “BHHA ownership”. Thus, we are surprised that the Wildlife Conservancy is seeking access improvements when the Wildlife Conservancy does not have right to access.

This “bullying” of BHHA is a result of failure to access from Estero Road. Apparently, they made a deal with the ranchers in that area. Furthermore, any attempt to access should be financially negotiated with BHHA and a vote should take place with its membership. Security, insurance, maintenance, and homeowner parcel dues need to be reimbursed to the BHHA. It is my view and legal opinion you are seeking and demanding access to “our private property”.

Concerns:

- 1. One entrance from Estero Lane would make the most sense. Having all phases enter and exit through Estero give this project more direct management. Having small groups to conduct registered hikes (which was your initial plan) then graduating to a “free for all public access” offers dangerous exposure on several fronts.**
- 2. Expansion of parking that promotes street parking in areas where vehicle cannot pass safely. This is already occurring in our area from County Trails. This puts undue pressure on a small group of homeowners to “police and cleanup” after park visitors. Driving at night and in the fog is already dangerous enough.**
- 3. If the visitation is increased at a large rate, the traffic to wildlife ratio will increase dramatically. We have several species birds, animals, reptiles, and amphibians that may be harmed. People unfamiliar with the sensitive habitat may cause harm. There are no “registrations, processes or Fees” of who will accessing your property.**
- 4. Safety – Is the Wildlands Conservancy willing to take legal responsibility for traffic accident and/or crime caused by this entrance. Has there been an adequate traffic or environmental report done on the area with increased traffic?**

- 5. **Fire-Is the Wildlands Conservancy willing to underwrite fire insurance for BHHA or the adjoining homeowners.**

- 6. **Security-is there 24-hour security or rangers on the property to prohibit fires and/or encampments?**

- 7. **Has anyone considered poachers?**

Frankly, this plan is trying to treat a residential area like the entrance to a state park, i.e. Doran State Park. At least there is a minimal entrance fee there to safeguard and support the area. They also have rangers. If you have a study panel, I would like to be on it. I would also volunteer my time to help find a solution entering from another area that makes sense. Also, just recently we have had several accidents and drownings from people having access to water without the proper education and equipment, who is responsible for their safety.

Wildlife has prospered in the area,“CONSERVE THAT SUCCESS”-My advice is to leave it wild!

Respectfully,

Dan Mulholland

Dan Mulholland
VP- Client Development
CORE Foodservice

Cell: 925-819-1793

email: dmulholland@corefoodservice.com

www.corefoodservice.com



Stalk Us.   



Outlook

Proposed access to land through shirttail gulch

From Janet Mulholland <mulcron@sbcglobal.net>

Date Thu 11/7/2024 11:16 AM

To northcentralcoast@costal.ca.gov <northcentralcoast@costal.ca.gov>

Cc Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Thank you for taking the time to read the following concerns and comments I have about the project permit # CPH23-0011. The Short tail Gulch Coastal access to the new trail area and protected/ preserved land.

We are fortunate enough to live in the coastal residential community and fully understand its beauty and attraction. We have some major concerns with the proposed access and especially parking, emergency access and preservation of existing wildlife, not to mention no governing of when visitors come and go.

As suggested in your proposal people can park in several areas. All of which are unrealistic or have major impact on homeowners in the area.

- Doran Beach parking is several miles from the proposed trail head and generally is at capacity on heavy used days, ie, holidays, weekends, hot days inland ... **park goes already park along Heron drive, Surfbird and other streets when at capacity of to avoid park fees.**
 - Parking on streets is dangerous to walkers as in most areas sidewalks are limited, additional cars create blind spots.
 - Driving on Mockingbird is already dangerous as cars park on both sides of the street making it nearly impossible for emergency vehicles to get through. Realistically Bodega Harbour is a community that attracts an older resident which makes the needs for emergency response more of an issue. We also struggle on heavy use days to get our own cars through.
 - We have a large **wildlife population in the harbour** of which residents and homeowners are aware of and respect the wildlife daily by driving cautiously as to avoid hitting a beautiful animals, Deer, Bobcats, Herons, and especially Quail. More unaware drivers will undoubtably decrease the population.
 - Trash receptacles are scarce in the community as it is, and the more people the more trash. **We have neighbors that often have trash, waste bags and even people using their yard as a relief area.** This is happening now...even before we open it up to many more visitors.
-
- With the current fire situation in Sonoma County as well as the difficulty obtaining home owners insurance, this will only magnify the current problem. As I understand the proposal there will be

no ranger station or a check in and out. Without this how will we make certain no-one stays longer than dusk or doesn't make a fire. These concerns will also hinder the wildlife that inhabit this protected land.

Thank you for taking the time to hear my concerns and comments, We hope the concerns will be addressed.

Feel free to reach out if you should have questions

Respectfully
Jani Mulholland
Homeowner and resident of parcel # 708.

925.819.1794



Outlook

Comments opposing the TWC application and appendix to be discussed Nov 14, 2024

From Mary Neuenfeldt <maryjneuenfeldt@gmail.com>

Date Thu 11/7/2024 6:33 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

Re: Comments opposing The Wildlands Conservancy Public Access Plan Appendix B
And

Comments opposing The Wildlands Conservancy Access Improvement Permit Application 2-24-0867
Bodega Bay, CA

Dear Coastal Commission Representatives,

Thank you for this opportunity to address our concerns regarding TWC's efforts to develop and open the Estero Americano Reserve to the public. We are strongly opposed to both TWC's Public Access Plan Appendix B and Permit Application 2-24-0867 for Access Improvements. These requests expose our homeowners association to liabilities created by public access to an adjoining property. For 11 years, we have been full time residents in the South Harbour neighborhood. Moving from a densely populated city to the Sonoma Coast, we understand the need and rights for all to enjoy the coastal beauty. However, the stillness and serenity only offer a healing break from the hustle and bustle if it not marred by an unrestricted intrusion of the masses.

When we moved here, we quickly learned of the CCC's restrictions and agreements which have been in place since the late 1970s. Initially, in our 'city-mindedness' they seemed quite severe even to include exterior light fixtures. However, within a few months of sharing the land and environment, we quickly realized the necessity of such regulations. The wildlife and ecosystem depend on those voices who speak on their behalf. We, too, have become quite sensitive toward the right of wildlife to live their lives as intended, unfettered as much as possible by human intrusion. We cherish the harmonious environment of our neighborhood.

Unfortunately, we have also experienced the downside of living in an area heavily marketed as a tourist destination. Too often, out of town visitors knock on our doors, even windows, claiming they are lost, unable to find or identify ' the' parking lot where they parked. They have separated from their family members, including children, left on the beach. They have driven over from Sacramento for the day and can't find their dog. Our property has been used for uninvited photos or uninvited treacherous access to the beach despite the steep hillside covered with poison oak. Drones have hovered in front of our windows. We've returned home to find a group 'hanging out' on our deck drinking bottles of wine. More than once, we've found evidence of visitors congregating on the side or back of our home, leaving towels, food wrappers, beverage cans, bottles, cigarette butts and a lighter.

We witnessed our hard working Sonoma County Sheriff department, Fire and Rescue teams and the Coast Guard conduct miraculous rescues of inexperienced boaters and visitors. This past weekend, two tragic boating accidents occurred, resulting in the deaths of four people and lifelong trauma of two

others and their families. As the CCC is quite aware, the beauty of the coast includes unparalleled dangers. These heartbreaking occurrences must be mitigated as much as possible. An additional 547 acres of busy public hiking trails increases the likelihood of health and safety needs.

We echo the concerns outlined by the SEA94923 group. The lack of foresight and planning by the TWC is unsettling. Public parking along our narrow streets restricts access for emergency vehicles, causing a potential loss of life. Many of our neighbors are of retirement age and beyond. Increased fire risk with no plans for mitigation weighs heavily on our minds— this is our home. The increased tourist traffic on a treacherous stretch on Highway One is deeply concerning. Many accidents have occurred at or near the entrance to our neighborhood. The entrance also serves as the only access to the Bodega Harbour Links golf course, the Bluewater restaurant and two existing public county trails already offering limited/no parking. In addition, for TWC to expect homeowners to deal with even more trash, lost pets and other issues produced by an unrestricted public presence in the neighborhood is unfair. Finally, we have yet to see any environmental impact studies associated with TWC's request. We love our protected wildlife.

Marin County has designated their portion of the Estero Americano to remain untouched. This is our personal preference. However, there are many other options, including restricted docent lead only programs. Before agreeing to TWC's requests, we ask the CCC to initiate a formal, comprehensive study, to include all parties of interest, in order to effectively address and mitigate the concerns of all.

Thank you for your consideration.

Steven and Mary Neuenfeldt
899 Sea Eagle Loop
Bodega Bay, CA 94923

November 8, 2024

To: NorthCentralCoast@coastal.ca.gov

Re: Application #No. 2-24-0867
Wildlands Conservancy Access Improvements, Bodega Bay

Public Comment – November 14, 2024, California Coastal Commission
Agenda Item 10c.

Fr: Tina and Bob Podolak
P.O. Box 562
Bodega Bay, CA 94923
tinapodolak@gmail.com

We are writing to express our opposition regarding the Application by the Wildlands Conservancy for public access to the 547-acre Estero Americano Ranch via a gate at ShortTail Gulch Trail.

Sonoma County and The Wildlands Conservancy has not engaged the local community in any public discussions about the use of ShortTail Gulch Trail for access to the Estero Americano. There has been a lack of any coordinated planning and development consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The CCC Staff Report of 11/1/2024 identifies only two agencies/groups were contacted regarding this Application (1) Sonoma County Planning Department and (2) Federated Indians of the Graton Rancheria (page .

We ask that you postpone approval of this Application until a working group, sponsored by the California Coastal Commission, is formed to look at all possibilities for alternative access. The number of issues and concerns raised by this Application warrants further discussions concerning responsible management of the Estero Americano Preserve. Responsible management should encourage cooperation and involve the public regarding any impact decisions.

- **We are in support of full public pedestrian access to, and full public use, of all the beach areas in the Bodega Harbour Development via the ShortTail Gulch Trail and Pinnacle Gulch Trail and have done so for over 20 years.** These trails were established through a 1977 Settlement Agreement for “beach access” not access to private adjoining inland property. The assumption in the CCC Staff Report that “it does not appear there will be excessive traffic, parking, or pedestrian use” is flawed – we already experience on summer days, weekends and holidays a

significant increase in traffic and visitors. The limited parking (25 public spaces) for the trails is already inadequate, and narrow streets leading to these trails signify planners did not anticipate extensive use of the trails by the public.

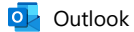
- The Applicant's development has no public road access from Hwy 1 after settling the Tibbetts v. Department of Transportation case in 2020. The Estero Americano access is solely via the coast as stated in their Conservation Covenant with Sonoma County Agricultural Preservation and Open Space District. It is unreasonable, and a burden on our residential community, to turn Bodega Harbour into the main, and sole, vehicle entrance for a recreational development of such magnitude.
- There are several safety (trespassing, noise, pollution, vagrancy, illegal fires, parking and traffic violations) and emergency (medical, rescue, fire response) implications.
- No environmental impact study (EIS) has been conducted.
- No provisions for bathroom facility and trash management at the proposed access point.

As residents of Bodega Harbour, we continue to support and provide public access to the beach! We take issue with the CCC Staff Report statement (page 21) that says "the Bodega Harbour HOA seeks to raise barriers to coastal public access and deter visitors that are not residents of the wealthy HOA community or adjoining properties from accessing this area of Sonoma Coast. They essentially seek to deny and diminish coastal access based on socio-economic status and place of residence." We are asking for a balanced and responsible approach regarding the Estero Americano Preserve development. The Coastal Management Program Policy of "**providing maximum shoreline public access and recreation, consistent with public safety needs, public rights, private property rights and protection of natural resource areas from overuse**" calls for such a balanced and responsible approach to development.

The Coastal Act recognizes that it is not sufficient to provide access to the coast; sensible planning for encouraging coastal recreation also includes preventing overcrowding of recreation areas. On summer days, weekends and holidays Hwy 1 and the adjacent roads in Bodega Bay are overwhelmed with cars. The current practice of parking along Hwy 1 is often inconvenient, hazardous, slows traffic and is visually undesirable. Cars waiting in long lines at the entrance to Doran Beach State Park are often turned away and many of the beach parking areas along Hwy 1 (i.e., Salmon Creek) are overcrowded. Congestion on Hwy 1 in Bodega Bay during these days is significant and problematic.

Given the lack of transparency and public involvement, we ask that the Commission reject the Permit Application as it is currently presented until a working group is formed to identify and evaluate all possible alternatives to the proposed project.

Tina and Bob Podolak
Bodega Bay Full-Time Residents



547-acre Estero Americano Coast Preserve / WTC

From Franklin Price <frank_price@comcast.net>
Date Fri 11/8/2024 3:00 PM
To Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

First of all, it is unacceptable that the hearing for this project is not even being held in Bodega Bay where those most affected by this live. It is not even being held in Sonoma County. For some, the idea that a hearing is being held in San Francisco, is a way to suppress the number of participants who will be able to question and discuss this proposal.

The impact of this proposal on residents, and I am one of them, has the potential to greatly affect the quality of life of those who live in Bodega Bay. What provisions will be made for parking, increased traffic, and fire risk mitigation. What are the plans for police or emergency medical services to support increased visitors? Who will deal with the increase of trash that will be left behind? Will these issues be thoroughly discussed? from local residents be weighed and evaluated?

And again, I wonder why this hearing is in San Francisco.

Frank Price



Outlook

Public Comment on November 2024 Agenda Item Thursday 8a - Sonoma County Local Coastal Program Amendment Number LCP-2-SON-23-0058-2 (Land Use Plan Update).

From M Ellen Robb <connmom@hotmail.com>

Date Fri 11/8/2024 12:43 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Whom it May Concern:

I am writing to oppose the approval of the Sonoma County Local Coastal Program Amendment Number LCP-2-SON-23-0058-2 (agenda item Th8a for the November 14, 2024 Hearing) and CDP Application 2-24-0867 by The Wildlands Conservancy (agenda item Th10c for the November 14, 2024 hearing).

My concerns relate to the use of the Short Tail Gulch trail as a public access point to the property for which the CDP is being sought (hereinafter, the "Wildlands Property). Any such use of the Short Tail Gulch trail is outside the scope of the easement originally granted and imposes undue burdens on the Bodega Harbour community. In addition, there are public safety issues that appear to have been insufficiently considered. My comments pertain to both of the above-referenced agenda items since the Local Coastal Program Amendment would approve the use of the Short Tail Gulch trail as a public access point to the Wildlands Property.

As background, I have been a homeowner in the Bodega Harbour subdivision for more than 21 years. The subdivision is a community of approximately 725 single-family homes. The homes are used variously as permanent residences, part-time residences, and rental units.

When the subdivision was planned, there was considerable discussion concerning an appropriate balancing of the homeowners' needs and the rights of the public to access the two pocket beaches that adjoin the subdivision. A settlement agreement was entered into and confirmed by a court decree (hereinafter, the "Settlement Agreement"). For the Settlement Agreement, please take judicial/administrative notice of *Transcentury Properties, Inc., a corporation, et al. v. California Coastal Zone Conservation Commission, et al.* (No. 73865, California Superior Court, County of Sonoma, June 1, 1977).

The Settlement Agreement created easements for two footpaths, or trails, by which the pocket beaches can be reached. Both of the pocket beaches are small and without amenities. A parking lot was also provided near one of the trailheads; it was presumably thought at the time that the parking lot would be sufficient for the foreseeable use of the pocket beaches. The size of the parking lot gives some idea of the intended use of the easements and should provide context as to how the easements are properly interpreted.

The creation of a new public access point to the Wildlands Property (via the Short Tail Gulch trail) will increase the use of the trail and overburden the public streets with additional cars. An increase in car and pedestrian traffic in the area would increase noise, litter and trespasses across homeowners' properties, as well as HOA properties. Increased street parking may well impede swift response by fire trucks and other emergency vehicles as well. Unfortunately, the

decision to consolidate consideration of the Wildlands CDP permit application in the format of a single hearing before the California Coastal Commission, without preliminary hearings in Sonoma County, has made it impractical for these issues to be adequately presented and fully understood by the Sonoma County Board of Supervisors and the Coastal Commission. The customary record has simply not been created.

There is another concern which overshadows the issues of noise, litter, nuisance and trespass, and even first responder access. Broadly, The Wildlands Conservancy seems to be proposing something akin to a public park development. However, it is not clear whether regular law enforcement patrols will be provided on the Wildlands Property grounds; I have seen no suggestion that they would be. The presence of law enforcement activity in the Bodega Harbour subdivision is generally minimal. If one combines that reality with the fire hazards that beset all rural communities throughout California, homeowners have every reason to be concerned about the proposed quasi-park-development on the Wildlands Property. Without very active law enforcement presence on the Wildlands Property, there is really no protection against the setting of illicit picnic or campfires which could easily lead to spreading vegetation fires. The problems homeowners throughout California are currently having in obtaining homeowners insurance are well known and vivid to us all. The authorization of a quasi-public-park development without an active ongoing law enforcement presence would simply be irresponsible in the greater context in which we now find ourselves: this area of the coast is frequently windy, the dry season is very long, fire is a genuine risk, and insurance carriers are abandoning California. No proper balancing can ignore these legitimate concerns of the homeowners.

I would also add that the Wildlands Property is large enough, and rough enough in terms of terrain, to house and hide illegal campers; any illegal camping activity, whether by homeless persons or others, would be hazardous not only from a fire point of view but also because the Wildlands Property could provide a place for potential squatters and thieves to hide while assessing opportunities against adjoining landowners.

When balancing the legitimate interests of private homeowners and the goal of public access, the Coastal Commission must take full account of all of the risks involved. I have not touched here on the environmental risks that are likely present in this sensitive habitat area, but I encourage the Coastal Commission to make an accurate assessment of the risks to plant and animal life as well. No such study has been completed to date.

Stepping back, perhaps one way for the Coastal Commission to assess this issue is to ask, if the use proposed in the CDP application were being suggested by a for-profit entity, what safeguards would be required before the proposal could be approved? I suspect a closer look would be taken. Perhaps parking could be provided at some location other than the heart of a quiet residential community, with shuttle service provided? Perhaps a security force would be required to walk the property several times each day and also after closing of the quasi-park to ensure the area is indeed vacant? Or perhaps, in light of the fire risk, the Coastal Commission might conclude that a simple conservancy without ongoing active use, or a return to primary agricultural use, is in fact the best choice in these times of climate change and insurance crisis. These topics need to be considered in the interest of fairness not only to the Bodega Harbour community and other residential neighbors and businesses, but also in the interest of the well-being of the lands the Coastal Commission is charged to protect.

This matter should be returned to Sonoma County for development of an appropriate record.

Respectfully submitted,

Ellen Robb

Bodega Bay



Outlook

Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From M Ellen Robb <connmom@hotmail.com>

Date Fri 11/8/2024 12:38 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Whom it May Concern:

I am writing to oppose the approval of the Sonoma County Local Coastal Program Amendment Number LCP-2-SON-23-0058-2 (agenda item Th8a for the November 14, 2024 Hearing) and CDP Application 2-24-0867 by The Wildlands Conservancy (agenda item Th10c for the November 14, 2024 hearing).

My concerns relate to the use of the Short Tail Gulch trail as a public access point to the property for which the CDP is being sought (hereinafter, the "Wildlands Property). Any such use of the Short Tail Gulch trail is outside the scope of the easement originally granted and imposes undue burdens on the Bodega Harbour community. In addition, there are public safety issues that appear to have been insufficiently considered. My comments pertain to both of the above-referenced agenda items since the Local Coastal Program Amendment would approve the use of the Short Tail Gulch trail as a public access point to the Wildlands Property.

As background, I have been a homeowner in the Bodega Harbour subdivision for more than 21 years. The subdivision is a community of approximately 725 single-family homes. The homes are used variously as permanent residences, part-time residences, and rental units.

When the subdivision was planned, there was considerable discussion concerning an appropriate balancing of the homeowners' needs and the rights of the public to access the two pocket beaches that adjoin the subdivision. A settlement agreement was entered into and confirmed by a court decree (hereinafter, the "Settlement Agreement"). For the Settlement Agreement, please take judicial/administrative notice of *Transcentury Properties, Inc., a corporation, et al. v. California Coastal Zone Conservation Commission, et al.* (No. 73865, California Superior Court, County of Sonoma, June 1, 1977).

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decision to consolidate consideration of the Wildlands CDP permit application in the format of a single hearing before the California Coastal Commission, without preliminary hearings in Sonoma County, has made it impractical for these issues to be adequately presented and fully understood by the Sonoma County Board of Supervisors and the Coastal Commission. The customary record has simply not been created.

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When balancing the legitimate interests of private homeowners and the goal of public access, the Coastal Commission must take full account of all of the risks involved. I have not touched here on the environmental risks that are likely present in this sensitive habitat area, but I encourage the Coastal Commission to make an accurate assessment of the risks to plant and animal life as well. No such study has been completed to date.

Stepping back, perhaps one way for the Coastal Commission to assess this issue is to ask, if the use proposed in the CDP application were being suggested by a for-profit entity, what safeguards would be required before the proposal could be approved? I suspect a closer look would be taken. Perhaps parking could be provided at some location other than the heart of a quiet residential community, with shuttle service provided? Perhaps a security force would be required to walk the property several times each day and also after closing of the quasi-park to ensure the area is indeed vacant? Or perhaps, in light of the fire risk, the Coastal Commission might conclude that a simple conservancy without ongoing active use, or a return to primary agricultural use, is in fact the best choice in these times of climate change and insurance crisis. These topics need to be considered in the interest of fairness not only to the Bodega Harbour community and other residential neighbors and businesses, but also in the interest of the well-being of the lands the Coastal Commission is charged to protect.

This matter should be returned to Sonoma County for development of an appropriate record.

Respectfully submitted,

Ellen Robb

Bodega Bay



547-acre Estero Americano Coast Preserve

From jjs550@comcast.net <jjs550@comcast.net>
Date Wed 11/6/2024 2:13 PM
To Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

I am a property owner at 440 Gull Drive, Bodega Bay, CA. And, I am opposed to the opening and development of the 547 acre Estero Americano Coast Preserve for the following reasons:

1. No community discussions concerning increased traffic, parking and health mitigation regarding influx of vehicles to the area.
2. Tremendous congestion for local owners.
3. Likely decrease in property values.

Best regards,

John Severini
Parcel # 509

Spaletta Family
PO Box 506 – 1250 Estero Road
Valley Ford CA 94972

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

Subject: Opposition to Coastal Development Permit Number 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay)

Dear Commissioners of the California Coastal Commission,

I am writing to express my strong opposition to Coastal Development Permit Number 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay), which is scheduled for your upcoming review. I respectfully urge the Commission to vote **no** on this permit as it currently stands, due to significant environmental concerns regarding its impact on a highly sensitive ecosystem and potential harm to rare and protected wildlife and plants. Additionally, a comprehensive review under the California Environmental Quality Act (CEQA) should be conducted before any permit is issued to ensure all potential impacts are fully assessed and mitigated.

Environmental Concerns and ESHA Designation:

The proposed development is in close proximity to the Estero Americano, a unique wildlife refuge which qualifies as an Environmentally Sensitive Habitat Area (ESHA) under the California Coastal Act. This area is home to diverse and rare wildlife, providing a crucial sanctuary for species such as the northwestern pond turtle (*Actinemys marmorata*), the endangered Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), and Sea otters (*Enhydra lutris*). Coastal birds such as the snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), and marbled godwit (*Limosa fedoa*) also rely on the Estero for nesting, foraging, and resting during migration.

The Estero Americano supports numerous threatened and sensitive plant species as well. These include the Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *rhizomata*), which thrives in wetland environments, and the robust spineflower (*Chorizanthe robusta*), which grows in sandy soils. The area is also a potential habitat for the coastal gumplant (*Grindelia stricta*), an essential nectar source for native pollinators.

As a refuge, the Estero is vital to California's coastal ecosystem, and any disruption to this habitat risks not only degradation of this essential sanctuary but also further endangerment of these vulnerable species.

Port-a-Potty Location Near the Estero Americano:

The proposed placement of a port-a-potty near the Estero Americano raises serious environmental concerns. Waste facilities located so close to a sensitive wildlife refuge and ESHA pose a risk to water quality and increase the potential for contamination, which could harm aquatic life, including steelhead trout. Additionally, high winds are a frequent occurrence in this area. In the past, a port-a-potty placed near the Estero blew over due to these strong winds, causing contamination and requiring cleanup efforts. This history highlights the unsuitability of placing such facilities near this sensitive ecosystem. To minimize these risks, restrooms should be located in a central compound well away from the ESHA, ensuring which this ecologically significant area remains undisturbed and protected.



Placement of Picnic Area/Tables Near the Estero Americano:

The planned placement of a picnic area and tables near the Estero Americano could similarly increase human activity in this sensitive area, threatening the delicate balance of this ecosystem. Foot traffic, noise, and litter would likely disturb wildlife and put additional stress on species which rely on this refuge. The presence of coastal birds, sea otters, steelhead trout, and rare plants like the Point Reyes checkerbloom further underscores the importance of maintaining a protective buffer zone to ensure the area remains a safe and undisturbed sanctuary.

Negative Impact on Steelhead Trout Run:

The Estero Americano is a critical habitat for steelhead trout (*Oncorhynchus mykiss*), a federally listed threatened species. This area supports a seasonal steelhead trout run, which requires pristine water quality and a stable environment to ensure the survival of this species at various stages of its life cycle. Increased human activity, pollution, and habitat disturbance caused by the proposed development, including the placement of port-a-potties and picnic facilities close to the water, could have detrimental effects on water quality and the steelhead trout's breeding grounds. Disrupting this delicate ecosystem could impair the steelhead trout run, with lasting consequences for the species' survival and for the health of the greater ecosystem.

Negative Impact on Sea Otters:

Sea otters (*Enhydra lutris*) are a keystone species critical to the health of coastal ecosystems. They play an essential role in maintaining the balance of kelp forest and estuarine habitats by controlling populations of herbivorous invertebrates, such as sea urchins, that can overgraze and devastate underwater vegetation. The presence of sea otters in and around the Estero Americano contributes to the ecological health of the region by promoting biodiversity and maintaining healthy aquatic vegetation that supports other species.

Sea otters are highly sensitive to environmental disturbances, and their populations are already struggling due to habitat loss, water pollution, and human activity. Development near the Estero Americano could disrupt their foraging and resting behaviors, reducing their ability to thrive in this area. Noise, increased human presence, and potential contamination from waste facilities or runoff could significantly impact their habitat, compounding the challenges they face. Protecting the Estero as a quiet, undisturbed refuge is vital to ensuring their continued survival in this region.

Necessity of CEQA Review:

Given the environmental sensitivity of the Estero Americano and the potential impacts of the proposed development, it is essential which a thorough CEQA review be conducted before any permit is issued. CEQA mandates rigorous assessment and mitigation of environmental impacts, especially where threatened species and designated ESHAs are concerned. This review will provide a comprehensive evaluation of potential impacts, allowing for informed decision-making and the implementation of necessary protections to preserve this unique ecosystem.

The Coastal Act mandates the protection of sensitive coastal ecosystems, especially those which serve as critical wildlife refuges for endangered and vulnerable species. I urge the Commission to reject this permit in its current form and work with stakeholders to explore alternative plans which respect the ecological importance of the Estero Americano. Protecting this ESHA and its wildlife refuge is essential for preserving California's natural heritage and ensuring which the state's unique biodiversity can thrive for future generations.

Thank you for your attention to this critical issue and your dedication to safeguarding our coastal resources.

Sincerely,

The Spaletta Family



Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From Peter Stein <peter@peterstein.com>

Date Fri 11/8/2024 11:30 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Cc Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

To the Coastal Commission:

My family and I have been homeowners in Bodega Bay since 1988, in the community known as Bodega Harbour.

We love the idea that the Estero Americano lands will soon be improved so as to make publicly accessible more than 5 miles of trails on previously private land. **This will be a wonderful amenity for Sonoma County.**

However, I am dismayed at the way in which the legitimate concerns of the Bodega Harbour Homeowners Association have been minimized, ignored or simply dismissed by the various entities proposing and overseeing the planned public access gate abutting Shorttail Gulch trail. This hearing is the first and potentially the ONLY time we can make our voices heard despite numerous attempts to engage, in good faith, in a fruitful discussion of our objections and concerns.

By the TWC's own description, the Shorttail Gulch access will be the most desirable and easily reached entry point to the 5 miles of trails because all the roads in the Bodega Harbour development are currently public and paved, and there are few restrictions on street parking adjacent to the access trail. But the Shorttail Gulch Access Trail never was envisioned for, and in fact expressly prohibited, any usage except beach access. Transforming this sensitive access trail into the primary access point for a major inland amenity is not a small matter, and the burden of dealing with its impact on the surrounding residential community is being minimized, when in fact the burden will fall to the homeowners/neighbors.

Nowhere in the plans is there any attempt to mitigate the effects of this new amenity on the surrounding residential community. Inevitable increased garbage, noise, traffic, parking, security, etc. all will fall to Bodega Harbour residents to deal with. Many letters of concern for more than a year have been met with a shrug, treating the BHHA's concerns as simple NIMBYism.

For me, I am a YIMBY - I want access to Estero Americano too - but I want to see the commission openly and clearly address these concerns:

1) the proposed expansion of the use of the Shorttail Gulch Access Trail to suddenly and unilaterally provide public access to miles of inland trails, and not simply to the beach, is in fact a violation of the 1970's-era agreement by which BHHA conveyed usage of its land to Sonoma County for the public access trail

2) TWC and the County need to provide better relief and plans to accommodate the increase in noise, garbage, parking, security needs, etc. that BHHA has rightly anticipated

3) good faith efforts need to be made to identify alternate access points to Estero Americano

In short, **the access gate is being foisted upon BHHA without constructively engaging with this constituency to address its real and legitimate concerns.**

This proposal should not be approved without addressing and mitigating BHHA's legal and operational concerns.

Thank you.

--

Peter L. Stein
Co-Owner
21550 Heron Drive
Bodega Bay, CA 94923
peter@peterLstein.com



Outlook

Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From Chris Stoessel <cstoessel@sonic.net>

Date Thu 11/7/2024 6:35 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

To Whom it may concern:

The referenced Application by the Wildlands Conservancy for access of an unlimited and unsupervised number of visitors to the 547-acre Estero Ranch is seriously flawed in various and significant aspect, and as a resident of Bodega Bay I oppose the application in its current form. The following aspects require serious further review and study:

- No in-depth environmental impact study (EIS) or detailed CEQA review has been conducted that is commensurate with the potentially serious detrimental environmental impacts of an unlimited number of visitors to a spectacularly scenic but also highly sensitive habitat;
- There is no plan for legal land access to the property for the anticipated volume of visitors, neither through Estero Lane, nor via the Short Tail Gulch easement, nor any other way except the immediate coastline of the Pacific Ocean at rare times;
- There is no credible plan to provide rapid egress / facilitate evacuation of a large number of visitors in case of a natural disaster such as a wildfire or earthquake; The South Bodega Harbour subdivision has only one single access road as the evacuation route for potentially thousands of beach and Estero Ranch visitors, residents, vacation renters, staff, and service personnel during a high-visitation day;
- The traffic study does not conform with Sonoma County's [Traffic Impact Study Guidelines](#) in several impactful ways; it does not in detail review the impacts during peak visitation days which at Short Tail Gulch and Pinnacle Gulch are already overburdening the existing infrastructure, and have endangered access of emergency vehicles on narrow roadways;
- There are no provisions to improve public safety, particularly
 - law enforcement commensurate with the anticipated additional visitation of such a vast property, and the subsequent potential of trespassing, noise, pollution, vagrancy, illegal fires, parking and traffic violations;
 - medical aid and wildfire response capacity to handle the additional incident case load and fire risks;
- There are no provisions for bathroom facilities and refuse management at the proposed access point; the Short Tail Gulch trailhead is seriously lacking in these aspects as it is, the anticipated additional visitation with exacerbate the existing problems even more;
- There has never been any substantive review of alternatives to the proposed access point that could potentially mitigate some of the environmental and infrastructure deficiencies at Short Tail Gulch.
- Since the consolidation of the application process from Sonoma County to the Coastal Commission, there hasn't been a single hearing or public workshop that would have allowed for
 - thorough community feedback and input, public dialog,

- o explanation of the CCC's review and approval process,
- o consideration of environmental protection concerns or impact mitigation strategies,
- o consideration of community character, and the rightful concerns of affected neighborhood residents and property owners;

The fact that the only public hearing on a matter of such importance occurs within minutes of the Commission's decision and at a location and time that makes it very difficult for many Bodega Bay stakeholders to attend seriously violates the commitment of Sonoma County as well as the Coastal Act for transparency, public review and open deliberation.

The Coastal Act "*emphasizes the importance of the public being able to access the coast, and the preservation of sensitive coastal and marine habitat and biodiversity. It dictates that development be clustered in areas to preserve open space, and that coastal agricultural lands be preserved. It prioritizes coastal recreation as well as ... uses that need a waterfront location. **It calls for orderly, balanced development, consistent with these priorities and taking into account the constitutionally protected rights of property owners.***" [[Source](#)]

The current application gravely fails this standard in spirit and in letter.

I respectfully ask the Coastal Commission to reject the application in its current form.

Chris Stoessel
Bodega Bay full-time resident



Virus-free. www.avg.com



Comments Opposing Wildlands Development of Estero Americano and Gate on Short Tail Gulch Trail

From bryan stuart <blssms21@gmail.com>

Date Fri 11/8/2024 11:27 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Comments Opposing Appendix B Public Access Plan, I-35 Estero Ranch Preserve, Sonoma County Local Coastal Plan – Coastal Commission Agenda Item 8 and Wildlands Coastal Permit Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay) California Coastal Commission Agenda Item 10c; November 14, 2024

I oppose the Wildlands Conservancy permit application proposing a gate on Short Tail Gulch (STG) trail in a residential area (agenda item Th10c. CDP application 2-24-0867), and the Local Coastal Plan (Public Access, Appendix B, I-35, Estero Ranch Preserve) proposal for “future” public access to Estero Ranch through STG trail.

We have lived on the southern border of the Bodega Harbour subdivision for 15 years, immediately adjacent to the STG trail and overlooking the diverse wildlife ecosystem and productive agricultural area that is now proposed to be riddled with 5 miles of walking trails. Because of our intimate familiarity with this property, it is difficult to fathom why this unique area is not being preserved, rather than altered to a recreation area. While we respect the value of public trails and access to areas of Sonoma Co., of which there are many, there should be limits and this property is a perfect example. Whatever processes are necessary to protect what this proposal characterizes as the Sonoma Coast as a state jewel are violated by this application and recommendation.

The SUMMARY OF STAFF RECOMMENDATION (pg. 2) suggests that this project represents an exciting opportunity to meet multiple Coastal Act and community objectives. That certainly excludes and disrespects the interests, objectives and safety of the many Bodega Harbour residents that are ardent advocates and stewards of this county's environment.

It is inappropriate that a proposal involving private and county actions which would damage a local residential environment did not provide opportunity for public comment at the county level.

Compromised Sight and Sound from Proposed Northwestern Overlook Trail Which Should be Excluded

Conspicuously, the exhibits for Agenda Item Th10c which provide some overhead and some land-based photos, do not provide a view towards the southern boundary of Bodega Harbour homes from the proposed trail and overlook area on the northwest portion of the property that runs west from the existing buildings. From the diagrams, this trail would be very close to the southern boundary residences of Osprey Dr and Oyster Catcher Loop. Anyone on this trail would be in complete line of sight from that portion of the Harbour, compromising both the hiker's "wilderness" or nature experience and the view of homeowners. In addition to visual issues, there will be audible conversation and noise moving in both directions, giving this more of a rustic golf course cart path experience than nature experience. Noise travels very far and easily in this area, depending somewhat on wind direction at the time. This proposed trail and overlook closest to the subdivision should be excluded.

Inappropriate Use of Osprey Dr as Expanded Parking for Trail Entrance Compromising Safety, Security and Emergency Access

Transportation Impact Study (Exhibit 7)

Osprey Drive, a narrow 28 feet wide residential road, is not suitable for increased parking needs to service the proposed gate at STG. The street has no restrictions for parking on either side of the road which would allow extended blockage of intended two lane traffic. The Owl Court lot has space for only 6 vehicles and is often full on weekends or other busy periods.

Additional parking on Osprey Dr will exacerbate safety issues due to poor line of sight related to both elevation change and sharp curves in the road. This issue is not limited to the immediate vicinity of the trailhead, but continues in both directions on Osprey Dr.

The constricted available road width on a narrow residential road and resulting elimination of dependable two direction traffic would obviously compromise emergency service access. The issue of compromised vehicle movement is not even addressed in the Transportation Impact Study and is one of the greatest risks from increased parking on the street and increased traffic.

The Transportation Impact Study suggests that there are 30 on-street parking spots near the trailhead of STG (p. 6). The suggestion that increased vehicle parking including the potential to park up to 30 cars on either or both sides of the street in proximity to the trailhead on Osprey Dr can occur without significant community disruption and increased safety and security risk on this small residential street is erroneous and nonsensical. Anyone that has seen this street or can relate this proposal to their own residential street would see why this is unjustified and dangerous.

One thing we agree with is that this property is a unique habitat and beautiful setting. It is unfortunate that there is a proposal that would compromise this land rather than preserve it and at the same time would degrade a great Sonoma County residential community. We urge the Commission to reject this ill-conceived implementation plan.

Bryan Stuart

Bodega Bay



Fwd: FW: Very concerned about access to Estero Americano through Bodega Harbor - request for formal impact study

From Mina Tchirkine <mtchirkine@gmail.com>

Date Fri 11/8/2024 4:38 PM

To NorthCentralCoast@coastal.ca.gov <NorthCentralCoast@coastal.ca.gov>

Cc Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>

To CCC Commissioners:

We recently heard from a concerned neighbor about the Wildlands Conservancy's plans to provide public access to the Estero Americano through Bodega Harbor, without any formal notification to the residents of Bodega Harbour nor conducting any formal study concerning the impact of their decision upon the Bodega Harbour community. We are especially concerned about the secrecy concerning their plan and the fact that the Wildlife Conservancy had originally stated it would look to provide alternate access to the Estero Americano. A formal impact study should be undertaken that will evaluate the additional traffic concerns on one lane Heron Drive, the additional need for parking in the area, the increase in trash from visitors and associated increase in rodent activity, the concerns about visitors turning from two lane Highway 1 into Bodega Harbour and causing traffic problems on busy Highway 1, concerns about fire risk mitigation and emergency vehicle access to the community as a result of congested traffic and parking, and who would be ultimately responsible for dealing with any of these issues if they go awry. Please be aware that the parking and traffic issues on certain parts of Bodega Harbor on a calm weekend are sufficiently bad now when visitors to Doran Beach attempt to park around Bodega Harbour when the Doran Beach parking lot is full.

We respectfully request that a decision about this be deferred until after a proper Impact Study is prepared which addresses each of these concerns and which is distributed among the residents of the community so they fully understand the impact to their community.

Mina and Walt Tchirkine

572 Gull Drive

Bodega Bay, CA



Outlook

Th10c Public comment, re LCP-2-SON-23-0058-2 and Application 2-24-0867

From Nathan Thuma, MD <nthuma@gmail.com>

Date Fri 11/8/2024 6:47 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

I write in opposition to these two proposals. My wife and I are building a house on 21513 Heron Drive in Bodega Harbor. I have been following this issue for some time and still not quite understand which item is which, so bear with me. The point for Bodega Harbor residents in both cases is that The Wildlands Conservancy, TWC, wants to use our private property to access their private property. It is quite an imposition, a sort of eminent domain, using a 1977 easement that is of dubious relevance because of the argument that The Estero Americano is not a beach. We resent this.

Item 8 on the agenda set for 11-14-24, if I understand correctly, concerns the request by TWC for the public to enter their trail system via the Short Tail Gulch trail. This would be convenient for them! They are offloading their lack of money to develop a proper entrance onto Bodega Harbor, which itself does not have a proper entrance. Bodega Harbor was built long before TWC came along. It was not built to be a park entrance. We did not build a parking lot in that area with a bathroom, trash facilities, a ticket taking system, etc. Now we are supposed to build out their infrastructure with our money?

Because everyone loves a free and beautiful new nature preserve, there will be high visitation, which means much traffic, especially on weekends. Tourists will stream in and drive all around Heron Drive to have a look at our property before looking for a place to park. They will not easily find a place to park because our little lot is too small. Visitors will park on narrow streets in front of houses that were not built or bought with the idea of having their peace disturbed by the comings and goings of strangers. Finally, my understanding is that the 1977 easement between the properties is about beach access. The Estero Americana apparently does not contain a viable beach, a point that may be under investigation by the CCC.

Item 10 on the 11-14-24 agenda concerns Application 2-24-0867, the request by TWC to develop a 5-mile network of trails that uses our Short Tail Gulch trail as its access or entrance by the public, 365 days a year. The issues for Bodega Harbors residents are mostly the same for both items. It is noteworthy that the Short Tail Gulch trail does go to an actual beach. Bodega Harbor developed this trail years ago and built a small parking lot the public can use.

The point of all this is that TWC should raise the funds to build a proper entrance elsewhere and leave us alone!

Thank you for considering this.

Nathan Thuma, MD
21513 Heron Drive
Bodega Harbor

--

Nathan Thuma, MD



Outlook

Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From Tommy Tucker <bodegabaytommy@gmail.com>

Date Mon 11/4/2024 1:57 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

The proposed access for entry to the Wildland Conservancy fails to provide assurances that the natural spring flows from the hillside near the proposed gate is avoided as it is crucial for maintaining natural migratory behaviors of the Pacific newts living in burrows on the hill adjacent to the gate.

During the first heavy/winter rains water spouts from the hill. The adult newts move from burrows, down the hill, across Short Tail Gulch Trail to the feeder creek below flowing to breeding pool areas along the gulch.

Treham (1998) marked post metamorphic newts and found they travel over 3,500 meters from their natal pools. Individual newts can live to 20 years.

The proposed access at Osprey must consider this critical component of the Pacific newt's migration.

These slow/cute amphibians are attractive to youths exploring nature. Naturalists at the entry gate will have to caution parties on newt toxins, their poor selections as pets and avoiding disturbances to this marvelous migration taking place!

Tom Tucker
Steinhart Aquarium Biologist/Curator
Retired



Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From Richard Watson <richardewatson@me.com>

Date Fri 11/8/2024 7:23 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>

Dear Commissioners and Staff,

I am a resident of Bodega Harbour and have visited the Estero Americano several times by walking down the beach from the Shorttail Gulch Trail. I do believe that it is a unique asset to the State of California, but one that will easily be lost if not carefully protected. I hope that the Commission will take into account the following considerations when making its decision about whether and how to provide access to this site:

- While the Estero can accommodate some level of human visitation, too much will be detrimental to the environmental health of the area. Currently, people who really want to get there can do so by kayaking or walking the beach, as I have. I completed all my visits aged in my 50's, so many others can do so too if they put in a small amount of effort. Cutting new trails through the Estero's grasslands is not necessary and will only encourage behaviors that will be damaging to it.
- As the staff report notes, only the most seasoned kayakers can access the Estero now. Those kayakers have not needed the proposed pull-in areas historically. By creating such new features the result will be new kayakers carrying their boats along Shorttail Gulch Trail and the new trails carved by the Wildlands Conservancy to launch them directly in the Estero rather than sailing them across Bodega Bay. These are likely to be less experienced boaters. There will be wear and tear on the land and increased potential for people attempting kayaking in an area that can be dangerous. It is a formula for bad results both on land and in the water. Indirectly, but still related, our most recent opening day for recreational crab season resulted in the loss of seven people. Please protect the land and the people who visit it.

I raise these points for consideration in addition to the issues addressed by others in the materials submitted for this agenda item. There is a direct correlation between difficulty of access to an area and its likelihood of remaining wild and preserved. Currently, the Estero Americano is wild and a place that only California and nowhere else can boast. It is accessible, but not too accessible, which has resulted in its preservation to date. Plans to increase access will change this place not for the better, and the resulting damage will not be reversible. Please keep the Estero the special place it still is and do not approve development of this location.

With deepest respect,

Richard Watson
Bodega Bay

11/8/24, 12:44 PM

Mail - Stevens, Eric@Coastal - Outlook

Sent from my iPad

November 8, 2024
California Coastal Commission
North Central Coast District
455 Market Street, Suite 300
San Francisco, CA 94105
415-904-5260
NorthCentralCoast@coastal.ca.gov

Opposition to

- Appendix B Public Access Plan, I-35 Estero Ranch Preserve, Sonoma County Local Coastal Plan – Coastal Commission Agenda Item 8; November 14, 2024
- Wildlands Coastal Permit Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay) California Coastal Commission Agenda Item 10c; November 14, 2024

Dear North Central Coast Commission,

I appreciate your consideration of this submission in **vehement opposition** of the Coastal Commission Items 8 and 10c at the hearing on November 14, 2024 **based on legal, conservation and community safety issues**.

The proposed plan by the Wildlife Conservancy is completely self-serving to those that purchased a known land-locked property and for which the property should be maintained as a preserve.

The applicant failed to gain access through the ranchers' private road and now seek the next quick target, our rural community, for their ill-planned vision for a substantial recreational project with no public road access to the 547-acre Estero Ranch.

This project will invite hundreds of people from “early morning to dusk” to access the Estero Ranch through our small community that already has narrow and poorly maintained roads, limited public toilets, limited parking and limited patrol that we pay for.

Already, we face overcrowding of our streets, littering, and improper public behaviors, including staying overnight, due to the two COASTAL-ONLY access trails as agreed upon in the 1997 Stipulated Judgement.

This ill-baked project **DIRECTLY ENDANGERS THIS COMMUNITY** on many levels.

The applicant provides

- No security and park enforcement solution, including to ensure the public only enters and exits within planned park hours
- No garbage and adequate public toilets solution
- No public parking and road maintenance solution for increased traffic
- No medical/emergency access solution for the street parking that will impede emergency response

This project is **COUNTER TO SEVERAL LEGAL AND CONSERVATION** aspects.

- It VIOLATES the 1977 STIPULATED JUDGMENT. The County's proposed Local Coastal Plan Update (not yet certified by the California Coastal Commission), Public Access Plan states that "Future trail access may connect Short-Tail Gulch to Estero Ranch." This must not be approved by the Coastal Commission. In fact, we urge the county to withdraw this proposal because it violates the Stipulated Judgment entered into by the BHHA developer and the Commission in 1977 (Transcentury Properties, et al. v. California Coastal Zone Conservation, et al., Sonoma County Court Case No. 73865). We are stunned the county has not addressed this issue and instead ignores the Stipulated Judgment that created, inter alia, Short Tail Gulch as a trail to the BEACH/COAST – NOT a pedestrian easement to be used for access to an INLAND neighboring 547-acre private property.
- Estero Ranch was intended as a PRESERVE and should remain so. The news articles announcing the \$3.8 million deal in December 2015 reported that the

purchase “puts the 547-acre Estero Americano Coastal Preserve permanently off-limits to development, preserving a rugged, windswept chunk of land targeted for protection for more than two decades.” Yet, here we are in November 2024 commenting on the Estero Ranch owner’s permit for a 3-phase development project. The COVENANT for Estero Ranch states it will permit passive recreational use in perpetuity, which IS CONSISTENT with a preserve. However, the PROPOSED PLANS ARE INCONSISTENT with a preserve, and instead create a public magnet to a small coastal community with a limited infrastructure to manage safely such an influx of people. We note that Marin County has decided to keep the portion of Estero Americano within their borders as a preserve with limited, or no, public access. Sonoma County should do the same, consistent with Sonoma County’s earlier assurances.

- This Wildlands’ project is NOT supported by the Wildlands covenant, as the conservancy covenant does not mention access via Short Tail Gulch. Thus, their permit application violates the terms of their own covenants. The Wildlands’ permit application remains incomplete until the issues we raise are addressed and very importantly should NOT be approved for the many legal, conservation and community safety and livability aspects that are being brought forth.

I look forward to the local public hearing on this matter for which I have requested also to make public comments in order to drive home these objections **based on legal, conservation and community safety issues**.

I have also reviewed our BHHA’s official comments, and I fully support our Association’s position.

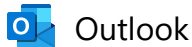
Sincerely,

Tanja S. Zabka, DVM, DACVP, DSP

+1 650-350-0205

tszabka@yahoo.com

20402 Meadowlark Court, Bodega Bay, CA 94923



Re: Public Comment on November 2024 Agenda Item Thursday 10c - Application No. 2-24-0867 (Wildlands Conservancy Access Improvements, Bodega Bay).

From Peter Prows <pprows@briscoelaw.net>

Date Fri 11/8/2024 8:58 AM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>


 1 attachment (1 MB)

Exhibit 1--1977 Judgment excerpts.pdf;

Dear Coastal Commissioners:

Since the 1977 stipulated judgment entered into by the Coastal Commission is not online, please find attached the relevant excerpts, in which the Coastal Commission is subject to a Court judgment that the Commission shall "assist[]" in the "removal of the requirement be widened and/or allowed to be a through road for public use." Any efforts by the Commission to encourage the use of Estero Lane as a through road for public use would violate this Court judgment. In light of this judgment that the Commission agreed to, the Commission certainly has no basis now to accuse my clients, without evidence, of being the ones seeking to deny coastal access based on socio-economic status and place of residence.



PETER PROWS

235 Montgomery Street, Suite 935
San Francisco, California 94104
Direct: (415) 402-2708 Cell: (415) 994-8991

On Nov 5, 2024, at 20:34, Peter Prows <pprows@briscoelaw.net> wrote:

Dear Coastal Commissioners:

This office represents Denise and John Tibbetts, and Jim and Marcia Mickelson, who each own property at the end of Estero Lane, just east of the Wildlands property at issue for this item. My clients have two comments on the staff report on this item.

1) The staff report makes the outrageous claim that my clients "essentially seek to deny and diminish coastal access based on socio-economic status and place of residence."

Coastal Commission staff have never spoken with my clients and have no basis to make this spurious assertion. My clients have merely stood on the shoulders of the Coastal Commission itself—which stipulated in the 1977 stipulated judgment (misleadingly called a "Settlement Agreement" in the staff report) that Estero Lane is to be "private." Coastal Commission staff should not be casting aspersions about members of the public that they

have never met and who have simply sought to enforce the same rights the Coastal Commission agreed to nearly 50 years ago.

2) The staff report refers to "a CDP Waiver [that] will come before the Commission at a subsequent hearing (see CDP Application 2-24-0346)" related to Caltrans mitigation projects proposed to be carried out on the Wildlands property. The stipulated judgment between my clients, Wildlands, and Caltrans gave Caltrans the right to use Estero Lane for the mitigation work authorized by CDP no. 2-15-1354 only. But Wildlands and Caltrans have no right to use Estero Lane for any other mitigation work. They quitclaimed any such rights to my clients. The Coastal Commission should not be authorizing Caltrans or Wildlands to trespass across Estero Lane.

The stipulated judgment Wildlands, Caltrans, and my clients entered into may be found here:

[<egnyte-spark-logo-300px.png>](#)

10.11.2024 Judgment on Egnyte
briscoelaw.egnyte.com

Please put me on the notice list for CDP application 2-24-0346. Please also consider this a Public Records Act request for electronic copies of all records related to CDP application 2-24-0346.

Sincerely,

Peter Prows
Counsel for the Tibbetts and Mickelson families

JUN - 1 1977

EUGENE D. WILLIAMS
SONOMA COUNTY CLERK

1 ANDERSON, McDONALD, BELDEN & KELLY
2 L. M. BELDEN, ESQ.
3 825 Fourth St., P.O. Box 1566
4 Santa Rosa, California 95402
5 Attorneys for Plaintiffs and
6 Cross-Defendants

Entered JUN - 1 1977 In
Book 162 of Judgments, Page 371

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SONOMA

11 TRANSCENTURY PROPERTIES, INC.,
12 a corporation, et al.,
13
14 Plaintiffs and
15 Cross-Defendants,

1 NO. 73865
1 JUDGMENT
1 (Pursuant to Stipulation)

16 vs.

17 CALIFORNIA COASTAL ZONE
18 CONSERVATION COMMISSION,
19 et al.,

20 Defendants and
21 Cross-Complainants.

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ON FILE IN
THIS OFFICE.

ATTEST: JUN - 1 1977
EUGENE D. WILLIAMS, County Clerk
ex-officio Clerk of the Superior Court of the
State of California, in and for the County of
Sonoma. BY [Signature] DEPUTY

22
23 Upon the filing of the Stipulation for Vacation of
24 Judgment and for Entry of Stipulated Judgment, and the matter
25 presented ex parte, pursuant to said Stipulation,
26

27 IT IS ORDERED, ADJUDGED AND DECREED as follows:

- 28 1. The Judgment of this Court entered on or about
29 February 27, 1976, is hereby vacated and set aside.
30 2. If the appeal from said Judgment, filed in the
31 Court of Appeal, First Appellate District, Division Four,
32 No. 1/Civ. 38788, shall have been decided prior to the time

JPM

1 that this Stipulated Judgment is entered, said decision shall
2 have no effect on the rights and duties of the parties; this
3 Stipulated Judgment shall control so as to resolve all
4 issues involved in the pending litigation.

5 3. Attached hereto is a document entitled
6 "Settlement Agreement", dated as of November 4, 1976.
7 Said "Settlement Agreement" is incorporated herein by reference
8 and made a part hereof to the same effect as if its terms
9 were set forth at length herein. The agreements and stipulations
10 as set forth in said "Settlement Agreement" shall be and they
11 are hereby deemed adjudged; and the conditions and specifications
12 as set forth in said Settlement Agreement shall be and they are
13 hereby ordered to be performed by the parties, respectively,
14 as are therein required to perform the same to the extent the
15 same are or remain executory in nature.

JPM

16 4. Findings of fact, conclusions of law, notice of
17 motion for entry of Judgment, notice of entry of Judgment and
18 right of appeal ~~are~~ ^{have been} waived. The parties, respectively, shall bear
19 their own costs incurred in this action and the said appeal.

20
21 Dated: JUN -1 1977

22 JOSEPH P. MURPHY, JR.
23 Judge of the Superior Court

24
25
26
27
28 \$18777

29
30 RECORDED AT RE. CLERK OF
31 AT 6 MIN. PAST 2 P M
32 Sonoma County, California
RECORDER
JUN 1 1977
OFFICIAL RECORDS
FEES \$ 123.00 PD.

SETTLEMENT AGREEMENT

THIS AGREEMENT is made at San Francisco, California, as of this 4th day of November, 1976, by and between the CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION (hereinafter referred to as "COMMISSION"), and TRANSCENTURY PROPERTIES, INC. (hereinafter referred to as "TRANSCENTURY"), with reference to the following facts:

A. TRANSCENTURY is the owner of certain real property located in Sonoma County, known as the "Bodega Harbour" development and the "Bruhn Ranch". Said properties are shown on the attached map marked Exhibit "A", and are described in the deeds recorded with the Sonoma County Recorder at Book 2461 pages 701, 733, and 737.

B. With respect to the Bodega Harbour Development, TRANSCENTURY has planned to develop said property as a residential subdivision in five units, and TRANSCENTURY began construction on at least one of those five units prior to the effective date of the California Coastal Zone Conservation Act. TRANSCENTURY therefore claimed exemption from the permit requirements of the California Coastal Zone Conservation Act of 1972, but the COMMISSION refused to acknowledge TRANSCENTURY's claim to vested rights except with respect to the first unit.

C. There is presently pending in the District Court of Appeal, First Appellate District, Division Four, Appeal No. 1/Civ. 38788 which is an appeal from the judgment of the Superior Court of the County of Sonoma in Action No. 73865. In said action No. 73865, the trial court has entered its judgment granting a writ of mandate compelling the COMMISSION to acknowledge TRANSCENTURY's vested rights and exemption to the entire development, and the COMMISSION has appealed and has obtained

a writ of supersedeas granting a temporary stay of all further construction pending the decision on the merits of the appeal.

THE PURPOSES OF THIS AGREEMENT ARE AS FOLLOWS:

I

TRANSCENTURY and the COMMISSION desire to expeditiously settle the matters in controversy between them in Appeal No. 1/Civ. 38788, with respect to the Bodega Harbour Development. The Commission desires to exercise its power under Public Resources Code section 27 to settle this case both for itself and on behalf of the North Central Coastal Zone Conservation Commission.

II

TRANSCENTURY desires to commence development as soon as possible in accordance with this agreement.

III

The COMMISSION desires for the benefit of the People of the State of California to assure that development of this project will be minimized in order to minimize adverse environmental impacts on the Bodega Bay Area and further desires to insure that significant open space within the Bodega Harbour Development and on the Bruhn Ranch is preserved in perpetuity in agricultural and other open space uses.

NOW, THEREFORE, it is mutually agreed as follows:

I DEVELOPMENT OF THE BODEGA HARBOUR PROJECT

It is recognized that Unit One of the development, as approved by Sonoma County prior to November 8, 1972, has been found and determined to be exempt from the permit requirements of the Coastal Act of 1972 [hereinafter "the Act"], by action of the

pursuant to the requirements of Sections III and IV of the Declaration of Covenants, Conditions and Restrictions effective as of the date hereof will be placed on the REGIONAL COMMISSION's consent calendar, subject to normal consent calendar fees, requirements, regulations, and procedures. For lots with slopes greater than five percent, Environmental Committee approval must also include specific protection for erosion control of storm runoff.

XI FURTHER CONDITIONS AND SPECIFICATIONS OF THIS AGREEMENT

1. The Bodega Harbour Covenants, Conditions and Restrictions for Units III and V shall be amended to change the building restrictions section as follows:

"2. Building Restrictions

a) Residence Lots. Only single-family dwellings and attached garages shall be permitted on any lot. No detached structures of any kind shall be permitted. The following building restrictions shall apply specifically to such lots:

- 1) Minimum Area: 800 sq. ft.
- 2) Maximum Area: Each single-family dwelling in Unit 3 and 5 shall have a maximum ground coverage area (inclusive of roofed, enclosed terraces, garages, and any other attached structures) of 2400 sq. ft., except 2800 sq. ft. shall be permitted on lots of greater than 20,000 sq. ft. total area.

Commission prior to the close of the escrow referred to below. A reasonable public pedestrian easement between the existing public easement in Shirt-tail Gulch and Osprey Drive shall be dedicated to Sonoma County prior to the close of the escrow provided for herein. This easement shall be subject to the same terms and conditions as provided in the existing Shirt-tail Gulch easement held by Sonoma County.

5. In order to facilitate the various real property conveyances and dedications anticipated by this agreement, the parties shall open a joint escrow with Transamerica Title Insurance Company as the escrow agent, and shall provide said escrow agent with joint instructions as set forth in Exhibit "C" attached hereto. Such instructions are incorporated in this agreement by reference and made a part hereof.

6. By whatever means necessary, the golf course at Bodega Harbour shall be opened for public use subject to reasonable fees and conditions, on or before July 1, 1977, or as soon thereafter as the course is completed and playable.

7. With respect to Estero Lane, TRANSCENTURY, with the assistance of the COMMISSION, shall secure from the County of Sonoma, removal of the requirement that Estero Lane be widened and/or allowed to be a through road for public use. Instead, TRANSCENTURY will secure approval for, and will change Waterview Drive into a gated unpaved service road with access limited to maintenance and emergency vehicles. Maintenance of Waterview Drive, which extends from Heron Drive to Estero Lane, will be performed by Transcentury and/or the Bodega Harbour Home Owners' Association and the Bodega Bay Public Utilities District.

8. No construction work of any sort shall be undertaken until the escrow provided for in this agreement has closed or has been terminated pursuant to the escrow instructions. The

The parties agree that should the Commission ever cease to exist then either the Secretary of Resources or the California Attorney General may exercise such powers and duties on behalf of and for the benefit of the people of the State of California.

XII FINALITY OF THIS AGREEMENT

This agreement is intended to be immediately effective in binding all parties hereto to a final settlement of the pending litigation. The settlement is conditioned upon opening of the escrow referred to herein within 60 days of this agreement and upon closing of the escrow referred to herein. Should the escrow, for any reason fail to open within 60 days or should it fail to close, however, this agreement shall automatically become null and void along with any stipulations for entry of judgment executed pursuant to this agreement.

Nothing herein contained shall prohibit the parties from making such other and further agreement as may be proper in the circumstances such as an extension of the escrow period, but any such agreements shall be in writing and approved by the respective parties. Both parties agree that a reasonable extension of the escrow period shall not be withheld by either party at the request of the other. Where the need for the extension is caused by failure of the party receiving the request to perform duties set forth in this agreement, the extension shall be granted for a sufficient period to allow performance of those duties plus all further steps required in the escrow.

This is certified to be a correct copy of the original record if it bears the seal imprinted in purple ink, the date of issuance and an original signature.

FEB 11 2019

DATE



DEVA MARIE PROTO, Clerk-Recorder
Sonoma County, CA

By

DEPUTY

A handwritten signature in blue ink is written over the "DEPUTY" line. The signature is stylized and appears to be "D. Proto".

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JOHN BRISCOE (No. 053223)
RICHARD WALLACE (No. 124286)
PETER PROWS (No. 257819)
BRISCOE IVESTER & BAZEL LLP
155 Sansome Street, Seventh Floor
San Francisco, CA 94104
Telephone: (415) 402-2700
Facsimile: (415) 398-5630
pprows@briscoelaw.net

Attorneys for Plaintiffs and Cross-Defendants

ELECTRONICALLY FILED
Superior Court of California
County of Sonoma
1/27/2020 8:39 AM
Arlene D. Junior, Clerk of the Court
By: Jennifer Ellis, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SONOMA

JOHN C. TIBBETTS and MARY DENISE
TIBBETTS, Trustees of the Tibbetts Trust
dated December 11, 2001; JIM MICKELSON
and MARCIA MICKELSON, Trustees of the
Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement dated April 11,
2001,

Plaintiffs and Cross-
Defendants,

v.

STATE DEPARTMENT OF
TRANSPORTATION, a California public
agency; THE WILDLANDS
CONSERVANCY, a California nonprofit
corporation; and DOES 1 THROUGH 40,

Defendants and Cross-
Complainants,

and Related Cross-Complaints.

CASE NO. SCV-260916

JUDGMENT
(Pursuant to Stipulation)

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ON FILE IN
THIS OFFICE.

ATTEST FEB 10 2020

Clerk of the Superior Court of California
County of Sonoma
By _____ Deputy Clerk

Handwritten signature




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Upon the parties' stipulation:

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. The interlocutory appeal in this matter, in the California Court of Appeal, First Appellate District, case no. A155434, whether decided or not, shall have no effect on the rights and duties of the parties; this Stipulated Judgment shall control so as to resolve all issues involved in the pending litigation.
2. Attached is a document entitled "SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, THE WILDLANDS CONSERVANCY, JOHN C. TIBBETTS AND MARY DENISE TIBBETTS, TRUSTEES OF THE TIBBETTS TRUST DATED DECEMBER 11, 2001, AND JIM MICKELSON AND MARCIA MICKELSON, TRUSTEES OF THE JIM MICKELSON AND MARCIA MICKELSON REVOCABLE TRUST AGREEMENT DATED APRIL 11, 2001" ("Settlement Agreement"), dated as of January 17, 2020. The Settlement Agreement is incorporated into this judgment by reference. The recitals and agreements set forth in the Settlement Agreement are deemed adjudged, and the conditions, specifications, and obligations set forth in the Settlement Agreement are hereby ordered to be performed by the parties, respectively, as provided in the Settlement Agreement.
3. A statement of decision, notice of motion for entry of judgment, notice of entry of judgment, and right of appeal or collateral attack have been waived. The parties shall bear their own costs and fees in this action and the interlocutory appeal.
4. The Court shall retain jurisdiction to enforce this judgment in response to an appropriate motion, including under CCP §§ 664.6 or 717.010.

Dated: 1/27/2020



 Judge of the Superior Court

**SETTLEMENT AGREEMENT AND MUTUAL RELEASE
BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT
OF TRANSPORTATION, THE WILDLANDS CONSERVANCY, JOHN C. TIBBETTS AND
MARY DENISE TIBBETTS, TRUSTEES OF THE TIBBETTS TRUST DATED DECEMBER 11,
2001, AND JIM MICKELSON AND MARCIA MICKELSON, TRUSTEES OF THE JIM
MICKELSON AND MARCIA MICKELSON REVOCABLE TRUST AGREEMENT DATED
APRIL 11, 2001**

This settlement agreement and mutual release (the "AGREEMENT") is entered into between the State of California (the "STATE"), acting by and through the Department of Transportation ("CALTRANS"), The Wildlands Conservancy, a California nonprofit public benefit corporation ("WILDLANDS"), John C. Tibbetts and Mary Denise Tibbetts, Trustees of the Tibbetts Trust Dated December 11, 2001 ("TIBBETTS"), and Jim Mickelson and Marcia Mickelson, Trustees of the Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001 ("MICKELSONS"), the parties hereafter collectively referred to as the "PARTIES", enter this AGREEMENT to fully and finally settle the pending litigation to quiet title between the PARTIES, identified as Sonoma County Superior Court case no. SCV-260916 and the interlocutory appeal pending in the California Court of Appeal, First Appellate District, case no. A155434 (together the "LAWSUIT"), on the following terms and conditions:

RECITALS:

1. The LAWSUIT concerns access across Estero Lane in Sonoma County.
2. A judgment was entered on June 1, 1977, in Sonoma County Superior Court, case no. 73865, in which the STATE, acting by and through the California Coastal Zone Conservation Commission, was a party, and that judgment refers to Estero Lane.
3. The TIBBETTS are the fee owners of that certain real property on Estero Lane described as "Parcel One" in Exhibit A in that grant deed recorded as instrument number 2001-174893 in the Official Records of Sonoma County ("TIBBETTS PROPERTY").
4. The MICKELSONS are the fee owners of those certain real properties on Estero Lane, described as "Parcel One" in Exhibit A in that grant deed recorded as instrument number 2017-100322 in the Official Records of Sonoma County and described in Exhibit A in that grant deed recorded as instrument number 2016-077241 in the Official Records of Sonoma County ("MICKELSONS PROPERTIES").
5. WILDLANDS is the fee owner of that certain real property on Estero Lane described in Exhibit A in that grant deed recorded as instrument number 2015-109496 in the Official Records of Sonoma County ("WILDLANDS PROPERTY").
6. WILDLANDS is the lessor in a Lease with H. Roy Gordon and Gail F. Gordon, individually and as Trustees of the Gordon Family Trust (the "WILDLANDS LESSEE"), who originally entered into the Lease dated June 20, 1980, and the Memorandum of Lease recorded on July 11, 1980, and thereafter amended, including, but not limited to, by the Amendment of Ground Lease and Quitclaim of Rights dated September 9, 2015, and recorded as instrument number 2015109498 in the Official Records of

Sonoma County. (Hereinafter, the Lease, Memorandum of Lease, and all amendments and addenda to the Lease are referred to collectively as the "LEASE.")

7. WILDLANDS and CALTRANS executed a letter of intent for an agreement to construct the Caltrans Off-Site Mitigation Project, as defined in Exhibits 2 and 3 attached hereto, on the WILDLANDS PROPERTY.
8. L.A. Stevens & Associates, Inc. has prepared a preliminary Record of Survey, attached as **Exhibit 1** ("RECORD OF SURVEY"). The RECORD OF SURVEY generally accurately depicts Estero Lane in relation to the boundaries of the TIBBETTS PROPERTY, the MICKELSONS PROPERTIES, and the WILDLANDS PROPERTY along Estero Lane.
9. The TIBBETTS and MICKELSONS filed the LAWSUIT to quiet title to the TIBBETTS PROPERTY and MICKELSONS PROPERTIES against WILDLANDS and CALTRANS, each of whom filed cross-claims, and the allegations are disputed by the parties.
10. The PARTIES now wish to compromise and settle the LAWSUIT, and for a Stipulated Judgment, incorporating this AGREEMENT as an order, to issue. The LAWSUIT is disputed by the parties and this AGREEMENT shall not be construed as an admission of liability or validity of any claims related to this LAWSUIT.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants, conditions, and terms contained in this AGREEMENT, the PARTIES mutually agree as follows:

1. **GRANT OF EASEMENT BY TIBBETTS TO WILDLANDS:** The TIBBETTS shall grant to WILDLANDS an appurtenant easement, which runs with the land, in the form attached as **Exhibit 2**, whose terms are incorporated into this AGREEMENT.
2. **GRANT OF EASEMENT BY MICKELSONS TO WILDLANDS:** The MICKELSONS shall grant to WILDLANDS an appurtenant easement, which runs with the land, in the form attached as **Exhibit 3**, whose terms are incorporated into this AGREEMENT. WILDLANDS agrees to relinquish a portion of this area back to MICKELSONS (i.e., the most westerly area of the roadway after it has passed through the WILDLANDS PROPERTY and back to the MICKELSONS PROPERTY) after WILDLANDS has moved its entrance gate and realigned the driveway into the WILDLANDS PROPERTY.
3. **CONDITIONAL GRANT OF EASEMENT BY MICKELSONS TO WILDLANDS:** Should the MICKELSONS obtain fee title to that property identified as the "LANDS OF SUEANNE S. MARSHALL 2014 REV. TR.," as shown on the RECORD OF SURVEY, the MICKELSONS shall promptly grant to WILDLANDS an appurtenant easement, which runs with the land, in the form attached as **Exhibit 4**, whose terms are incorporated into this AGREEMENT.
4. **GRANT OF EASEMENT BY WILDLANDS TO MICKELSONS:** WILDLANDS shall

grant to the MICKELSONS an appurtenant easement, which runs with the land, in the form attached as **Exhibit 5**, whose terms are incorporated into this AGREEMENT. WILDLANDS shall be solely responsible for obtaining the consent of any regulatory agencies for the granting of this easement to the MICKELSONS, which each of the PARTIES shall support upon request.

5. **QUITCLAIM OF OTHER EASEMENTS BY WILDLANDS TO MICKELSONS AND TIBBETTS:** WILDLANDS quitclaims to the TIBBETTS and MICKELSONS any interest WILDLANDS may claim in any other easement or right to or across the TIBBETTS PROPERTY or the MICKELSONS PROPERTIES, respectively.
6. **QUITCLAIM OF OTHER EASEMENTS BY MICKELSONS TO WILDLANDS:** MICKELSONS quitclaim to WILDLANDS any interest MICKELSONS may claim in any other easement or right to or across the WILDLANDS PROPERTY.
7. **ACCESS RIGHTS FOR WILDLANDS LESSEE:** The TIBBETTS and MICKELSONS grant WILDLANDS LESSEE a personal license to cross those portions of Estero Lane that cross the TIBBETTS PROPERTY and the MICKELSONS PROPERTIES for purposes limited to the LEASE, as specifically amended by the Amendment executed at or about the same time as this AGREEMENT. Except for this personal license, this AGREEMENT does not expand, restrict, validate, or invalidate the rights of WILDLANDS LESSEE, if any. By granting this license, TIBBETTS and MICKELSONS do not waive or in any manner restrict their right to participate in any public permitting process relating to any construction project of WILDLANDS LESSEE. If WILDLANDS acquires the LEASE, except in connection with certain water rights addressed below, the rights granted in the Lease to WILDLANDS LESSEE shall immediately terminate, and there shall be no new lessee. If WILDLANDS LESSEE requests permission from WILDLANDS to assign or sublease the LEASE, WILDLANDS shall immediately give notice of such request to the TIBBETTS and MICKELSONS. The TIBBETTS and MICKELSONS acknowledge notice of assignment or conveyance of WILDLANDS LESSEE's rights regarding an existing freshwater pond, identified as the Reservoir in the LEASE ("RESERVOIR RIGHTS", see Section B.4 of the Amendment of Ground Lease and Quitclaim of Rights dated September 9, 2015, and recorded as instrument number 2015109498 in the Official Records of Sonoma County) in connection with the CALTRANS Off-Site Mitigation Project, and shall not object to access to the WILDLANDS PROPERTY based on assignment or conveyance of WILDLANDS LESSEE's RESERVOIR RIGHTS in connection with the CALTRANS Off-Site Mitigation Project. If WILDLANDS acquires WILDLANDS LESSEE's RESERVOIR RIGHTS, such acquisition shall not be grounds for termination of the LEASE under this AGREEMENT.
8. **GRAZING RIGHTS AND FENCE REPAIR:** WILDLANDS and the MICKELSONS shall enter into a separate lease through which the MICKELSONS or their assignee shall have the right to graze the WILDLANDS PROPERTY for 18 months from the EFFECTIVE DATE except for any areas of the WILDLANDS PROPERTY subject to conservation agreement(s) to protect the wetland and riparian restoration and establishment work in connection with the Caltrans Off-Site Mitigation Project; in exchange for this grazing lease, the MICKELSONS shall repair the fence surrounding the perimeter of the WILDLANDS PROPERTY. WILDLANDS shall be solely responsible for any approvals necessary for this grazing and fence repair under that

separate lease. The value of the fence repair shall not exceed the value of the lease, nor shall the value of the lease exceed the value of the fence repair for the 18-month term of grazing rights lease. The values exchanged and the term of the lease can be modified by WILDLANDS and/or MICKELSONS as they draft the lease.

9. **WARRANTY OF ACCESS FOR CALTRANS OFF-SITE MITIGATION PROJECT:** WILDLANDS represents and warrants to CALTRANS that the rights granted to WILDLANDS in this AGREEMENT provide sufficient rights to the WILDLANDS PROPERTY for completion of the CALTRANS Off-Site Mitigation Project. WILDLANDS agrees that, in executing this AGREEMENT, CALTRANS offers no opinion or approval as to the sufficiency of those rights for purposes of the Caltrans Off-Site Mitigation Project.
10. **GATES:** The PARTIES agree that there are currently no boundary gates in the easements to be granted as set forth in Paragraphs 1 to 4 above. The PARTIES agree that TIBBETTS and MICKELSONS may each install one new boundary gate in their respective EASEMENT AREA (as defined in the separate Easement Agreements) without regard to whether or not a gate is installed at the intersection of Estero Lane and Highway 1. If MICKELSONS are able to reach an agreement with the County of Sonoma for the installation of a gate at the intersection of Estero Lane and Highway 1, then WILDLANDS shall support and pay for the installation of such gate (without any WILDLANDS brand or mark on the gate).
11. **MUTUAL RELEASE OF CLAIMS:** With the exception of any of their respective rights and obligations created pursuant to this AGREEMENT, upon execution of this AGREEMENT, and except as between CALTRANS and WILDLANDS, each party to this AGREEMENT hereby mutually releases and discharges the other, its predecessors, successors and assigns and their respective officers, directors, employees, other representatives and shareholders, from any and all claims, demands, causes of action, obligations, and liabilities of every kind and nature whatsoever which each had, or claims to have had, or now has, against the other, which relates to or arises out of any agreements, transactions, events or circumstances occurring prior to the date of execution of this AGREEMENT, limited to the facts, circumstances, and claims which are the subject of the LAWSUIT. It is agreed and understood that this release does not extend to any claims, demands, causes of action, obligations, and liabilities of every kind and nature whatsoever between CALTRANS and WILDLANDS or any third party other than TIBBETTS and MICKELSONS regarding the Caltrans Off-Site Mitigation Project, including but not limited to representations made by WILDLANDS in connection therewith. It is further understood and agreed that, except as provided herein as between CALTRANS and WILDLANDS, each party hereby waives any and all rights under Section 1542 of the Civil Code of the State of California which reads as follows:
- A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.
12. **PUBLIC HIKING ACCESS TO WILDLANDS PROPERTY:** The PARTIES recognize

that WILDLANDS intends to develop hiking access to the WILDLANDS PROPERTY from the Shorttail Gulch and Pinnacle Gulch parking areas. Nothing in this paragraph shall prejudice or restrict any rights of the MICKELSONS or the TIBBETTS related to this intended development by WILDLANDS.

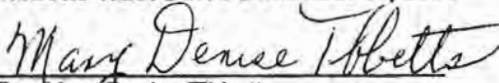
13. **DISMISSAL OF APPEAL:** The PARTIES shall request dismissal of the interlocutory appeal pending in the California Court of Appeal, First Appellate District, case no. A155434.
14. **STIPULATED JUDGMENT IN SUPERIOR COURT ACTION:** Within ten (10) days after execution of this AGREEMENT, the PARTIES shall file a Stipulated Judgment in the Superior Court action in the form attached hereto as **Exhibit 6**.
15. **WAIVER OF COSTS AND ATTORNEY FEES:** The PARTIES agree to bear all their own costs, fees, and expenses arising from the LAWSUIT.
16. **DISPUTES:** The PARTIES shall attempt to resolve any disputes arising under this AGREEMENT through good faith negotiation. A dispute shall be considered to have arisen when a written Notice of Dispute is transmitted to the other parties. If after 30 days of transmittal of the Notice of Dispute, the complainant concludes that the PARTIES have reached an impasse, then the complainant may seek resolution of the dispute by the Court through an appropriate motion. The PARTIES may continue to attempt to resolve the Notice of Dispute while the matter is pending before the Court. The prevailing party in any dispute arising under this AGREEMENT, or the easements granted under it, requiring resolution by the Court shall be entitled to reasonable attorney fees and costs incurred in resolving the dispute.
17. **COUNTERPARTS:** This AGREEMENT may be executed in any number of counterparts and each executed counterpart shall have the same force and effect as an original and as if all of the PARTIES to the aggregate counterparts had signed the same instrument.
18. **SUCCESSORS AND ASSIGNS:** All the terms, provisions, and conditions of this AGREEMENT shall be binding upon and inure to the benefit of the respective successors and assigns of the PARTIES. This AGREEMENT shall run with the lands of the TIBBETTS, MICKELSONS, and WILDLANDS.
19. **REPRESENTATION OF AUTHORITY:** The PARTIES represent and warrant that the signatories to this agreement have full authority to enter into, and bind the respective PARTIES to, this AGREEMENT.
20. **EFFECTIVE DATE:** This AGREEMENT becomes effective after it has been executed by all of the PARTIES.

this intended development by WILDLANDS.

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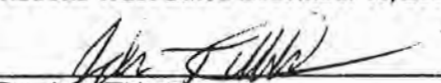
Tibbetts Trust Dated December 11, 2001

Date: 1-15-2020


By: Mary Denise Tibbetts
Its: Trustee

Tibbetts Trust Dated December 11, 2001

Date: 1-15-2020


By: John Tibbetts
Its: Trustee

Jim Mickelson and Marola Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: _____

By: Jim Mickelson

Tibbetts Trust Dated December 11, 2001

Date: _____

By: Mary Denise Tibbetts
Its: Trustee

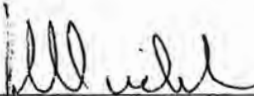
Tibbetts Trust Dated December 11, 2001

Date: _____

By: John Tibbetts
Its: Trustee

Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: 1-16-2020



By: Jim Mickelson
Its: Trustee

Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: _____

By: Marcia Mickelson
Its: Trustee

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

By: _____
MARK WEAVER
Deputy District Director, Right of Way
California Department of Transportation
District 04

Date: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

Date: _____

By: David Myers
Its: Executive Director

Tibbetts Trust Dated December 11, 2001

Date: _____

By: Mary Denise Tibbetts
Its: Trustee

Tibbetts Trust Dated December 11, 2001

Date: _____

By: John Tibbetts
Its: Trustee

Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: _____

By: Jim Mickelson
Its: Trustee

Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: 1-16-20



By: Marcia Mickelson
Its: Trustee

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

MARK WEAVER
Deputy District Director, Right of Way
California Department of Transportation
District 04

THE WILDLANDS CONSERVANCY,
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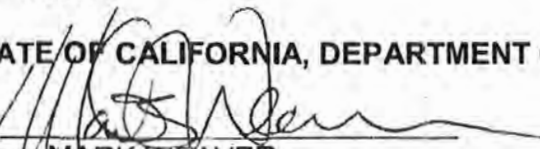
By: Jim Mickelson
Its: Trustee

Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001

Date: _____

By: Marcia Mickelson
Its: Trustee

STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

By: 
MARK WEAVER
Deputy District Director, Right of Way
California Department of Transportation
District 04

Date: 1/17/2020

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

Date: _____

By: David Myers
Its: Executive Director

Tibbetts Trust Dated December 11, 2001

Date: _____

By: Mary Denise Tibbetts
Its: Trustee

Tibbetts Trust Dated December 11, 2001

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Its: Trustee

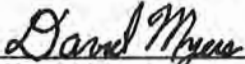
STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

By: _____
MARK WEAVER
Deputy District Director, Right of Way
California Department of Transportation
District 04

Date: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

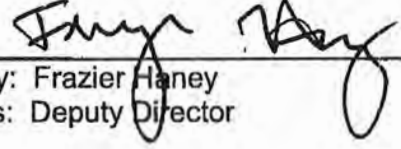
Date: 1-16-2020



By: David Myers
Its: Executive Director

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

Date: 01/16/2020



By: Frazier Haney
Its: Deputy Director

EXHIBIT 1
Preliminary Record of Survey

All distances are in grid feet and decimals thereof. Multiply by 1.0001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00. The convergence angle at Point 5000 is $-0^{\circ}37'28.14''$.



LEGEND

- Found 3/4" Iron Pipe & Wood Plug, U.N.D.
- Set Mag Nail & 1" Brass Washer, Stamped "LA STEVENS PLS 6649"
- Set 5/8" Rebar & 1" Punched Aluminum Cap, Stamped "LA STEVENS, PLS 6649"
- △ GPS Base Location (Point 5000)
- Calc Calculated per Record Map
- F.N.C. Fence
- I.D. Inner Diameter
- O.D. Outer Diameter
- N.D.R. No Discovered Record
- N.T.S. Not To Scale
- S.N.F. Searched Area Nothing Found
- T.N. Title Policy Number
- U.N.D. Unless Noted Otherwise
- Edge of Asphalt Concrete Pavement
- Wood Fence
- Wire Fence
- A.F. Along Old Wood Fence
- Geo. Geositic

REFERENCES

- [1] 194 02000 071, The Dairyama Bank to John Marlow, recorded 03/02/1901
- [2] I.N. 2018-005668, Grantor: Bruzzone, Grantee: Bruzzone, recorded 12/17/2018
- [3] 185 MAPS 38, Recd 02/28/1973, by John W. Hill & Associates, L.S. 3770
- [4] I.N. 2014-040191, Grantor: Marshall, Grantee: Marshall, recorded 06/11/2014
- [5] I.N. 2017-100322, Grantor: Hagemann, Grantee: Mickelson, recorded 12/21/2017
- [6] I.N. 2016-077241, Grantor: Karcher, Grantee: Mickelson, recorded 08/31/2016
- [7] I.N. 1284 OR 079, Grantor: Muerstein, Grantee: County of Sonoma, recorded 07/02/1954
- [8] I.N. 1284 OR 086, Grantor: Muerstein, Grantee: County of Sonoma, recorded 07/02/1954
- [9] 187 02025 1, The Dairyama Bank to Wilson Gleason and L.O. Gale, recorded 06/28/1896
- [10] I.N. 1881-010764, Grantor: Transcendancy Properties Inc., Grantee: Boodega Harbour Homeowners Association, recorded 02/27/1981
- [11] 750 MAPS 5, Recd 04/10/2012, by Curtis & Associates, P.L.S. 8485
- [12] I.N. 2015-109496, Grantor: Bolchini, Grantee: The Wildlands Conservancy, recorded 12/24/2015
- [13] I.N. 2001-060047, Grantor: Dewar, Grantee: Sonoma Land Trust, recorded 05/11/2001
- [14] I.N. 2001-174883, Grantor: Tabetta, Grantee: Tabetta Trust, recorded 12/19/2001
- [15] I.N. 2015-102110, Grantor: Wemette, Grantee: Eggen, recorded 12/09/2015
- [16] 2812 G.R. 257, "Agreement Determining Boundary Lines" between Transcendancy Properties and Bolchini, recorded 10/30/1973
- [17] 602 MAPS 24, Recd 11/13/1999, by Craini & Possino, Inc.

SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act at the request of _____, 2019.

Lawrence A. Stevens, PLS 6649

BOUNDARY RESOLUTION

ESTERO LANE

1. Held the Found 3/4" Iron Pipe of the Southeast corner of Bruzzone property (I.N. 2016-085665) () 2, and the derived position at the base of the leaning Found 3/4" Iron Pipe of the Southwesterly corner of Mickelson property (I.N. 2016-077241) () 3, said point being a point on the Westerly line of Estero Ln., and noted hereon as Point "A"
2. From Point "A" we extended the line 113.60' per () 2 to derive the angle point denoted hereon as Point "B"
3. Aligned and soled between Point "B" and the Angle Point derived by projecting the old fence lines bearings, said angle point denoted hereon as Point "C". The Fence bearings at Point "C"
4. Established the Northerly End of Estero Lane by holding the Old Fence Occupation with the Right of Way per the County Deeds () 7, 8. Held record distance and geometry per () 2 to the angle point in the Boundary along Estero Lane.
5. Inversed between this angle point and Point "C" which follows closely along the Very Old Fence Line.

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 8766 of the Professional Land Surveyors' Act this _____ day of _____, 2019.

Tracy M. Park, County Surveyor

By Deputy

RECORDER'S STATEMENT

Filed this _____ day of _____, 2019 at _____, in Book 2019 of Maps, Page _____ at the request of Maria County Public Works.

Serial No. _____ Fee: _____
County Recorder _____ Deputy Recorder _____

INDEX MAP

Scale: 1" = 1,000'



NOTE

Boundary evidence collected between 2/23/19 & 5/24/2019.

The Title Insurance Policies reviewed during the course of this survey were provided by Old Republic National Title Co., dated 09/02/2016, Policy Number AD0402-FT19-131027, Old Republic National Title Co., dated 12/27/2017, Policy Number AD0402-FT19-133248, & First American Title Co., dated 10/12/2016, Policy Number 5772481. Only documents within said Policies were reviewed for this work.

Dashed Lines are not to be considered the location of final boundary lines. Solid dashed lines are to be considered dimension lines to document the location of evidence found in the field. The only boundary lines established by this survey are shown as a thick continuous line for the corners owned by Mickelson & Bruzzone.

GPS COORDINATES (U.S. Survey Feet) (Published by the National Geodetic Survey)				Horiz. Accuracy (95% Conf)
Station	Northing	Eastng	Height	
P183	2310922.16	5824684.29	35.787	N/A
P196	2302865.96	5918126.04	298.687	N/A
P198	2288031.42	5956599.76	-13.491	0.053

GPS COORDINATES (U.S. Survey Feet) (Based on Field Measurements)				Horiz. Accuracy (95% Conf)
Station	Northing	Eastng	Height	
Point 5000	1,680,586.11	6,277,494.90	468.40	0.052

BASIS OF BEARINGS

The Coordinates and Bearings shown hereon are based upon the California Coordinate System of 1983, CCS83, Zone 2, (2010.00) in accordance with the California Public Resources Code Sections 8801-8819; said coordinates and bearings are based locally upon field-observed ties to the following California Spatial Reference Network Stations: P183, P196, & P198 as shown hereon.

RECORD OF SURVEY

LANDS OF
**MICKELSON
& BRUZZONE**

(I.N. 2016-085665)
BODEGA BAY

COUNTY OF SONOMA STATE OF CALIFORNIA
MAY 2019 SCALE: 1" = 100'

L.A. Stevens & Associates, Inc.
Professional Land Surveyors * (415) 382-7713
7 Commercial Blvd, Suite 1 • Novato, California 94949

Drawing No. 18120014.dwg Sheet 1 of 4

EXHIBIT 2
Tibbetts to Wildlands
Easement Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

MARK V. ISOLA, ESQ.
BROTHERS SMITH LLP
2033 N. MAIN STREET, SUITE 720
WALNUT CREEK, CA 94596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 100-160-002 and 103-040-012

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is \$0.00; Exempt pursuant to Government Code section 6103
 computed on full value of property conveyed, or
 computed on full value less of liens and encumbrances remaining at time of sale.
 Unincorporated area: City of
 Realty not sold; Revenue and Taxation Code section 11911

GRANT OF EASEMENT AND EASEMENT AGREEMENT

Assessor Parcel Numbers:
100-160-002 and 103-040-012

GRANT OF EASEMENT AND EASEMENT AGREEMENT

This Grant of Easement and Easement Agreement ("AGREEMENT") is made by and between The Wildlands Conservancy, a California nonprofit public benefit corporation ("WILDLANDS"), and John C. Tibbetts and Mary Denise Tibbetts, Trustees of the Tibbetts Trust Dated December 11, 2001 (collectively "TIBBETTS") as of the last date it is executed below. WILDLANDS and TIBBETTS individually may be referred to as "PARTY" and together may be referred to as "PARTIES" in this AGREEMENT.

RECITALS

- A. WILDLANDS is the fee owner of that certain real property on Estero Lane described in Exhibit A in that grant deed recorded as instrument number 2015-109496 in the Official Records of Sonoma County ("WILDLANDS PROPERTY").
- B. The TIBBETTS are the fee owners of that certain real property on Estero Lane described as "Parcel One" in Exhibit A in that grant deed recorded as instrument number 2001-174893 in the Official Records of Sonoma County ("TIBBETTS PROPERTY").
- C. The PARTIES and future owners of the WILDLANDS PROPERTY and the TIBBETTS PROPERTY shall be bound by this AGREEMENT as set forth below.

DEFINITIONS

- (1) "Caltrans" shall mean the State of California, Department of Transportation.
- (2) "Bridge Replacement Project" shall mean Caltrans' Estero Americano Creek Bridge Replacement Project in Marin and Sonoma Counties, California.
- (3) "Regulatory Agencies" shall mean, collectively, the California Department of Fish and Wildlife, the California Coastal Commission, and the North Coast Regional Water Quality Control Board.
- (4) "Regulatory Approvals" shall mean, collectively, the California Department of Fish and Wildlife Streambed Alteration Agreement Notification No. 1600-2015-0255-R3; the California Coastal Commission Coastal Development Permit approved for Permit Application no. 2-15-1354; and the North Coast Regional Water Quality Control Board through the Water Quality Certification WDID No. 1B15135WNSO.
- (5) "Caltrans Off-Site Mitigation Project" shall mean the project to fulfill all conditions of off-site mitigation and monitoring to compensate for impacts of the Bridge Replacement Project as required by any regulatory conditions associated therewith and the Regulatory Agencies through their Regulatory Approvals, as well as any additional or modified conditions imposed by the Regulatory Agencies, including, but not necessarily limited to, any remedies, penalties, or sanctions associated with delay, alleged violations or threatened violations of Regulatory Approvals, applications for extensions of Regulatory Approvals, expiration of existing Regulatory Approvals, or new applications required as a

result of expiration of existing Regulatory Approvals.

AGREEMENT

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

1. TIBBETTS hereby grant to WILDLANDS a non-exclusive easement ("EASEMENT") solely for the following: (i) ingress and egress, excluding high intensity uses or use by heavy equipment (which does not include farm tractors), over and across that portion of the TIBBETTS PROPERTY described in Exhibit "A" attached hereto and incorporated herein ("EASEMENT AREA", a plat of which is depicted in Exhibit "B" attached hereto and incorporated herein), solely for private use by WILDLANDS's employees, agents, officers, directors, managers, contractors, subcontractors, and lessees (for grazing only), employees and agents of such contractors and subcontractors, and invitees as necessary for the Caltrans Off-Site Mitigation Project, for access to the WILDLANDS PROPERTY; (ii) ingress and egress over and across the EASEMENT AREA for purposes related to the Caltrans Off-Site Mitigation Project, if the WILDLANDS PROPERTY is used for that project, including any oversight required by Regulatory Agencies overseeing the Caltrans Off-Site Mitigation Project, only until the conditions of the Caltrans Off-Site Mitigation Project are satisfied, or for a period of ten years, whichever is less; and (iii) subject to paragraph 9, ingress and egress over and across the EASEMENT AREA for invited guests' access to the WILDLANDS PROPERTY for environmental-related programs at the WILDLANDS PROPERTY ("SPECIAL EVENTS") not to exceed four times per calendar year, not to be overnight, and not to exceed thirty guests and eight vehicles per SPECIAL EVENT, upon at least 72 hours prior actual notice to the TIBBETTS. The event held on the WILDLANDS PROPERTY on November 7, 2019, is deemed to be one SPECIAL EVENT for 2020.
2. The EASEMENT is appurtenant to the WILDLANDS PROPERTY. This AGREEMENT and the easements granted herein constitute covenants running with the land and shall inure to the benefit of and be binding upon TIBBETTS and WILDLANDS, and their respective successors and assigns who acquire any interest in the TIBBETTS PROPERTY or the WILDLANDS PROPERTY. All of the provisions of this AGREEMENT shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation Section 1468 of the California Civil Code. The terms and conditions of this AGREEMENT shall be perpetual, unless otherwise modified or terminated pursuant to Section 11 below.
3. Unless an alternative maintenance agreement is reached involving the TIBBETTS and WILDLANDS that expressly supersedes this provision, the TIBBETTS and WILDLANDS are responsible for maintenance of the EASEMENT AREA in accordance with California Civil Code section 845. In addition, within 6 months of beginning construction of the Caltrans Off-Site Mitigation Project, WILDLANDS shall repair any impacts to the EASEMENT AREA caused by the use of the EASEMENT AREA for the Caltrans Off-Site Mitigation Project.

4. No Party shall make any use of the EASEMENT AREA which unreasonably interferes with any person's free use and enjoyment of the EASEMENT as established under this Agreement. TIBBETTS may install one boundary gate in the EASEMENT AREA, which, so long as they provide the PARTIES with a key, code, or other ready means of through access, will not constitute an unreasonable interference under this paragraph.
5. Breach of any restriction or provision of this AGREEMENT does not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value, but all of the restrictions and other provisions of this AGREEMENT are binding and effective as to any mortgagee or beneficiary of a deed of trust that acquires fee title by foreclosure, trustee's sale, or otherwise. The PARTIES will obtain Subordination of Lien to Easement from any lenders holding interests in their respective properties.
6. Nothing contained in this AGREEMENT shall be deemed to be a gift or dedication of all of any portion of the EASEMENT AREA to the general public, or for any public use or purpose whatsoever. Except as specifically provided in this AGREEMENT, no right, privileges, or immunities of WILDLANDS or TIBBETTS shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained in this AGREEMENT.
7. WILDLANDS and its successors shall indemnify TIBBETTS and their successors, and hold them harmless, against any claims, demands, damages, actions, and causes of action that arise from or are connected with WILDLANDS' use of the EASEMENT pursuant to this AGREEMENT.
8. WILDLANDS shall at all times maintain liability insurance with a minimum policy amount of two million dollars covering all claims on an occurrence basis arising from WILDLANDS's use of the EASEMENT pursuant to this AGREEMENT, and TIBBETTS shall be named as additional insureds in all such insurance policies.
9. The PARTIES shall attempt to resolve any disputes arising under this AGREEMENT through good faith negotiation. A dispute shall be considered to have arisen when a written Notice of Dispute is transmitted to the other parties. If after 30 days of transmittal of the Notice of Dispute, the complainant concludes that the PARTIES have reached an impasse, then the complainant may seek resolution of the dispute through an appropriate motion with the Superior Court for the County of Sonoma. The PARTIES may continue to attempt to resolve the Notice of Dispute while the matter is pending before the Court.
10. For each SPECIAL EVENT in violation of the limits in paragraph 1 (as determined by the Court or by agreement of all PARTIES), the annual number of SPECIAL EVENTS allowed in the following calendar year shall be reduced to zero.
11. Invalidation of any of the provisions in this AGREEMENT, or of the application thereof to any PARTY, by judgment or court order, shall in no way affect any other provision of this AGREEMENT and the same shall remain in full force and effect

12. This AGREEMENT constitutes the entire agreement between the PARTIES concerning the subjects of this AGREEMENT. No amendment of this AGREEMENT shall be valid unless in writing and signed by all owners of the real property that is the subject of this AGREEMENT at the time the amendment is made, and recorded in the Official Records of Sonoma County, California.
13. The PARTIES agree that in any action filed to enforce any terms of this AGREEMENT, the prevailing party in such action shall be entitled to recover their reasonable attorney's fees and costs from the breaching party.
14. All signatures of PARTIES to this AGREEMENT shall be acknowledged before a Notary Public to allow them to be recorded. This AGREEMENT shall be recorded in the Official Records of Sonoma County, California after it is fully executed, by WILDLANDS or its agent. Upon recordation, WILDLANDS shall provide TIBBETTS with a conformed copy of the recorded AGREEMENT within seven business days.
15. Notices provided for in this AGREEMENT shall be either in writing or in electronic mail and shall be deemed sufficiently given either when delivered personally at the appropriate address set forth below or when transmitted by e-mail to the email address set forth below.

Notice to TIBBETTS shall be delivered as follows:

John and Mary Denise Tibbetts
80 Vicente Road
Berkeley, CA 94705
Email: tibbsx4@comcast.net

Notice to WILDLANDS shall be delivered as follows:

The Wildlands Conservancy
Attn: David Myers
39611 Oak Glen Road, Building 12
Oak Glen, CA 92399
Email: David Myers dm@twc-ca.org and Brook Edwards brook.e@twc-ca.org

The addresses and addressees for purposes of this section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such notice is received, the last address and addressee as stated by notice or as provided herein, if no notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

16. This AGREEMENT may be executed in counterparts. Each counterpart shall have the same force and effect as an original and shall together constitute an effective, binding agreement on each of the PARTIES.

17. Each of the individuals executing this AGREEMENT represents and warrants that he or she has been authorized to do so and has the power to bind the party for whom they are signing.
18. This AGREEMENT shall be construed in accordance with the laws of the State of California and shall be deemed jointly drafted by the PARTIES. Any ambiguity shall not be construed against one of the PARTIES in favor of another.

(signatures on the next page)

IN WITNESS WHEREOF, the PARTIES execute this AGREEMENT as follows:

Dated: _____

TIBBETTS TRUST DATED DECEMBER 11, 2001

By: John C. Tibbetts, Trustee

Dated: _____

TIBBETTS TRUST DATED DECEMBER 11, 2001

By: Mary Denise Tibbetts, Trustee

Dated: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

By:

Its:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

LA STEVENS & Associates, Inc.
Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

Exhibit "A"

Tibbetts to Mickelson and Wildlands

LEGAL DESCRIPTION

Being a portion of real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from John and M. Denise Tibbetts to The Tibbetts Trust by Instrument Number 2001-174893 recorded December 19, 2001 at the Sonoma County Recorder's Office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 3/4 inch iron pipe with a 3/4 inch brass tag stamped "LS 3770" and pin in wood plug at the intersection of courses of the northerly boundary lines of said conveyance that bear North 28°32'37" East 886.98 feet (conveyed in said deed as North 11°30' East 402.95 feet) and North 58°41'50" East 247.53 feet (cited in said deed as North 41°42'45" East 247.70 feet); thence along said northerly line of said conveyance North 28°32'37" East, a distance of 886.98 feet, to a 5/8 inch diameter rebar and 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649"; thence South 28°32'37" West, a distance of 548.14 feet to the centerline of the 20 foot wide easement and being the **POINT OF BEGINNING** of this description as shown on "**Exhibit B**" attached hereto and made part hereof;

1. thence South 06°54'49" West, a distance of 78.95 feet, to the beginning of a tangent curve concave to the northwest, with a radius of 465 feet;
2. thence southerly, southwesterly along said curve a distance of 379.46 feet, through a central angle of 46°45'22";

LA STEVENS & Associates, Inc.
Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

3. thence South 53°40'11" West, a distance of 167.03 feet, to the southwesterly boundary line of said land conveyed to The Tibbetts Trust.

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the boundary conveyed in The Tibbetts Trust.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances.

Prepared by:



Lawrence A. Stevens, PLS 6649
END OF DESCRIPTION.



01-09-2020

LEGEND

- 3/4" Iron Pipe w/ a 3/4" Brass Tag and Rivet in Wood Plug Stamped "LS 3770"
- 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

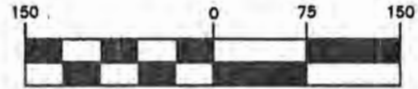
—∧— Not to Scale

POC Point of Commencement

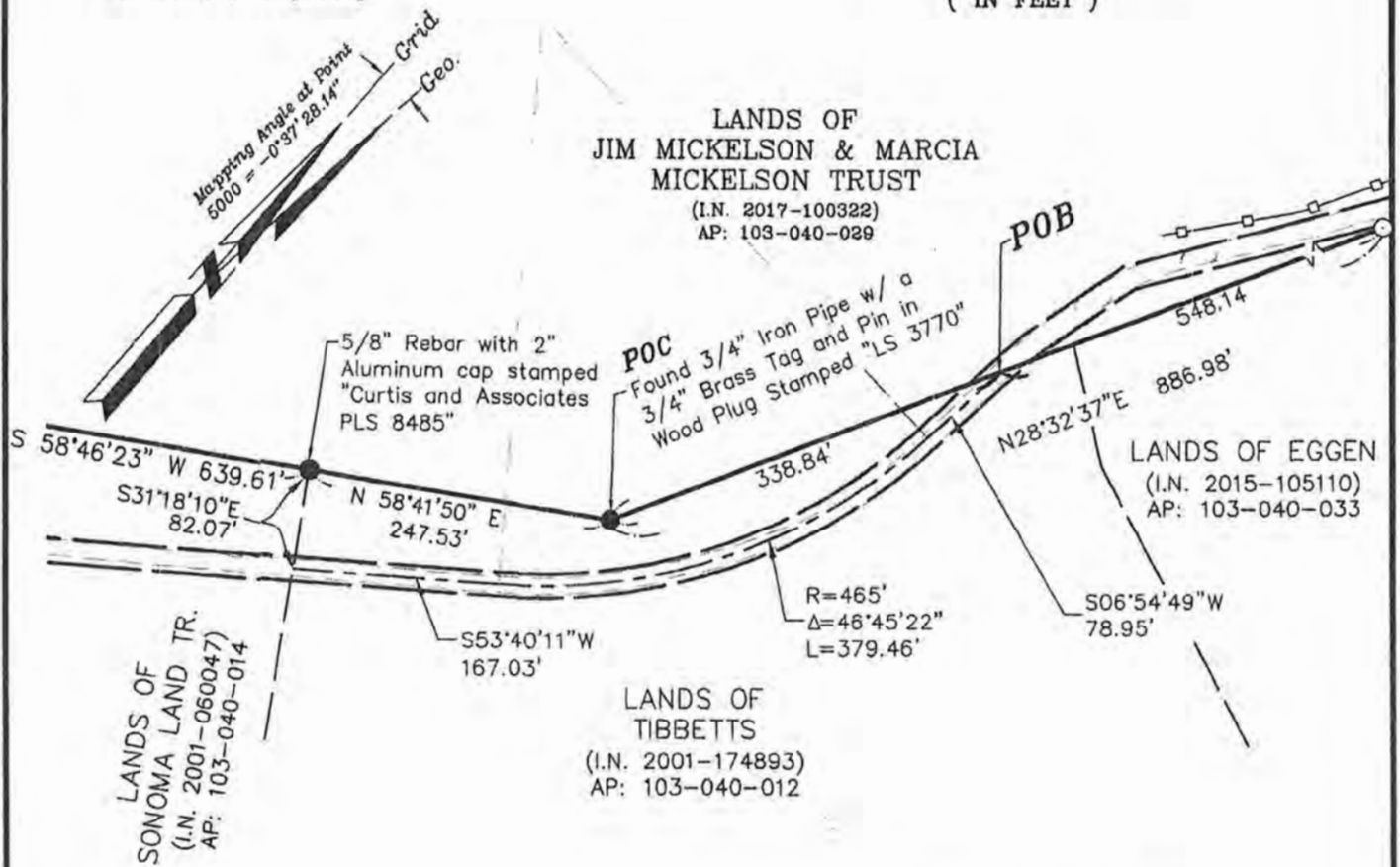
POB Point of Beginning

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

GRAPHIC SCALE



(IN FEET)



01-09-2020

Lawrence A. Stevens, PLS 6649

Copyright © Lawrence A. Stevens 2020

EXHIBIT "B"

Plat of
Easement Description

Over Lands of
The Tibbetts Trust

Bodega Bay Sonoma County California
Scale: 1" = 150' December, 2019

L.A. Stevens & Associates, Inc.

Professional Land Surveyors * (415) 382-7713
7 Commercial Blvd., Suite 1 * Novato, CA 94949

Job # 181920

EXHIBIT 3
Mickelsons to Wildlands
Easement Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

MARK V. ISOLA, ESQ.
BROTHERS SMITH LLP
2033 N. MAIN STREET, SUITE 720
WALNUT CREEK, CA 94596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 100-160-002, 103-040-024,
103-040-030, 103-040-029, 103-040-028
103-030-003

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$0.00; Exempt pursuant to Government Code section 6103

computed on full value of property conveyed, or

computed on full value less of liens and encumbrances remaining at time of sale.

Unincorporated area: City of

Realty not sold; Revenue and Taxation Code section 11911

GRANT OF EASEMENT AND EASEMENT AGREEMENT

Assessor Parcel Numbers:

100-160-002, 103-040-024, 103-040-030, 103-040-
029, 103-040-028, and 103-030-003

GRANT OF EASEMENT AND EASEMENT AGREEMENT

This Grant of Easement and Easement Agreement ("AGREEMENT") is made by and between The Wildlands Conservancy, a California nonprofit public benefit corporation ("WILDLANDS"), and Jim Mickelson and Marcia Mickelson, Trustees of the Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001 ("MICKELSONS") as of the last date it is executed below. WILDLANDS and MICKELSONS individually may be referred to as "PARTY" and together may be referred to as "PARTIES" in this AGREEMENT.

RECITALS

- A. WILDLANDS is the fee owner of that certain real property on Estero Lane described in Exhibit A in that grant deed recorded as instrument number 2015-109496 in the Official Records of Sonoma County ("WILDLANDS PROPERTY").
- B. The MICKELSONS are the fee owners of those certain real properties on Estero Lane, described as "Parcel One" in Exhibit A in that grant deed recorded as instrument number 2017-100322 in the Official Records of Sonoma County and described in Exhibit A in that grant deed recorded as instrument number 2016-077241 in the Official Records of Sonoma County ("MICKELSONS PROPERTIES").
- C. The PARTIES and future owners of the WILDLANDS PROPERTY and the MICKELSON PROPERTY shall be bound by this AGREEMENT as set forth below.

DEFINITIONS

- (1) "Caltrans" shall mean the State of California, Department of Transportation.
- (2) "Bridge Replacement Project" shall mean Caltrans' Estero Americano Creek Bridge Replacement Project in Marin and Sonoma Counties, California.
- (3) "Regulatory Agencies" shall mean, collectively, the California Department of Fish and Wildlife, the California Coastal Commission, and the North Coast Regional Water Quality Control Board.
- (4) "Regulatory Approvals" shall mean, collectively, the California Department of Fish and Wildlife Streambed Alteration Agreement Notification No. 1600-2015-0255-R3; the California Coastal Commission Coastal Development Permit approved for Permit Application no. 2-15-1354; and the North Coast Regional Water Quality Control Board through the Water Quality Certification WDID No. 1B15135WNSO.
- (5) "Caltrans Off-Site Mitigation Project" shall mean the project to fulfill all conditions of off-site mitigation and monitoring to compensate for impacts of the Bridge Replacement Project as required by any regulatory conditions associated therewith and the Regulatory Agencies through their Regulatory Approvals, as well as any additional or modified conditions imposed by the Regulatory Agencies, including, but not necessarily limited to, any remedies, penalties, or sanctions associated with delay, alleged violations or

threatened violations of Regulatory Approvals, applications for extensions of Regulatory Approvals, expiration of existing Regulatory Approvals, or new applications required as a result of expiration of existing Regulatory Approvals.

AGREEMENT

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

1. MICKELSONS hereby grant to WILDLANDS non-exclusive easements ("EASEMENT") solely for the following: (i) ingress and egress, excluding high intensity uses or use by heavy equipment (which does not include farm tractors), over and across that portion of the MICKELSON PROPERTY described in Exhibits "A", "C", "E", and "G" attached hereto and incorporated herein ("EASEMENT AREA", plats of which are depicted in Exhibits "B", "D", "F", and "H" attached hereto and incorporated herein), solely for private use by WILDLANDS's employees, agents, officers, directors, managers, contractors, subcontractors, and lessees (for grazing only), employees and agents of such contractors and subcontractors, and invitees as necessary for the Caltrans Off-Site Mitigation Project, for access to the WILDLANDS PROPERTY; (ii) ingress and egress over and across the EASEMENT AREA for purposes related to the Caltrans Off-Site Mitigation Project, if the WILDLANDS PROPERTY is used for that project, including any oversight required by Regulatory Agencies overseeing the Caltrans Off-Site Mitigation Project, only until the conditions of the Caltrans Off-Site Mitigation Project are satisfied, or for a period of ten years, whichever is less; and (iii) subject to paragraph 10, ingress and egress over and across the EASEMENT AREA for invited guests' access to the WILDLANDS PROPERTY for environmental-related programs at the WILDLANDS PROPERTY ("SPECIAL EVENTS") not to exceed four times per calendar year, not to be overnight, and not to exceed thirty guests and eight vehicles per SPECIAL EVENT, upon at least 72 hours prior actual notice to the MICKELSONS. The event held on the WILDLANDS PROPERTY on November 7, 2019, is deemed to be one SPECIAL EVENT for 2020.
2. The EASEMENT is appurtenant to the WILDLANDS PROPERTY. This AGREEMENT and the easements granted herein constitute covenants running with the land and shall inure to the benefit of and be binding upon MICKELSONS and WILDLANDS, and their respective successors and assigns who acquire any interest in the MICKELSONS PROPERTY or the WILDLANDS PROPERTY. All of the provisions of this AGREEMENT shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation Section 1468 of the California Civil Code. The terms and conditions of this AGREEMENT shall be perpetual, unless otherwise modified or terminated pursuant to Section 11 below.
3. Unless an alternative maintenance agreement is reached involving the MICKELSONS and WILDLANDS that expressly supersedes this provision, the MICKELSONS and WILDLANDS are responsible for maintenance of the EASEMENT AREA in accordance with California Civil Code section 845. In addition, within 6 months of beginning construction of the Caltrans Off-Site Mitigation Project, WILDLANDS shall repair any impacts to the EASEMENT AREA caused by the use of the EASEMENT AREA for the

Grant of Easement and Easement Agreement

Caltrans Off-Site Mitigation Project.

4. No Party shall make any use of the EASEMENT AREA which unreasonably interferes with any person's free use and enjoyment of the EASEMENT as established under this Agreement. MICKELSONS may install one boundary gate in the EASEMENT AREA, which, so long as they provide the PARTIES with a key, code, or other ready means of through access, will not constitute an unreasonable interference under this paragraph.
5. Breach of any restriction or provision of this AGREEMENT does not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value, but all of the restrictions and other provisions of this AGREEMENT are binding and effective as to any mortgagee or beneficiary of a deed of trust that acquires fee title by foreclosure, trustee's sale, or otherwise. The PARTIES will obtain Subordination of Lien to Easement from any lenders holding interests in their respective properties.
6. Nothing contained in this AGREEMENT shall be deemed to be a gift or dedication of all of any portion of the EASEMENT AREA to the general public, or for any public use or purpose whatsoever. Except as specifically provided in this AGREEMENT, no right, privileges, or immunities of WILDLANDS or MICKELSONS shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained in this AGREEMENT.
7. WILDLANDS and its successors shall indemnify MICKELSONS and their successors, and hold them harmless, against any claims, demands, damages, actions, and causes of action that arise from or are connected with WILDLANDS' use of the EASEMENT pursuant to this AGREEMENT.
8. WILDLANDS shall at all times maintain liability insurance with a minimum policy amount of two million dollars covering all claims on an occurrence basis arising from WILDLANDS's use of the EASEMENT pursuant to this AGREEMENT, and MICKELSONS shall be named as additional insureds in all such insurance policies.
9. The PARTIES shall attempt to resolve any disputes arising under this AGREEMENT through good faith negotiation. A dispute shall be considered to have arisen when a written Notice of Dispute is transmitted to the other parties. If after 30 days of transmittal of the Notice of Dispute, the complainant concludes that the PARTIES have reached an impasse, then the complainant may seek resolution of the dispute through an appropriate motion with the Superior Court for the County of Sonoma. The PARTIES may continue to attempt to resolve the Notice of Dispute while the matter is pending before the Court.
10. For each SPECIAL EVENT in violation of the limits in paragraph 1 (as determined by the Court or by agreement of all PARTIES), the annual number of SPECIAL EVENTS allowed in the following calendar year shall be reduced to zero.
11. Invalidation of any of the provisions in this AGREEMENT, or of the application thereof to any PARTY, by judgment or court order, shall in no way affect any other provision of this AGREEMENT and the same shall remain in full force and effect.

12. This AGREEMENT constitutes the entire agreement between the PARTIES concerning the subjects of this AGREEMENT. No amendment of this AGREEMENT shall be valid unless in writing and signed by all owners of the real property that is the subject of this AGREEMENT at the time the amendment is made, and recorded in the Official Records of Sonoma County, California.
13. The PARTIES agree that in any action filed to enforce any terms of this AGREEMENT, the prevailing party in such action shall be entitled to recover their reasonable attorney's fees and costs from the breaching party.
14. All signatures of PARTIES to this AGREEMENT shall be acknowledged before a Notary Public to allow them to be recorded. This AGREEMENT shall be recorded in the Official Records of Sonoma County, California after it is fully executed, by WILDLANDS or its agent. Upon recordation, WILDLANDS shall provide MICKELSONS with a conformed copy of the recorded AGREEMENT within seven business days.
15. Notices provided for in this AGREEMENT shall be either in writing or in electronic mail and shall be deemed sufficiently given either when delivered personally at the appropriate address set forth below or when transmitted by e-mail to the email address set forth below.

Notice to MICKELSONS shall be delivered as follows:

Jim and Marcia Mickelson
P.O. Box 2689
Petaluma, CA 94953
Email: Jim@jerryanddonsyager.com

Notice to WILDLANDS shall be delivered as follows:

The Wildlands Conservancy
Attn: David Myers
39611 Oak Glen Road, Building 12
Oak Glen, CA 92399
Email: David Myers dm@twc-ca.org and Brook Edwards brook.e@twc-ca.org

The addresses and addressees for purposes of this section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such notice is received, the last address and addressee as stated by notice or as provided herein, if no notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

16. This AGREEMENT may be executed in counterparts. Each counterpart shall have the same force and effect as an original and shall together constitute an effective, binding agreement on each of the PARTIES.
17. Each of the individuals executing this AGREEMENT represents and warrants that he or

Grant of Easement and Easement Agreement

she has been authorized to do so and has the power to bind the party for whom they are signing.

18. This AGREEMENT shall be construed in accordance with the laws of the State of California and shall be deemed jointly drafted by the PARTIES. Any ambiguity shall not be construed against one of the PARTIES in favor of another.

(signatures on the next page)

IN WITNESS WHEREOF, the PARTIES execute this AGREEMENT as follows:

Date: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

By:
Its:

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April 11,
2001**

By: Jim Mickelson, Trustee

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April 11,
2001**

By: Marcia Mickelson, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

{Seal}

Signature of Notary

Exhibit "A"

Mickelson to Wildlands/Tibbetts

LEGAL DESCRIPTION

Being a portion of real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from Richard C. Karcher to Jim and Marcia Mickelson Revocable Trust Agreement by Instrument Number 2016-077241 recorded on September 2, 2016 at Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 5/8 inch diameter rebar with a 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649" as shown on **Exhibit "B"**, attached hereto and made part hereof, marking the intersection of the boundary lines of said Jim and Marcia Mickelson Revocable Trust Agreement, hereinafter referred to as Mickelson, that bear North 42°52'18" West 466.52 feet (cited in said deed as South 61½° East 7.09 chains) and South 37°16'45" East 92.96 feet (cited in said deed as South 54° East 8.92 chains); thence northwesterly along said property line conveyed to Mickelson North 37°16'45" West, a distance of 92.96 feet, to the southerly corner of the property described in the deed from Mantua to the County of Sonoma in Book 1284 of Official Records at Page 086, recorded July 2, 1954 in the Sonoma County Recorder's office; thence along the southeasterly line of said property described to the County of Sonoma North 56°10'02" East, a distance of 10.02 feet (cited as South 55°35' West in said deed to County) to the centerline of the 20 foot wide easement and being the **POINT OF BEGINNING** of this description;

1. thence running parallel with and 10 feet northeasterly of the boundary conveyed to Mickelson South 37°16'45" East, a distance of 91.87 feet (cited bearing in said Mickelson deed as South 54° East 8.92 chains);
2. thence South 42°52'18" East, a distance of 468.45 feet (cited bearing in said Mickelson deed as South 61½° East 7.09 chains)
3. thence diverging from being parallel with said boundary, South 15°39'40" East, a distance of 38.58 feet;
4. thence South 02°49'59" East, a distance of 227.48 feet to a point 10 feet from the boundary of Mickelson;


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Professional Land Surveyors
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Novato, California 94949
(415)382-7713

5. thence running parallel with and 10 feet easterly of the westerly boundary line of said conveyance to Mickelson South 27°56'11" West, a distance of 238.94 feet (cited bearing in said Mickelson deed as South 11° West 3.56 chains);
6. thence South 44°11'11" West, a distance of 237.06 feet (cited bearing in said Mickelson deed as South 27¼° West 3.57 chains);
7. thence South 46°26'11" West, a distance of 297.36 feet (cited bearing in said Mickelson deed as South 29 ½ ° West 4.53 chains);
8. thence South 28°26'11" West, a distance of 1,488.13 feet (cited bearing in said Mickelson deed as South 11 ½ ° West 22.60 chains);
9. thence South 19°56'11" West, a distance of 458.22 feet (cited bearing in said Mickelson deed as South 03° West 6.97 chains);
10. thence South 11°56'11" West, a distance of 410.56 feet (cited bearing in said Mickelson deed as South 05° East 6.24 chains);
11. thence South 08°56'11" West, a distance of 287.70 feet; (cited bearing in said Mickelson deed as South 08° East 4.36 chains);
12. thence diverging being parallel with said boundary South 13°47'21" West, a distance of 109.80 feet, to a point on the southwesterly boundary of said property conveyed to Mickelson, said point being South 88°14'08" East, a distance of 10.22 feet, from a 5/8 inch diameter rebar with a 1 ½ inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649".

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the boundary of said property conveyed to Mickelson.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain ground distances.

Prepared by:


Lawrence A. Stevens, PLS 6649



01-09-2020

END OF DESCRIPTION.

LEGEND

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

—∧— Not to Scale

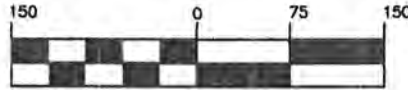
POC Point of Commencement

POB Point of Beginning

—∧— Edge of Pavement

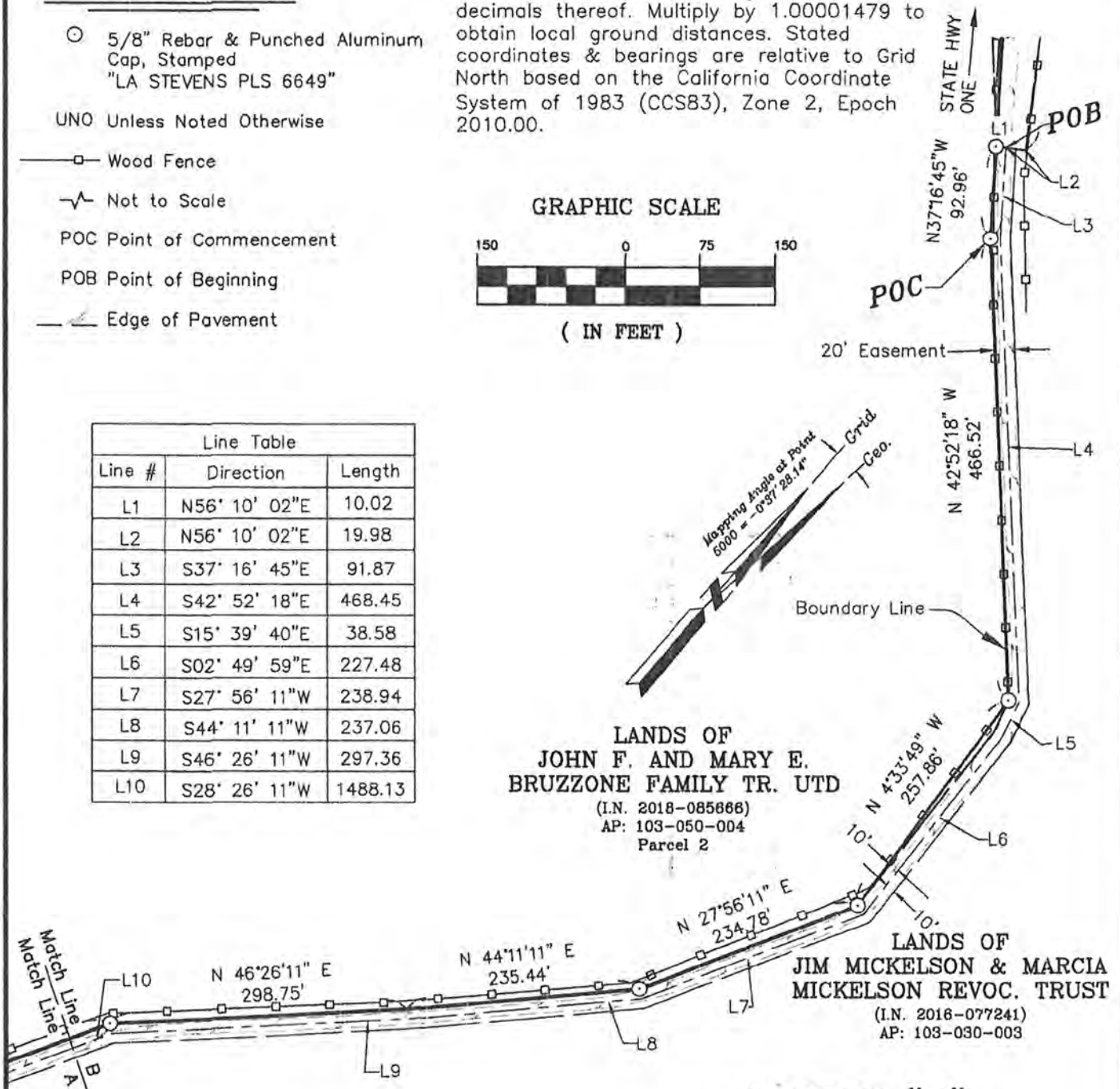
NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

GRAPHIC SCALE



(IN FEET)

Line Table		
Line #	Direction	Length
L1	N56° 10' 02"E	10.02
L2	N56° 10' 02"E	19.98
L3	S37° 16' 45"E	91.87
L4	S42° 52' 18"E	468.45
L5	S15° 39' 40"E	38.58
L6	S02° 49' 59"E	227.48
L7	S27° 56' 11"W	238.94
L8	S44° 11' 11"W	237.06
L9	S46° 26' 11"W	297.36
L10	S28° 26' 11"W	1488.13



LANDS OF
JOHN F. AND MARY E.
BRUZZONE FAMILY TR. UTD
(I.N. 2018-085666)
AP: 103-050-004
Parcel 2

LANDS OF
JIM MICKELSON & MARCIA
MICKELSON REVOC. TRUST
(I.N. 2016-077241)
AP: 103-030-003

EXHIBIT "B"

Plat of
Easement Description

Over Lands of

Jim and Marcia

Mickelson Revocable Trust

Bodega Bay Sonoma County California
Scale: 1" = 150' December, 2019

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7 Commercial Blvd., Suite 1 * Novato, CA 94949

Job # 181920

Page 1 of 3



01-09-2020

Lawrence A. Stevens

Lawrence A. Stevens, PLS 6649

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LEGEND

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

□ Wood Fence

⋈ Not to Scale

POC Point of Commencement

POB Point of Beginning

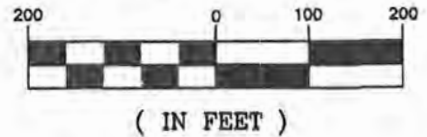
— Edge of Pavement

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

LANDS OF
JOHN F. AND MARY E.
BRUZZONE FAMILY TR. UTD
(I.N. 2018-085666)
AP: 103-050-004
Parcel 2

LANDS OF
JIM MICKELSON & MARCIA
MICKELSON REVOC. TRUST
(I.N. 2016-077241)
AP: 103-030-003

GRAPHIC SCALE



Line Table		
Line #	Direction	Length
L9	S46°26'11"W	297.36
L10	S28°26'11"W	1488.13
L11	S19°56'11"W	458.22

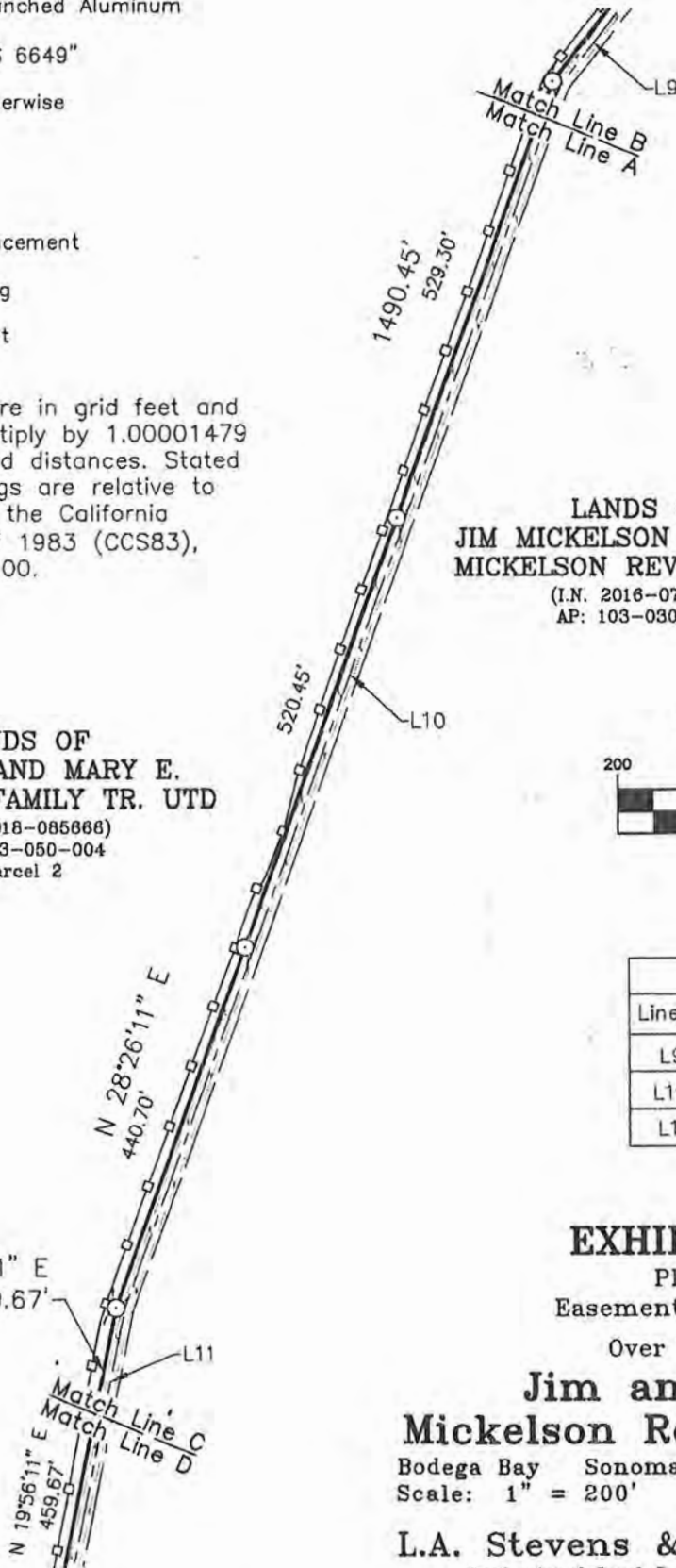
EXHIBIT "B"

Plat of
Easement Description

Over Lands of

**Jim and Marcia
Mickelson Revocable Trust**
Bodega Bay Sonoma County California
Scale: 1" = 200' December, 2019

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LEGEND

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

□ Wood Fence

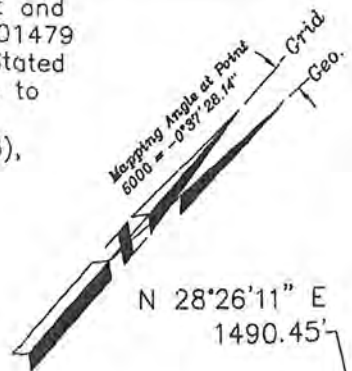
~ Not to Scale

POC Point of Commencement

POB Point of Beginning

— Edge of Pavement

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.



GRAPHIC SCALE



(IN FEET)

LANDS OF
JOHN F. AND MARY E.
BRUZZONE FAMILY TR. UTD
(I.N. 2018-085666)
AP: 103-050-004
Parcel 2

N 11°56'11" E
411.52'

N 19°56'11" E
459.67'

N 8°56'11" E
287.54'

LANDS OF
JIM MICKELSON & MARCIA
MICKELSON REVOC. TRUST
(I.N. 2016-077241)
AP: 103-030-003

Line Table		
Line #	Direction	Length
L10	S28°26'11"W	1488.13
L11	S19°56'11"W	458.22
L12	S11°56'11"W	410.56
L13	S08°56'11"W	287.70
L14	S13°47'21"W	109.80

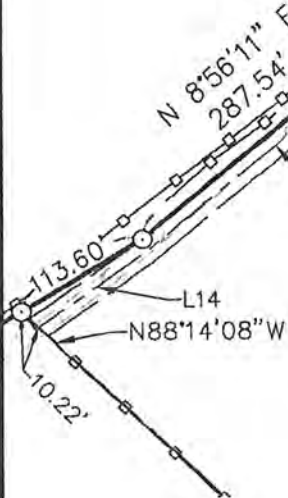


EXHIBIT "B"

Plat of
Easement Description

Over Lands of

**Jim and Marcia
Mickelson Revocable Trust**

Bodega Bay Sonoma County California
Scale: 1" = 150' December, 2019

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Job # 181920

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Exhibit "C"

Mickelson (formally Hagemann) to Wildlands/Tibbetts

LEGAL DESCRIPTION

Being a portion of the real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from The Hagemann 2009 Trust to The Jim and Marcia Mickelson Trust by Instrument Number 2017-100322, recorded on December 27, 2017 at Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, in which the north northwesterly line is parallel and concentric with the following described south and southeasterly lines:

COMMENCING at a 1 inch diameter open iron pipe, 0.4 feet above the ground, at the intersection of the southerly boundary lines of said land conveyed to the Jim and Marcia Mickelson Trust, hereinafter referred to as Mickelson, that bear North 01°00'59" East 621.66 feet (cited in said deed as North 16°00'00" East 621.71') and North 18°00'52" East 536.52 feet (cited in Instrument Number 2014-040191 as North 01°00'00 East 8.08 chains); thence along said southerly line South 01°00'59" West, a distance of 621.66 feet, to a 1 ¼ inch diameter iron pipe with wood plug, 0.2' below ground; thence leaving said lands of Mickelson North 16°04'31" East, a distance of 30 feet to the **POINT OF BEGINNING** of this description to establish the westerly line of said easement; as shown on "Exhibit D" attached hereto and made part hereof;

1. thence South 16°04'31 West a distance of 30 feet to a 1 ¼ inch diameter iron pipe with wood plug, 0.2 feet below ground;
2. thence along the southeasterly line of the property conveyed to Mickelson, South 28°10'06" West, a distance of 627.37 feet;
3. thence leaving said southeasterly line South 31°27'57" West, a distance of 308.65 feet;
4. thence South 24°06'17" West, a distance of 250.54 feet; to a 3/4 inch iron pipe with a 3/4 inch brass tag and pin in wood plug stamped "LS 3770" on the southeasterly line of said Mickelson property;
5. thence along said southeasterly line South 28°32'37" West, a distance of 486.14 feet (cited in said deed as North 28°32'36 1181.94 feet);
6. thence leaving said southeasterly line South 34°39'26" West, a distance of 232.63 feet;
7. thence South 14°51'27" West, a distance of 96:70 feet;

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8. thence South 06°54'49" West, a distance of 5.14 feet to the southeasterly line of Mickelson, said point bears North 28°32'37" East 365.97 feet (cited in said deed as North 28°32'36" 1181.94 feet) from a 3/4 inch iron pipe with a brass tag stamped "LS 3770", marking an angle point on said property conveyed to Mickelson.

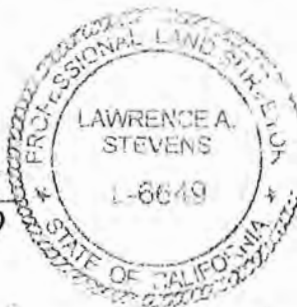
The northwesterly line of this description shall be prolonged or shortened so as to terminate on the southerly line of said property.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances.

Prepared by:



Lawrence A. Stevens, PLS 6649



01-09-2020

END OF DESCRIPTION.

LEGEND

● 3/4" Iron Pipe w/ a 3/4" Brass Tag and Rivet in Wood Plug Stamped "LS 3770"

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

□ Wood Fence

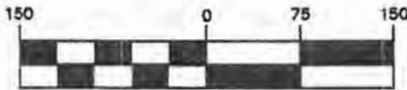
⚡ Not to Scale

POC Point of Commencement

POB Point of Beginning



GRAPHIC SCALE



(IN FEET)

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

LANDS OF
JIM MICKELSON & MARCIA
MICKELSON REVOC. TRUST
(I.N. 2017-100322)
AP: 103-040-029

LANDS OF EGGEN
(I.N. 2015-105110)
AP: 103-040-033

POC
1" O.D. Open Iron Pipe 0.4' above ground with flagging

1 1/4" O.D. Iron Pipe with Wood Plug Illegible leaning slightly east 0.2' below ground with flagging

LANDS OF
SUEANNE S. MARSHALL
(I.N. 2014-040191)



01-09-2020



Lawrence A. Stevens, PLS 6649

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EXHIBIT "D"

Plat of
Easement Description
over Lands of

**The Jim and Marcia
Mickelson Trust**

Bodega Bay Sonoma County California
Scale: 1" = 150' December, 2019

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Job # 181920

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LEGEND

● 3/4" Iron Pipe w/ a 3/4" Brass Tag and Rivet in Wood Plug Stamped "LS 3770"

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

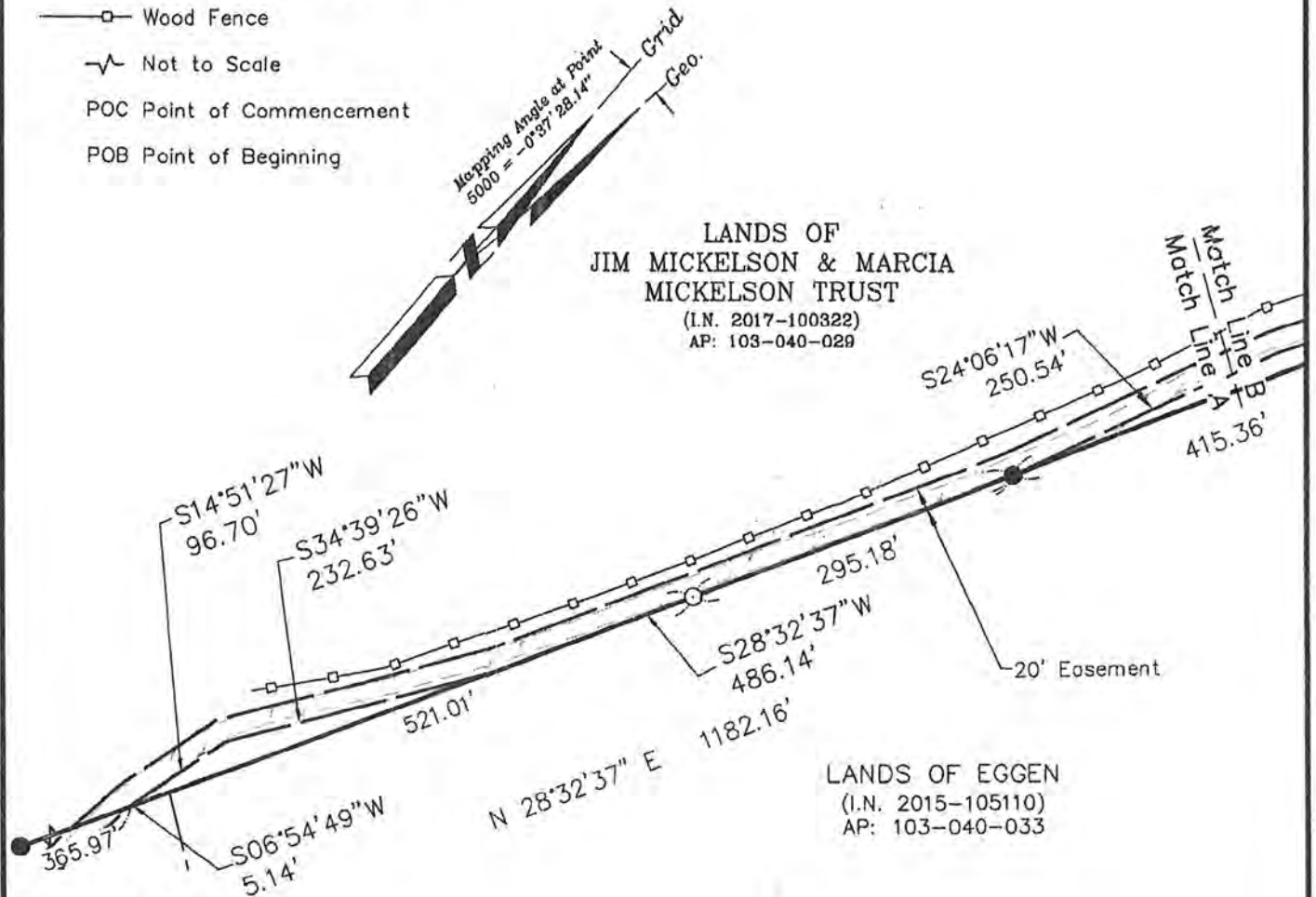
—□— Wood Fence

—∧— Not to Scale

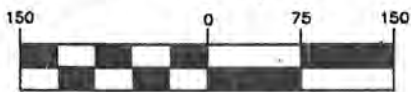
POC Point of Commencement

POB Point of Beginning

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.



GRAPHIC SCALE



(IN FEET)

EXHIBIT "D"

Plat of
Easement Description
over Lands of

The Jim and Marcia Mickelson Trust

Bodega Bay Sonoma County California
Scale: 1" = 150' December, 2019

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Job # 181920

Page 2 of 2

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Professional Land Surveyors
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Novato, California 94949
(415)382-7713

Exhibit "E"

Mickelson (formally Hagemann) to Wildlands

LEGAL DESCRIPTION

Being a portion of the real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from The Hagemann 2009 Trust to The Jim and Marcia Mickelson Trust by Instrument Number 2017-100322, recorded on December 27, 2017 at Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 1 1/4 inch outside diameter iron pipe with a 3/4 inch brass tag and pin stamped "LS 3770" in wood plug at the intersection of the southerly boundary lines of said land conveyed to the Jim and Marcia Mickelson Trust, hereinafter referred to as Mickelson, that bear North 84°27'26" West 897.69 feet (cited in said deed as South 84°27'20" East 897.67 feet) and South 58°46'23" West 639.61 feet (cited in I.N. 2001-060047 as North 41°42'45" East 639.99 feet); thence along said property line conveyed to Mickelson North 58°46'23" East, a distance of 639.61 feet to a 5/8 inch diameter rebar with 2 inch diameter aluminum cap stamped "Curtis and Associates PLS 8485"; thence South 58°46'23" West, a distance of 596.36 feet to the centerline of the 20 foot wide easement being the **POINT OF BEGINNING** of this description and a point on the Mickelson southeasterly boundary; as shown on "**Exhibit F**" attached hereto and made part hereof;

1. thence North 84°37'10" West, a distance of 595.53 feet; to the beginning of a curve with a radius of 315 feet, that is concave to the north;
2. thence westerly, northwesterly along said curve, a distance of 128.23 feet, through a central angle of 23°19'24", to the beginning of a curve with a radius of 235 feet, that is concave to the south;
3. thence westerly, southwesterly along said curve, a distance of 390.85 feet, through a central angle of 95°17'41", to the beginning of a reverse curve with a radius of 270 feet, concave to the northwest;


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(415)382-7713

4. thence southwesterly along said curve, a distance of 125.22 feet, through a central angle of 26°34'23" to the southerly boundary of said property conveyed to Mickelson and being North 87°08'37" West, a distance of 41.61 feet, from a 5/8 inch rebar and 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649".

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the boundary of said property conveyed to Mickelson.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances.

Prepared by:


Lawrence A. Stevens, PLS 6649



01-09-2020

END OF DESCRIPTION.

LEGEND

- 3/4" Iron Pipe & Plastic Plug, (U.N.O.)
- 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

—∨— Not to Scale

POC Point of Commencement

POB Point of Beginning

(R) Radial Bearing

O.D. Outside Diameter

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

GRAPHIC SCALE



(IN FEET)

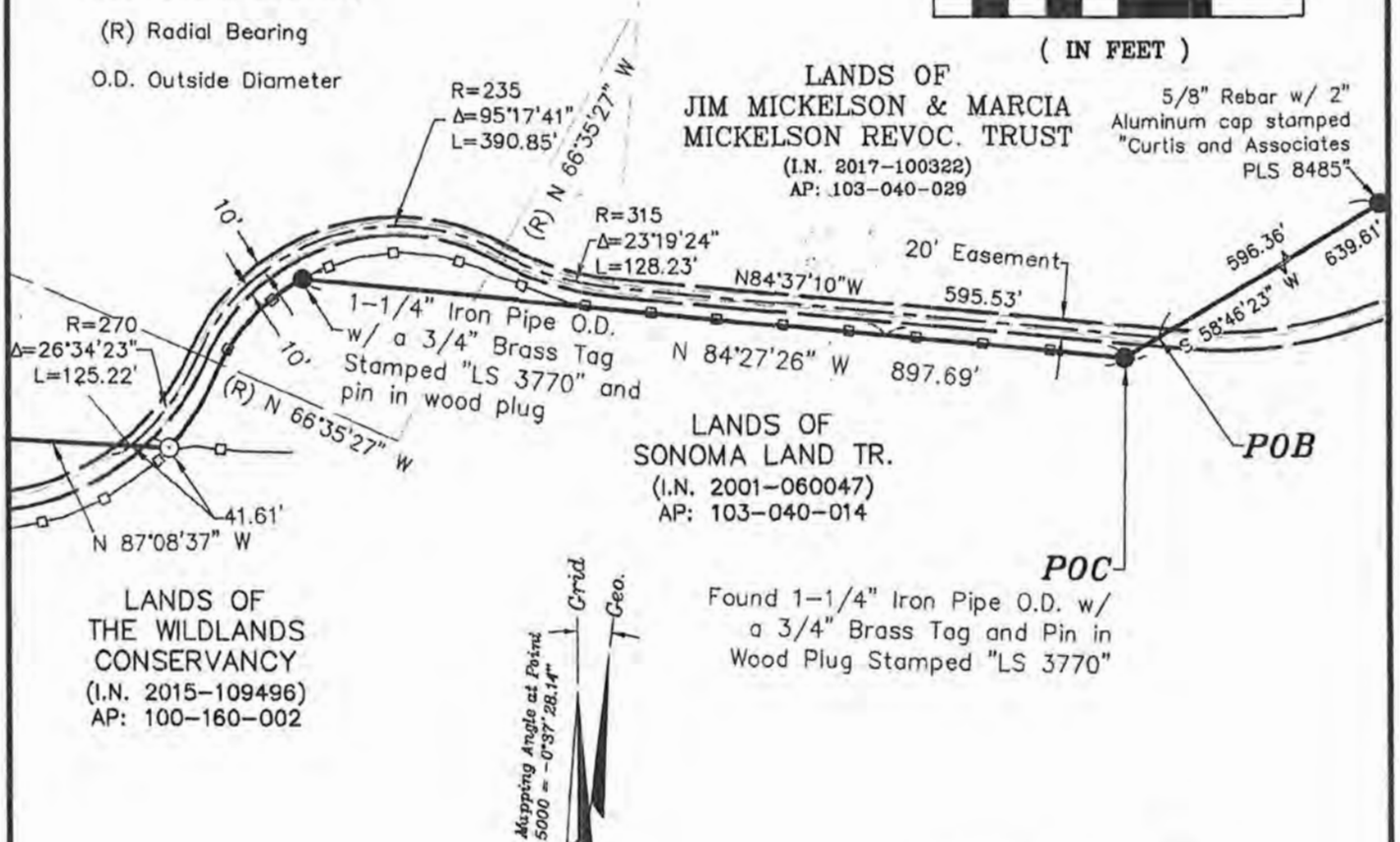


EXHIBIT "F"

Plat of
Easement Description
over Lands of

The Jim and Marcia Mickelson Trust

Bodega Bay Sonoma County California
Scale: 1" = 200' December, 2019

L.A. Stevens & Associates, Inc.
Professional Land Surveyors * (415) 382-7713
7 Commercial Blvd., Suite 1 * Novato, CA 94949

Job # 181920



01-09-2020

Lawrence A. Stevens, PLS 6649

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Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

Exhibit "G"

Mickelson (formally Hagemann) to Wildlands

LEGAL DESCRIPTION

Being a portion of real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from The Hagemann 2009 Trust to The Jim and Marcia Mickelson Trust by Instrument Number 2017-100322 recorded on December 27, 2017 at the Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 5/8 inch diameter rebar with a 1 ½ inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649" at the intersection of the southerly boundary line of said land conveyed to the Jim and Marcia Mickelson Trust, hereinafter referred to as Mickelson, that bears South 87°08'37" East 492.03 feet (cited as South 87°08'30" East 1508.68 feet in said deed), and a curve with the radius of 280.01 feet, central angle of 19°26'41", arc length of 95.03 feet (cited in said deed as a radius of 280 feet, central angle of 19°26'41", arc length of 95.03 feet in said deed); thence along said property line conveyed to Mickelson, North 87°08'37" West, a distance of 492.03 feet to a 5/8 inch diameter rebar with a 1 ½ inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649"; thence South 87°08'37" East, a distance of 38.08 feet to the centerline of the 20 foot wide easement being the **POINT OF BEGINNING** and said point being the beginning of a non-tangent curve concave to the northeast with a radius of 235 feet, the center of which bears North 43°24'54" East, as shown on "**Exhibit H**", attached hereto and made part hereof;

1. thence northwesterly along said curve, a distance of 21.20 feet, through a central angle of 05°10'06";
2. thence North 39°02'30" West, a distance of 74.44 feet, to the beginning of a non-tangent curve with a radius of 255 feet, that is concave to the southwest, the center of which bears South 53°04'14" West;
3. thence northwesterly and westerly along said curve, a distance of 220.75 feet, through a central angle of 49°36'02";
4. thence North 86°31'48" West, a distance of 57.78 feet, to the beginning of a tangent curve with a radius of 65 feet, that is concave to the southeast;


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(415)382-7713

5. thence westerly, southwesterly, and southerly along said curve, a distance of 92.06 feet, through a central angle of 81°08'56";
6. thence South 12°19'17" West, a distance of 109.51 feet, to a point on the southerly boundary of said property conveyed to Mickelson and said point being North 87°08'37" West, a distance of 208.75 feet from a 5/8 inch diameter rebar with a 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649".

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the northerly boundary line of said property.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances.

Prepared by:


Lawrence A. Stevens, PLS 6649



01-09-2020

END OF DESCRIPTION.

LEGEND

○ 5/8" Rebar & Punched Aluminum Cap, Stamped
"LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

—∩— Not to Scale

POC Point of Commencement

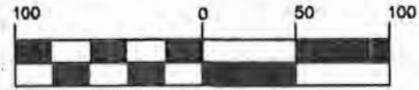
POB Point of Beginning

(R) Radial Bearing

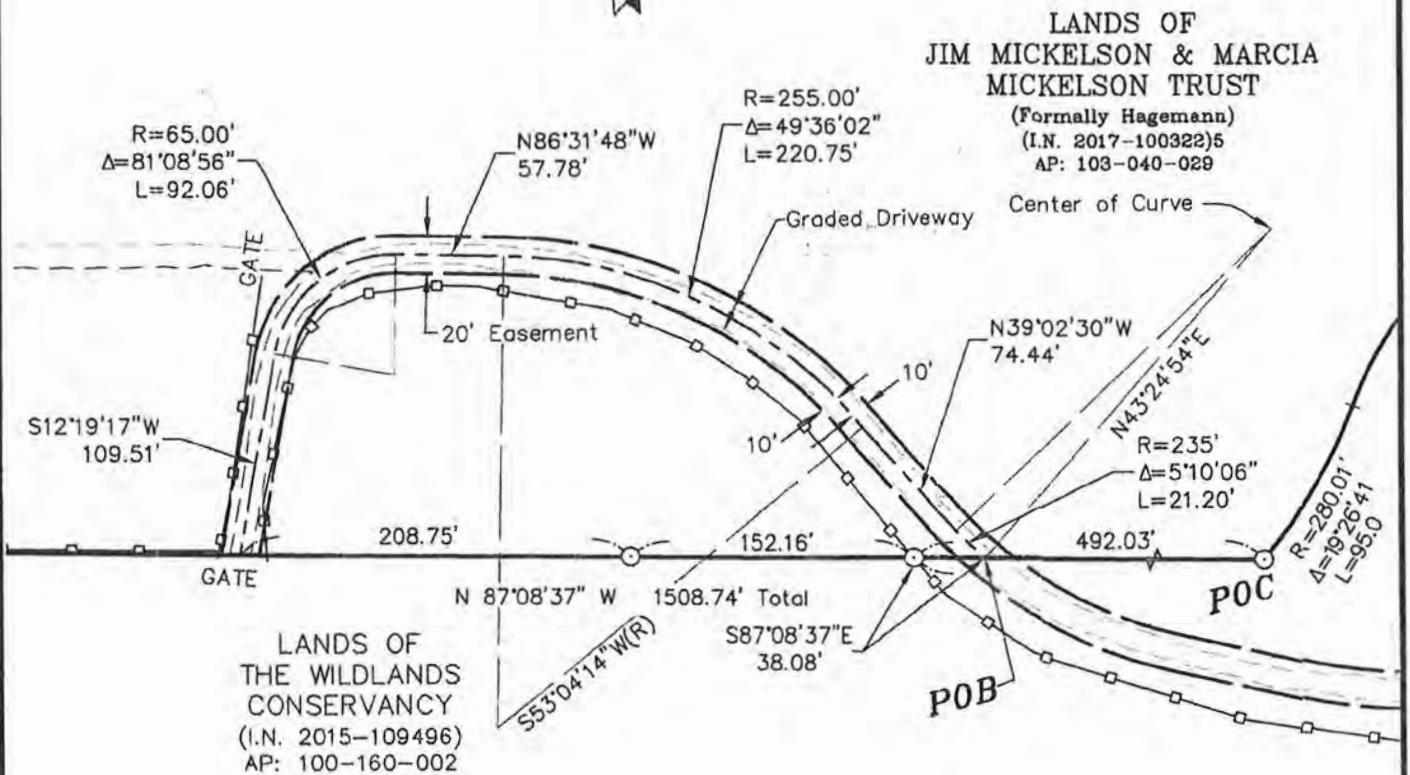
NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.



GRAPHIC SCALE



(IN FEET)



LANDS OF
JIM MICKELSON & MARCIA
MICKELSON TRUST
(Formerly Hagemann)
(I.N. 2017-100322)6
AP: 103-040-029

LANDS OF
THE WILDLANDS
CONSERVANCY
(I.N. 2015-109496)
AP: 100-160-002

EXHIBIT "H"

Plat of
Easement Description
over Lands of

**The Jim and Marcia
Mickelson Trust**

Bodega Bay Sonoma County California
Scale: 1" = 100' December, 2019

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01-09-2020

Lawrence A. Stevens, PLS 6649

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Job # 181920

EXHIBIT 4
Mickelsons to Wildlands
Easement Agreement for
Marshall Property

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

MARK V. ISOLA, ESQ.
BROTHERS SMITH LLP
2033 N. MAIN STREET, SUITE 720
WALNUT CREEK, CA 94596

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 100-160-002 and 103-030-002

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is \$0.00; Exempt pursuant to Government Code section 6103
 computed on full value of property conveyed, or
 computed on full value less of liens and encumbrances remaining at time of sale.
 Unincorporated area: City of
 Realty not sold; Revenue and Taxation Code section 11911

GRANT OF EASEMENT AND EASEMENT AGREEMENT

Assessor Parcel Numbers:
100-160-002 and 103-030-002

GRANT OF EASEMENT AND EASEMENT AGREEMENT

This Grant of Easement and Easement Agreement ("AGREEMENT") is made by and between The Wildlands Conservancy, a California nonprofit public benefit corporation ("WILDLANDS"), and Jim Mickelson and Marcia Mickelson, Trustees of the Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001 ("MICKELSONS") as of the last date it is executed below. WILDLANDS and MICKELSONS individually may be referred to as "PARTY" and together may be referred to as "PARTIES" in this AGREEMENT.

RECITALS

- A. WILDLANDS is the fee owner of that certain real property on Estero Lane described in Exhibit A in that grant deed recorded as instrument number 2015-109496 in the Official Records of Sonoma County ("WILDLANDS PROPERTY").
- B. The MICKELSONS are the fee owners of that certain real property described in Exhibit "A" attached hereto and incorporated herein ("MICKELSON PROPERTY").
- C. The PARTIES and future owners of the WILDLANDS PROPERTY and the MICKELSON PROPERTY shall be bound by this AGREEMENT as set forth below.

DEFINITIONS

- (1) "Caltrans" shall mean the State of California, Department of Transportation.
- (2) "Bridge Replacement Project" shall mean Caltrans' Estero Americano Creek Bridge Replacement Project in Marin and Sonoma Counties, California.
- (3) "Regulatory Agencies" shall mean, collectively, the California Department of Fish and Wildlife, the California Coastal Commission, and the North Coast Regional Water Quality Control Board.
- (4) "Regulatory Approvals" shall mean, collectively, the California Department of Fish and Wildlife Streambed Alteration Agreement Notification No. 1600-2015-0255-R3; the California Coastal Commission Coastal Development Permit approved for Permit Application no. 2-15-1354; and the North Coast Regional Water Quality Control Board through the Water Quality Certification WDID No. 1B15135WNSO.
- (5) "Caltrans Off-Site Mitigation Project" shall mean the project to fulfill all conditions of off-site mitigation and monitoring to compensate for impacts of the Bridge Replacement Project as required by any regulatory conditions associated therewith and the Regulatory Agencies through their Regulatory Approvals, as well as any additional or modified conditions imposed by the Regulatory Agencies, including, but not necessarily limited to, any remedies, penalties, or sanctions associated with delay, alleged violations or threatened violations of Regulatory Approvals, applications for extensions of Regulatory Approvals, expiration of existing Regulatory Approvals, or new applications required as a result of expiration of existing Regulatory Approvals.

AGREEMENT

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

1. MICKELSONS hereby grant to WILDLANDS a non-exclusive easement ("EASEMENT") solely for the following: (i) ingress and egress, excluding high intensity uses or use by heavy equipment (which does not include farm tractors), over and across that portion of the MICKELSON PROPERTY described in Exhibit "A" attached hereto and incorporated herein ("EASEMENT AREA", a plat of which is depicted in Exhibit "B" attached hereto and incorporated herein), solely for private use by WILDLANDS's employees, agents, officers, directors, managers, contractors, subcontractors, and lessees (for grazing only), employees and agents of such contractors and subcontractors, and invitees as necessary for the Caltrans Off-Site Mitigation Project, for access to the WILDLANDS PROPERTY; (ii) ingress and egress over and across the EASEMENT AREA for purposes related to the Caltrans Off-Site Mitigation Project, if the WILDLANDS PROPERTY is used for that project, including any oversight required by Regulatory Agencies overseeing the Caltrans Off-Site Mitigation Project, only until the conditions of the Caltrans Off-Site Mitigation Project are satisfied, or for a period of ten years, whichever is less; and (iii) subject to paragraph 10, ingress and egress over and across the EASEMENT AREA for invited guests' access to the WILDLANDS PROPERTY for environmental-related programs at the WILDLANDS PROPERTY ("SPECIAL EVENTS") not to exceed four times per calendar year, not to be overnight, and not to exceed thirty guests and eight vehicles per SPECIAL EVENT, upon at least 72 hours prior actual notice to the MICKELSONS. The event held on the WILDLANDS PROPERTY on November 7, 2019, is deemed to be one SPECIAL EVENT for 2020.
2. The EASEMENT is appurtenant to the WILDLANDS PROPERTY. This AGREEMENT and the easements granted herein constitute covenants running with the land and shall inure to the benefit of and be binding upon MICKELSONS and WILDLANDS, and their respective successors and assigns who acquire any interest in the MICKELSONS PROPERTY or the WILDLANDS PROPERTY. All of the provisions of this AGREEMENT shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation Section 1468 of the California Civil Code. The terms and conditions of this AGREEMENT shall be perpetual, unless otherwise modified or terminated pursuant to Section 11 below.
3. Unless an alternative maintenance agreement is reached involving the MICKELSONS and WILDLANDS that expressly supersedes this provision, the MICKELSONS and WILDLANDS are responsible for maintenance of the EASEMENT AREA in accordance with California Civil Code section 845. In addition, within 6 months of beginning construction of the Caltrans Off-Site Mitigation Project, WILDLANDS shall repair any impacts to the EASEMENT AREA caused by the use of the EASEMENT AREA for the Caltrans Off-Site Mitigation Project.

4. No Party shall make any use of the EASEMENT AREA which unreasonably interferes with any person's free use and enjoyment of the EASEMENT as established under this Agreement. MICKELSONS may install one boundary gate in the EASEMENT AREA, which, so long as they provide the PARTIES with a key, code, or other ready means of through access, will not constitute an unreasonable interference under this paragraph.
5. Breach of any restriction or provision of this AGREEMENT does not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value, but all of the restrictions and other provisions of this AGREEMENT are binding and effective as to any mortgagee or beneficiary of a deed of trust that acquires fee title by foreclosure, trustee's sale, or otherwise. The PARTIES will obtain Subordination of Lien to Easement from any lenders holding interests in their respective properties.
6. Nothing contained in this AGREEMENT shall be deemed to be a gift or dedication of all of any portion of the EASEMENT AREA to the general public, or for any public use or purpose whatsoever. Except as specifically provided in this AGREEMENT, no right, privileges, or immunities of WILDLANDS or MICKELSONS shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained in this AGREEMENT.
7. WILDLANDS and its successors shall indemnify MICKELSONS and their successors, and hold them harmless, against any claims, demands, damages, actions, and causes of action that arise from or are connected with WILDLANDS' use of the EASEMENT pursuant to this AGREEMENT.
8. WILDLANDS shall at all times maintain liability insurance with a minimum policy amount of two million dollars covering all claims on an occurrence basis arising from WILDLANDS's use of the EASEMENT pursuant to this AGREEMENT, and MICKELSONS shall be named as additional insureds in all such insurance policies.
9. The PARTIES shall attempt to resolve any disputes arising under this AGREEMENT through good faith negotiation. A dispute shall be considered to have arisen when a written Notice of Dispute is transmitted to the other parties. If after 30 days of transmittal of the Notice of Dispute, the complainant concludes that the PARTIES have reached an impasse, then the complainant may seek resolution of the dispute through an appropriate motion with the Superior Court for the County of Sonoma. The PARTIES may continue to attempt to resolve the Notice of Dispute while the matter is pending before the Court.
10. For each SPECIAL EVENT in violation of the limits in paragraph 1 (as determined by the Court or by agreement of all PARTIES), the annual number of SPECIAL EVENTS allowed in the following calendar year shall be reduced to zero.
11. Invalidation of any of the provisions in this AGREEMENT, or of the application thereof to any PARTY, by judgment or court order, shall in no way affect any other provision of this AGREEMENT and the same shall remain in full force and effect.
12. This AGREEMENT constitutes the entire agreement between the PARTIES concerning

the subjects of this AGREEMENT. No amendment of this AGREEMENT shall be valid unless in writing and signed by all owners of the real property that is the subject of this AGREEMENT at the time the amendment is made, and recorded in the Official Records of Sonoma County, California.

13. The PARTIES agree that in any action filed to enforce any terms of this AGREEMENT, the prevailing party in such action shall be entitled to recover their reasonable attorney's fees and costs from the breaching party.
14. All signatures of PARTIES to this AGREEMENT shall be acknowledged before a Notary Public to allow them to be recorded. This AGREEMENT shall be recorded in the Official Records of Sonoma County, California after it is fully executed, by WILDLANDS or its agent. Upon recordation, WILDLANDS shall provide MICKELSONS with a conformed copy of the recorded AGREEMENT within seven business days.
15. Notices provided for in this AGREEMENT shall be either in writing or in electronic mail and shall be deemed sufficiently given either when delivered personally at the appropriate address set forth below or when transmitted by e-mail to the email address set forth below.

Notice to MICKELSONS shall be delivered as follows:

Jim and Marcia Mickelson
P.O. Box 2689
Petaluma, CA 94953
Email: Jim@jerryanddonsyager.com

Notice to WILDLANDS shall be delivered as follows:

The Wildlands Conservancy
Attn: David Myers
39611 Oak Glen Road, Building 12
Oak Glen, CA 92399
Email: David Myers dm@twc-ca.org and Brook Edwards brook.e@twc-ca.org

The addresses and addressees for purposes of this section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such notice is received, the last address and addressee as stated by notice or as provided herein, if no notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

16. This AGREEMENT may be executed in counterparts. Each counterpart shall have the same force and effect as an original and shall together constitute an effective, binding agreement on each of the PARTIES.
17. Each of the individuals executing this AGREEMENT represents and warrants that he or she has been authorized to do so and has the power to bind the party for whom they are signing.

18. This AGREEMENT shall be construed in accordance with the laws of the State of California and shall be deemed jointly drafted by the PARTIES. Any ambiguity shall not be construed against one of the PARTIES in favor of another.

(signatures on the next page)

IN WITNESS WHEREOF, the PARTIES execute this AGREEMENT as follows:

Date: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

By:
Its:

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April 11,
2001**

By: Jim Mickelson, Trustee

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April 11,
2001**

By: Marcia Mickelson, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Seal]

Signature of Notary

L.A. Stevens & Associates, Inc.
Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

Exhibit "A"

Marshall (Mickelson) to Tibbetts/Wildlands

Preliminary - 1/9/2020

LEGAL DESCRIPTION

Being a portion of real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from Sueanne S. Marshall 2014 Revocable Trust, U/D/T to The Jim & Marcia Mickelson Trust by Instrument Number _____ recorded on _____ at the Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 1 inch diameter open iron pipe, 0.4 feet above ground, at the intersection of the westerly boundary lines of the lands conveyed to Sueanne S. Marshall 2014 Revocable Trust by Instrument Number 2014-040191, recorded June 11, 2014 at the Sonoma County Recorder's office, hereinafter referred to as Marshall, that bear North 01°00'59" East 621.66 feet (cited in said deed as North 16° West 9.42 chains) and a line bearing North 18°00'52" East 536.52 feet (cited in said deed as North 01°00' East for 8.08 chains); thence N18°00'52"E, a distance of 536.52 feet to a 5/8 inch diameter rebar and 1 ½ inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649", marking the northwest corner of said Marshall conveyance; thence South 80°22'32" East, a distance of 18.42 feet, to **Point "A"** being an angle point on the centerline of the 20 foot wide easement; thence North 13°47'21" East, a distance of 2.6 feet, more or less, to the northerly boundary line of said Marshall conveyance and being the **POINT OF BEGINNING** of this description, as shown on "**Exhibit B**" attached hereto and made part hereof;

1. thence South 13°47'21" West, a distance of 2.6 feet, more or less, to said **Point "A"**;
2. thence South 18°53'16" West, a distance of 458.81 feet;
3. thence South 13°46'37" West, a distance of 99.24 feet, to a point which bears South 25°40'48" East, a distance of 26.85 feet, from said **Point of Commencement**;
4. thence South 00°48'02" West, a distance of 507.26 feet;

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7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

5. thence South 16°03'19" West, a distance of 53.85 feet, to a point on the westerly boundary line of said Marshall conveyance which bears North 01°00'59" East, a distance of 38.41 feet, from a 1 ¼ inch outside diameter iron pipe with wood plug, 0.2 feet below ground, marking the southwest corner of said Marshall conveyance.

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the boundary of said property conveyed to Marshall.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain ground distances.

Prepared by:

Lawrence A. Stevens, PLS 6649

END OF DESCRIPTION

LEGEND

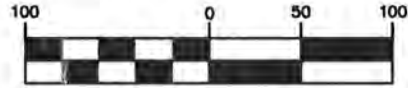
- 3/4" Iron Pipe & Plastic Plug, (U.N.O.)
- 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

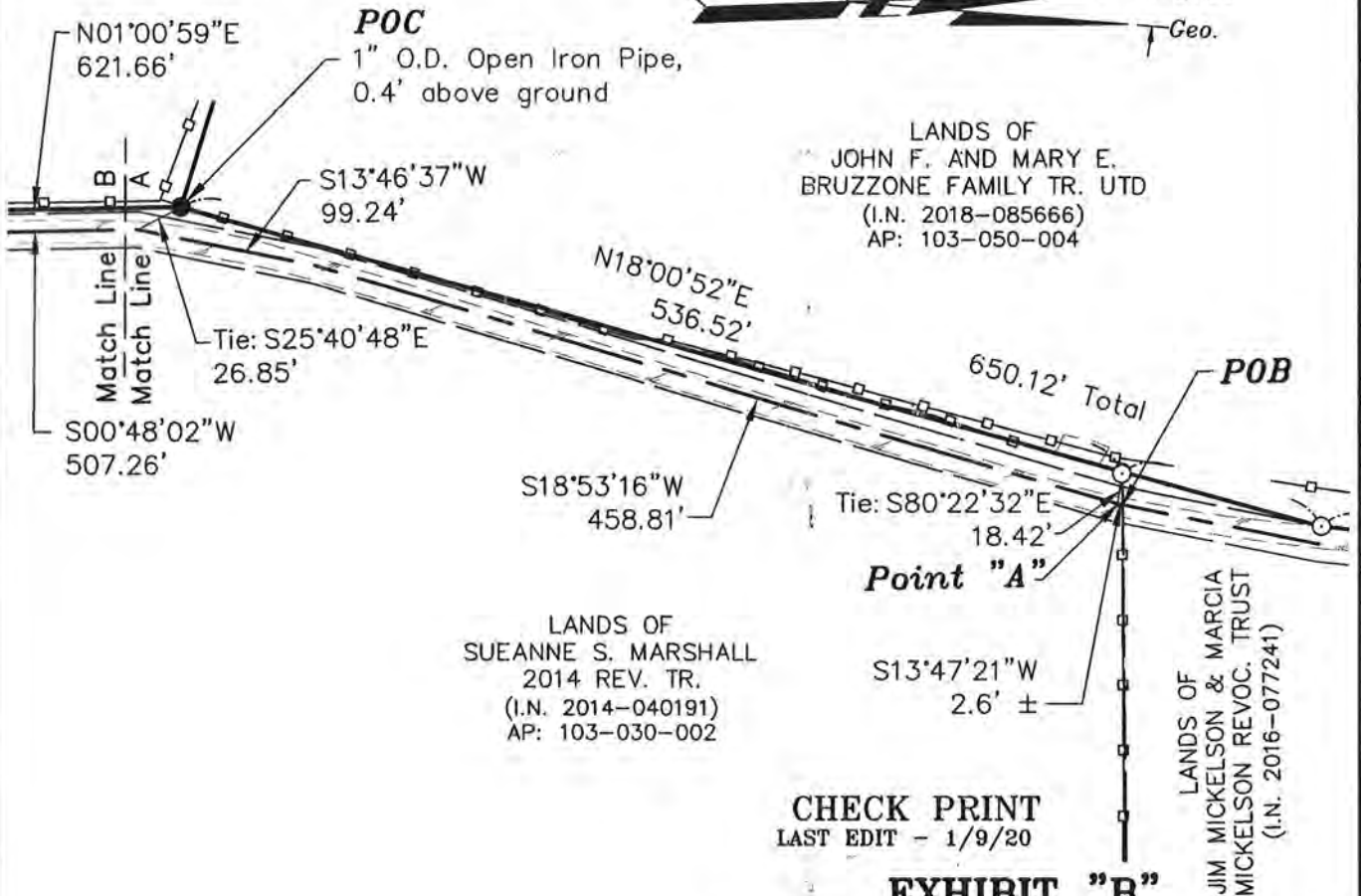
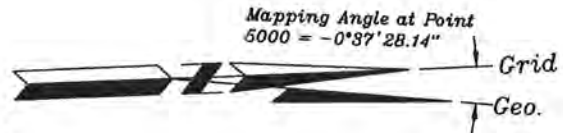
- Wood Fence
- ^—/NTS Not to Scale
- POC Point of Commencement
- POB Point of Beginning
- /— Edge of Pavement

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

GRAPHIC SCALE



(IN FEET)



Plat of Easement Description over Lands of "Sueanne S. Marshall 2014 Revocable Trust"

Bodega Bay Sonoma County California
Scale: 1" = 100' December, 2019

L.A. Stevens & Associates, Inc.

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Job # 181920

Page 1 of 2

Lawrence A. Stevens, PLS 6649

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LEGEND

- Found 3/4" Iron Pipe & Plastic Plug, (U.N.O.)
- 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

—∧— NTS Not to Scale

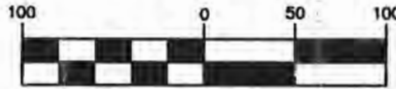
POC Point of Commencement

POB Point of Beginning

—>— Edge of Pavement

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.

GRAPHIC SCALE



(IN FEET)



LANDS OF
JIM MICKELSON & MARCIA
MICKELSON TRUST
(Formerly Hagemann)
(I.N. 2017-100322)
AP: 103-040-029

POC

1" O.D. Open Iron Pipe
0.4' above ground

1 1/4" O.D. Iron Pipe
with Wood Plug, 0.2'
below ground

N01°00'59"E
38.41'

N01°00'59"E

621.66'

LANDS OF EGGEN
(I.N. 2015-105110)

S16°03'19"W
53.85'

S00°48'02"W
507.26'

LANDS OF
SUEANNE S. MARSHALL
2014 REV. TR.
(I.N. 2014-040191)
AP: 103-030-002

S13°46'37"W
99.24'

Match Line
Match Line

CHECK PRINT
LAST EDIT - 1/9/20

EXHIBIT "B"

Plat of Easement Description over Lands of
**"Sueanne S. Marshall 2014
Revocable Trust"**

Bodega Bay Sonoma County California
Scale: 1" = 100' December, 2019

L.A. Stevens & Associates, Inc.

Professional Land Surveyors • (415) 382-7713
7 Commercial Blvd., Suite 1 • Novato, CA 94949

Job # 181920

Page 2 of 2

EXHIBIT 5
Wildlands to Mickelsons
Easement Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

PETER PROWS
BRISCOE IVESTER & BAZEL LLP
155 SANSOME STREET, SUITE 700
SAN FRANCISCO, CA 94104

APN 100-160-002, 103-040-029

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$0.00; Exempt pursuant to Government Code section 6103

computed on full value of property conveyed, or

computed on full value less of liens and encumbrances remaining at time of sale.

Unincorporated area: City of

Realty not sold; Revenue and Taxation Code section 11911

GRANT OF EASEMENT AND EASEMENT AGREEMENT

GRANT OF EASEMENT AND EASEMENT AGREEMENT

This Grant of Easement and Easement Agreement ("AGREEMENT") is made by and between The Wildlands Conservancy, a California nonprofit public benefit corporation ("WILDLANDS"), and Jim Mickelson and Marcia Mickelson, Trustees of the Jim Mickelson and Marcia Mickelson Revocable Trust Agreement Dated April 11, 2001 ("MICKELSONS"), as of the last date it is executed below. WILDLANDS and MICKELSONS individually may be referred to as "PARTY" and together may be referred to as "PARTIES" in this AGREEMENT.

RECITALS

- A. WILDLANDS is the fee owner of that certain real property on Estero Lane described in Exhibit A in that grant deed recorded as instrument number 2015-109496 in the Official Records of Sonoma County ("WILDLANDS PROPERTY").
- B. The MICKELSONS are the fee owners of that certain real property on Estero Lane, described as "Parcel One" in Exhibit A in that grant deed recorded as instrument number 2017-100322 in the Official Records of Sonoma County ("MICKELSONS PROPERTY").
- C. The PARTIES and future owners of the WILDLANDS PROPERTY and the MICKELSONS PROPERTY shall be bound by this AGREEMENT as set forth below.

AGREEMENT

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the PARTIES agree as follows:

1. WILDLANDS hereby grants to MICKELSONS a non-exclusive easement ("EASEMENT") solely for the following: (i) ingress and egress over and across that portion of the WILDLANDS PROPERTY described in Exhibit "A" attached hereto and incorporated herein ("EASEMENT AREA", a plat of which is depicted in Exhibit "B" attached hereto and incorporated herein), solely for private use by MICKELSONS and their employees, agents, contractors, and subcontractors for ranching and related purposes and not for high intensity uses or use by heavy equipment (which does not include farm tractors), unless specifically allowed by WILDLANDS.

2. The EASEMENT is appurtenant to the MICKELSONS PROPERTY. This AGREEMENT and the easements granted herein constitute covenants running with the land and shall inure to the benefit of and be binding upon MICKELSONS and WILDLANDS, and their respective successors and assigns who acquire any interest in the MICKELSONS PROPERTY or the WILDLANDS PROPERTY. All of the provisions of this AGREEMENT shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation Section 1468 of the California Civil Code. The terms and conditions of this AGREEMENT shall be perpetual, unless otherwise modified or terminated pursuant to Section 11 below.

3. Unless an alternative maintenance agreement is reached involving the MICKELSONS and WILDLANDS that expressly supersedes this provision, the MICKELSONS and WILDLANDS are responsible for maintenance of the EASEMENT AREA in accordance with California Civil Code section 845.

4. No Party shall make any use of the EASEMENT AREA which unreasonably interferes with any person's free use and enjoyment of the EASEMENT as established under this Agreement. No vehicle(s) shall be parked on or within the EASEMENT AREA, nor shall any impediment be placed, stored or maintained on or within the EASEMENT AREA. No person shall in any way prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use of the Easement by any of the Parties or their guests, licensees, invitees, contractors, and other agents.

5. Breach of any restriction or provision of this AGREEMENT does not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value, but all of the restrictions and other provisions of this AGREEMENT are binding and effective as to any mortgagee or beneficiary of a deed of trust that acquires fee title by foreclosure, trustee's sale, or otherwise. The PARTIES will obtain Subordination of Lien to Easement from any lenders holding interests in their respective properties.

6. Nothing contained in this AGREEMENT shall be deemed to be a gift or dedication of all of any portion of the EASEMENT AREA to the general public, or for any public use or purpose whatsoever. Except as specifically provided in this AGREEMENT, no right, privileges, or immunities of WILDLANDS or MICKELSONS shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained in this AGREEMENT.

7. MICKELSONS and its successors shall indemnify WILDLANDS and its successors, and hold them harmless, against any claims, demands, damages, actions, and causes of action that arise from or are connected with MICKELSONS' use of the EASEMENT pursuant to this AGREEMENT.

8. Invalidity of any of the provisions in this AGREEMENT, or of the application thereof to any PARTY, by judgment or court order, shall in no way affect any other provision of this AGREEMENT and the same shall remain in full force and effect.

9. This AGREEMENT constitutes the entire agreement between the PARTIES concerning the subjects of this AGREEMENT. No amendment of this AGREEMENT shall be valid unless in writing and signed by all owners of the real property that is the subject of this AGREEMENT at the time the amendment is made, and recorded in the Official Records of Sonoma County, California.

10. The PARTIES shall attempt to resolve any disputes arising under this AGREEMENT through good faith negotiation. A dispute shall be considered to have arisen when a written Notice of Dispute is transmitted to the other parties. If after 30 days of transmittal of the Notice of Dispute, the complainant concludes that the

PARTIES have reached an impasse, then the complainant may seek resolution of the dispute through an appropriate motion with the Superior Court for the County of Sonoma. The PARTIES may continue to attempt to resolve the Notice of Dispute while the matter is pending before the Court.

11. The PARTIES agree that in any action filed to enforce any terms of this AGREEMENT, the prevailing party in such action shall be entitled to recover their reasonable attorney's fees and costs from the breaching party.

12. All signatures of PARTIES to this AGREEMENT shall be acknowledged before a Notary Public to allow them to be recorded. This AGREEMENT shall be recorded in the Official Records of Sonoma County, California after it is fully executed, by MICKELSONS or their agent. Upon recordation, MICKELSONS shall provide WILDLANDS with a conformed copy of the recorded AGREEMENT within seven (7) business days.

13. Notices provided for in this AGREEMENT shall be either in writing or in electronic mail and shall be deemed sufficiently given either when delivered personally at the appropriate address set forth below or when transmitted by e-mail to the email address set forth below.

Notice to MICKELSONS shall be delivered as follows:

Jim and Marcia Mickelson
P.O. Box 2689
Petaluma, CA 94953
Email: Jim@jerryanddonsyager.com

Notice to WILDLANDS shall be delivered as follows:

The Wildlands Conservancy
Attn: David Myers
39611 Oak Glen Road, Building 12
Oak Glen, CA 92399
Email: David Myers dm@twc-ca.org and Brook Edwards brook.e@twc-ca.org

The addresses and email addressees for purposes of this section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such notice is received, the last address and addressee as stated by notice or as provided herein, if no notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

14. This AGREEMENT may be executed in counterparts. Each counterpart shall have the same force and effect as an original and shall together constitute an effective, binding agreement on each of the PARTIES.

15. Each of the individuals executing this AGREEMENT represents and warrants that he or she has been authorized to do so and has the power to bind the party for

whom they are signing.

16. This AGREEMENT shall be construed in accordance with the laws of the State of California and shall be deemed jointly drafted by the PARTIES. Any ambiguity shall not be construed against one of the PARTIES in favor of another.

Date: _____

THE WILDLANDS CONSERVANCY,
a California nonprofit public benefit corporation

By:
Its:

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April
11, 2001**

By: Jim Mickelson, Trustee

Date: _____

**Jim Mickelson and Marcia Mickelson
Revocable Trust Agreement Dated April
11, 2001**

By: Marcia Mickelson, Trustee

MAIL TAX STATEMENTS AS DIRECTED ABOVE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____ before me, _____, personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
) ss.
County of _____)

On _____ before me, _____, personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Notary Public

LA STEVENS & Associates, Inc.
Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

Exhibit "A"

Wildlands to Mickelson and Tibbets

LEGAL DESCRIPTION

Being a portion of real property located in Bodega Bay, County of Sonoma, State of California, conveyed by deed from The George Bottarini and Scotty L. Bottarini Revocable Intervivos Trust to The Wildlands Conservancy by Instrument Number 2015-109496 recorded on December 24, 2015 at the Sonoma County Recorder's office, more particularly described as follows:

Being a strip of land 20 feet wide, the centerline of which is more particularly described as follows:

COMMENCING at a 5/8 inch diameter rebar with a 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649" at the intersection of the northerly boundary line of said conveyance that bears South 87°08'37" East 492.03 feet (conveyed as South 87°08'30 East 1508.68 feet in said deed), and curve with the radius of 280.01 feet, a central angle of 19°26'41", arc length of 95.03 feet (conveyed as radius of 280 feet, central angle of 19°26'41", arc length of 95.03 feet in said deed); thence along the northerly boundary line of said conveyance North 87°08'37" West, a distance of 492.03 feet, to a 5/8 inch diameter rebar with a 1 1/2 inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649"; thence South 87°08'37" East, a distance of 450.43 feet, to the centerline of a 20 foot wide easement being the **POINT OF BEGINNING** of this description and the beginning of a non-tangent curve with a radius of 270 feet, concave to the northwest, the center of which bears North 40°01'05" West; as shown on "**Exhibit B**" attached hereto and made part hereof;

1. thence continuing southwesterly and westerly along said curve, a distance of 260.09 feet, through a central angle of 55°11'31";
2. thence North 74°52'37" West, a distance of 69.76 feet, to the beginning of a curve, concave to the northeast, with a radius of 235 feet;


LA STEVENS & Associates, Inc.
Professional Land Surveyors
7 Commercial Blvd. Suite 1.
Novato, California 94949
(415)382-7713

3. thence westerly and northwesterly along said curve, a distance of 116.04 feet, through a central angle of 28°17'30" to a point on the northerly boundary of said conveyance, said point being South 87°08'37" East, a distance of 38.08 feet, from a 5/8 inch diameter rebar with a 1 ½ inch diameter punched aluminum cap stamped "LA STEVENS PLS 6649".

The sidelines of said strip of land shall be prolonged or shortened so as to terminate on the boundary of said property conveyed to The Wildlands Conservancy.

All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances.

Prepared by:


Lawrence A. Stevens, PLS 6649



01-09-2020

END OF DESCRIPTION.

LEGEND

○ 5/8" Rebar & Punched Aluminum Cap, Stamped "LA STEVENS PLS 6649"

UNO Unless Noted Otherwise

—□— Wood Fence

—∧— Not to Scale

POC Point of Commencement

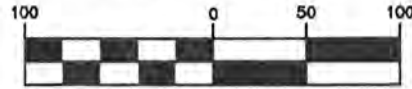
POB Point of Beginning

(R) Radial

NOTE: All distances are in grid feet and decimals thereof. Multiply by 1.00001479 to obtain local ground distances. Stated coordinates & bearings are relative to Grid North based on the California Coordinate System of 1983 (CCS83), Zone 2, Epoch 2010.00.



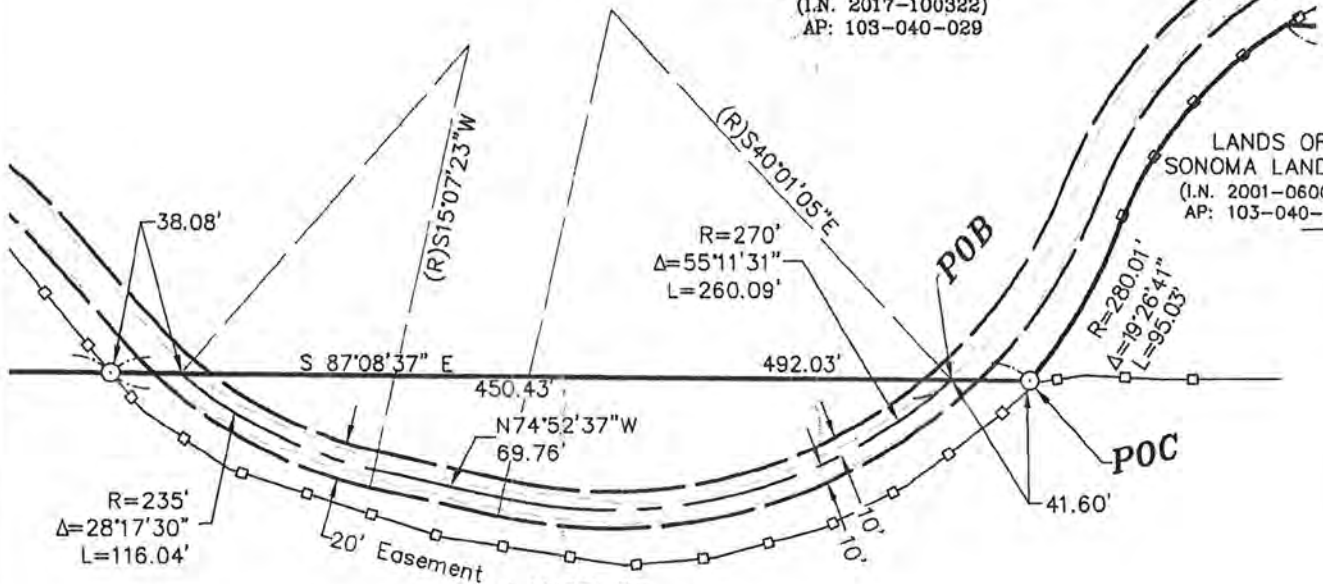
GRAPHIC SCALE



(IN FEET)

LANDS OF
JIM MICKELSON & MARCIA
MICKELSON REVOC. TRUST
(Formally Hagemann)
(I.N. 2017-100322)
AP: 103-040-029

LANDS OF
SONOMA LAND TR.
(I.N. 2001-060047)
AP: 103-040-014



LANDS OF
THE WILDLANDS
CONSERVANCY
(I.N. 2015-109496)
AP: 100-160-002

EXHIBIT "B"

Plat of
Easement Description
Over Lands of

Wildlands Conservancy

Bodega Bay Sonoma County California
Scale: 1" = 100' December, 2019

L.A. Stevens & Associates, Inc.

Professional Land Surveyors * (415) 382-7713
7 Commercial Blvd., Suite 1 * Novato, CA 94949

Job # 181920



01-09-2020

Lawrence A. Stevens, PLS 6649

Copyright © Lawrence A Stevens 2020

EXHIBIT 6
Form of Stipulated Judgment

1 JOHN BRISCOE (No. 053223)
2 RICHARD WALLACE (No. 124286)
3 PETER PROWS (No. 257819)
4 BRISCOE IVESTER & BAZEL LLP
5 155 Sansome Street, Seventh Floor
6 San Francisco, CA 94104
7 Telephone: (415) 402-2700
8 Facsimile: (415) 398-5630
9 pprows@briscoelaw.net

10 Attorneys for Plaintiffs and Cross-Defendants

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SONOMA

14 JOHN C. TIBBETTS and MARY DENISE
15 TIBBETTS, Trustees of the Tibbetts Trust
16 dated December 11, 2001; JIM MICKELSON
17 and MARCIA MICKELSON, Trustees of the
18 Jim Mickelson and Marcia Mickelson
19 Revocable Trust Agreement dated April 11,
20 2001,

21 Plaintiffs and Cross-
22 Defendants,

23 v.

24 STATE DEPARTMENT OF
25 TRANSPORTATION, a California public
26 agency; THE WILDLANDS
27 CONSERVANCY, a California nonprofit
28 corporation; and DOES 1 THROUGH 40,

Defendants and Cross-
Complainants,

and Related Cross-Complaints.

CASE NO. SCV-260916

JUDGMENT
(Pursuant to Stipulation)

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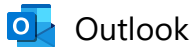
Upon the parties' stipulation:

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. The interlocutory appeal in this matter, in the California Court of Appeal, First Appellate District, case no. A155434, whether decided or not, shall have no effect on the rights and duties of the parties; this Stipulated Judgment shall control so as to resolve all issues involved in the pending litigation.
2. Attached is a document entitled "SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, THE WILDLANDS CONSERVANCY, JOHN C. TIBBETTS AND MARY DENISE TIBBETTS, TRUSTEES OF THE TIBBETTS TRUST DATED DECEMBER 11, 2001, AND JIM MICKELSON AND MARCIA MICKELSON, TRUSTEES OF THE JIM MICKELSON AND MARCIA MICKELSON REVOCABLE TRUST AGREEMENT DATED APRIL 11, 2001" ("Settlement Agreement"), dated as of _____. The Settlement Agreement is incorporated into this judgment by reference. The recitals and agreements set forth in the Settlement Agreement are deemed adjudged, and the conditions, specifications, and obligations set forth in the Settlement Agreement are hereby ordered to be performed by the parties, respectively, as provided in the Settlement Agreement.
3. A statement of decision, notice of motion for entry of judgment, notice of entry of judgment, and right of appeal or collateral attack have been waived. The parties shall bear their own costs and fees in this action and the interlocutory appeal.
4. The Court shall retain jurisdiction to enforce this judgment in response to an appropriate motion, including under CCP §§ 664.6 or 717.010.

Dated: _____

Judge of the Superior Court



Re: Bodega Harbour HOA comments on Nov. 14, 2024 CCC Agenda Items 8a and 10c

From Tom Roth <rothlaw1@comcast.net>

Date Fri 11/8/2024 4:04 PM

To NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>; Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>

6 attachments (3 MB)

NPS.pdf; BHHA Forecast v. 3_0001.pdf; Mary Promo_0001.pdf; Bodega CDP Comments v11.pdf; RANA Kephart Paul Resume 2024.pdf; PK 2024.11.01_Parking anayses [1] v2.pdf;

Due to a computer error, I am re-sending this email.

I represent the Bodega Harbour HOA.

On Bodega Harbour HOA's behalf, I submit the following comments and expert reports for the following agenda items:

Consolidated CDP Application No. 2-24-0867 by The Wildlands Conservancy; Agenda Item No. 10c, Nov. 14, 2024; and Sonoma County Local Coastal Program Amendment No. LCP-2-SON-23-0058-2 (Land Use Plan Update), Agenda Item 8a, Nov. 14, 2024

I attach, being submitted for BOTH agenda items:

1. Bodega Harbour HOA's written comments (30 pages);
2. Nov. 5, 2024 letter from Mary O'Hara-Devereaux, Global Foresight in support of comments
3. CV of Mary O'Hara-Devereaux, Global Foresight
4. Nov. 8, 2024 letter from Rana Creek in support of comments
5. CV of Paul Kephart
6. National Park Service data

Thank you

Tom Roth
Law Offices of Thomas D. Roth
1900 S. Norfolk Street
Suite 350
San Mateo, CA 94403

LAW OFFICES OF THOMAS D. ROTH
1900 S. Norfolk Street, Suite 350
San Mateo, CA 94403
(415) 508-5810
Rothlaw1@comcast.net

November 8, 2024

By E-Mail

Kate Huckelbridge
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco CA 94105
Kate.Huckelbridge@coastal.ca.gov

Stephanie Rexing
North Central Coast District Manager
California Coastal Commission
North Central Coast Office
455 Market Street, Suite 300
San Francisco, CA 94105
NorthCentralCoast@coastal.ca.gov

Eric Stevens
Transportation Program Analyst
California Coastal Commission
301 E. Ocean Blvd, Suite 300
Long Beach, CA, 90802
eric.stevens@coastal.ca.gov

Board of Supervisors (by overnight)
Sonoma County
2550 Ventura Avenue
Santa Rosa, CA 95403

Tennis Wick (by overnight)
Director
Permit Sonoma
Sonoma County
2550 Ventura Avenue
Santa Rosa, CA 95403

Bert Whitaker (by overnight)
Director
Sonoma County Regional Parks
400 Aviation Blvd., Suite 100
Santa Rosa, CA 95403

Re: Bodega Harbour HOA Comments on Consolidated CDP Application No. 2-24-0867 by The Wildlands Conservancy (“TWC”); Agenda Item No. 10c, Nov. 14, 2024; and

Bodega Harbour HOA Comments on Sonoma County Local Coastal Program Amendment No. LCP-2-SON-23-0058-2 (Land Use Plan Update), Agenda Item 8a, Nov. 14, 2024

Dear Government Officials:

This law firm represents Bodega Harbour HOA (“Bodega Harbour”).

On behalf of Bodega Harbour, we submit the following comments on the consolidated coastal development permit (“CDP”) application No. 2-24-0867, submitted to the California Coastal Commission (“CCC”) by The Wildlands Conservancy (“TWC”) for recreational use of the old Estero Ranch, and a related public access plan. The Bodega Harbour subdivision borders the Estero Ranch that is the subject of the CDP application and is directly and adversely impacted by TWC’s proposal.

In addition, Bodega Harbour submits comments on Sonoma County Local Coastal Program Amendment No. LCP-2-SON-23-0058-2 (Land Use Plan Update).

Bodega Harbour also submits in support of these comments via hand delivery two (2) USB sticks containing supporting and backup documentation that should be included in the administrative record for each of the agenda items listed above.¹

1. Overview: Neither TWC Nor Sonoma County Have Any Legal Right to Use the Shorttail Gulch Trail to Access Estero Ranch, or to Allow Public Access Via the Shorttail Gulch Trail.

TWC’s application includes a public access plan that proposes allow access to the Estero Ranch via the Shorttail Gulch trail, with a new access gate, an information kiosk, restrooms and picnic tables. TWC’s application states “The Wildlands Conservancy

¹ Bodega Harbour submitted Public Records Act requests to the CCC (on September 5, 2024) and Sonoma County (on August 14, 2024). Neither entity completed their response by the date these comments were due. Instead of providing responsive documents electronically, the CCC sent a email to Tom Roth late on November 7, 2024 stating that the “paper file” could be reviewed in the CCC’s office if a visitation was scheduled. The CCC response was more than two months after the PRA request. Given that the CCC is not open on weekends, and Monday, November 11, 2024 is a holiday, and given that the CCC hearing is November 14, 2024, there is inadequate time to schedule a visit, travel to the CCC office, review the files, obtain copies and review and analyze the information prior to November 14, 2024. Since some relevant information has not been produced by these agencies, Bodega Harbour reserves the right to supplement the record during court proceedings since Bodega Harbour exercised reasonable diligence to obtain the information and the agencies failed to provide all documentation in a timely or easily accessible manner, thus foreclosing the possibility to review, analyze and submit all relevant documentation to the CCC prior to the November 14, 2024 hearing. CCP § 1094.5(e).

intends to install a fabricated metal pedestrian gate along the western fence line of the property adjoining Regional Park's Shorttail Gulch Trail. This gate will be used to provide public access and passive recreation activities to the general public. Initially the gate will be used only for staff led events, but will ultimately be open for daily use and hiking opportunities free of charge."² TWC ". . . acknowledge[s] that pedestrian access may also occur from the public road system and dedicated public areas within the Bodega Harbour Homeowners Association."

The CCC's staff report further states that "once the trail system is in place, public access to the trails on the preserve will begin at a gate on the property connected to the Shorttail Gulch Trail that connects public streets in the adjacent Bodega Harbour residential subdivision." (CCC Staff Report at 2.)

There is a serious problem with TWC's public access proposal. Such public access using the Shorttail Gulch trail would be unlawful because it:

- exceeds the scope of underlying easements held by Sonoma County;
- would result in an unlawful surcharge of the underlying easements held by Sonoma County;
- violates and breaches a 1977 Stipulated Judgment and Settlement Agreement;
- contradicts representations made over the years by Sonoma County, which is estopped from any type of approval of the proposed Estero Ranch public access using the Shorttail Gulch easement; and
- would result in substantial adverse, unmitigated impacts to the Bodega Harbour subdivision.

The Shorttail Gulch trail is located entirely within Bodega Harbour, and Bodega Harbour has not authorized the proposed access to the Estero Ranch using that trail. While the trail includes a public easement for limited pedestrian traffic, the easement exists expressly and solely for the limited purpose of accessing the beach, not for accessing the adjacent private property owned by TWC. TWC's proposal to make Shorttail Gulch trail the primary public access to Estero Ranch far exceeds the purpose and scope of the easement, as articulated in a 1977 Stipulated Judgment and associated Settlement Agreement, as well as in the grant deed conveying the easement to Sonoma County.³

² A survey prepared for Bodega Harbour indicates that the gate would be next to Easement G.

³ A lawyer for TWC characterizes Bodega Harbour's argument as: "once members of the public have used the public Shorttail Gulch hiking trail to access the beach (which is also public property) they must not then continue onto any other public property or public hiking trails." (CCC Staff Report, Ex. 6.) TWC and its lawyer are confused. That's not what Bodega Harbour argues. Bodega Harbour does not assume that once the public uses the easement to access the beach, he or she will then seek to access the new 5-mile trail system. There is no evidence in the record that is how the public will use the trail. More logically, the public will use Easement G to simply access the Estero Ranch trail system and *won't go to the beach at all*. That's why this CDP application expands the purpose and scope of the existing public easements. Taking it from the other direction, public access from the coast to the Estero Property is less of a problem

Neither TWC, Sonoma County nor the CCC has any lawful authority to authorize public access to the Estero Ranch via the Shorttail Gulch trail, as proposed. For this reason, the CCC must deny the CDP application, or, at least, deny any authorization for public access to the Estero Ranch via the Shorttail Gulch trail, or otherwise place restrictions on that access that are consistent with the underlying easements and Stipulated Judgment.

Another problem with TWC's application is that TWC proposes an additional public access point from the Pinnacle Gulch trailhead. (See CCC Staff Report at 11 ["The Pinnacle Gulch Trail . . . includes a public parking lot Users of the future trails on [Estero Ranch] . . . could park at the Pinnacle Gulch Trail head parking lot and walk . . . to Estero Ranch.].")

That separate Pinnacle Gulch easement is likewise dedicated for beach access, not as an access route to the Estero Ranch. Thus, that proposal also exceeds the scope of that separate easement held by Sonoma County; would result in a surcharge of the easement; violates and breaches the 1977 Stipulated Judgment and Settlement Agreement, and would result in substantial adverse impacts to the Bodega Harbour subdivision.

The CCC's conclusion that the Pinnacle parking lot would provide public parking for access to the Estero Ranch again ignores that the lot was intended to serve public access to the Pinnacle Gulch trail and that lot is fully used for that purpose. There is no excess capacity. Nor is there excess capacity on public streets within Bodega Harbour. The study submitted by TWC is essentially worthless. (CCC Staff Report, Ex. 7.) That study admits that its conclusion as to whether there will be adequate parking is based on "observations during a [singular] site visit as well as *anecdotal information* about parking usage, the existing on-street and off-street parking supply . . ." (Id. at 7.) That is not substantial evidence. In addition, the study tacitly admits that its authors did not speak to or interview a single resident or Board member from Bodega Harbour – people who have first-hand knowledge of the parking situation. The parking study is not substantial evidence. Also, other experts with trail system experience question whether the methodology used by TWC's expert is a proper methodology for determining adequate parking for a trail system. (Nov. 8, 2024 letter from Paul Kephart.) It is an abuse of discretion to employ a methodology that lacks substantial evidence in the record to support it. *Tsakopoulos Investments, LLC v. County of Sacramento* (2023) 95 Cal.App.5th 280, 306. The parking space need methodology used for this project is not supported by substantial evidence.

Bodega Harbour has previously raised these concerns directly with TWC and Sonoma County, but neither entity has responded in any substantive way. In its application, TWC does not assert that it or the County has any legal authority to authorize or use the easement for public access to the Estero Ranch, nor does it even acknowledge the issue.

because the natural landscape, distance from other parking areas, and tide conditions that frequently block access provide a natural limit on public access from that direction. TWC doesn't seek to limit access from the beach but rather seeks to open new access from the Bodega Harbour subdivision. The consequence is that the public will use Easement G not for beach access but rather as a primary public access to the Estero Ranch property, which was never intended by the grant of easement.

2. Background on Estero Ranch Access

Estero Ranch consists of 547-acres. In late 2015, TWC bought the ranch and the Sonoma County Agricultural Preservation and Open Space District simultaneously acquired a conservation easement and recreation covenant over the property.

At that time, it was represented that “the property is accessed from Estero Lane about two miles from Highway One.” (Nov. 17, 2015 County of Sonoma Agenda Item Summary Report.) The Estero Ranch is only accessible by vehicle via Estero Lane.

However, during due diligence for the sale of the ranch to TWC, the title company opined that the State had agreed that Estero Lane should be private and thus warned that “there is no public access over Estero Lane.” As a result, when it purchased the property in December 2015, TWC recorded a conservation easement on Estero Ranch agreeing that “public access to the Property will be from the coast”, i.e., not from public roads leading to Shorttail Gulch trail, but rather *from the coast up the trail to Estero Ranch*. (p. 3.) But even that requirement is unlawful because the Shorttail Gulch trail was created to provide public access to and from the beach from the Bodega Harbour subdivision, not from Estero Ranch. Nothing in the conservation easement suggests that the public could use the Shorttail Gulch trail or connector easement from public roads within the Bodega Harbour subdivision to access Estero Ranch.

In 2020, local ranchers settled a lawsuit with TWC, wherein TWC agreed that only limited public access to the Estero Ranch via Estero Lane is allowed. That apparently has compelled TWC to find other public access points to the ranch. (See also CCC Staff Report at 15-16, and 11 [“TWC is currently unable to provide general public access to the Preserve via Estero Lane.”].)

Sonoma County has represented that the Shorttail Gulch trail merely provided an “opportunity” for future access to the Estero Ranch from a public beach. (Nov. 17, 2015 County of Sonoma Agenda Item Summary Report.) That representation of an “opportunity” for “future access” confirms that as of 2015 no public access to Estero Ranch from Shorttail Gulch trail actually existed. A 2021 Sonoma County report likewise noted that there would be several “potential” public access points, meaning that as of 2021 no such legal access had been secured. (Feb. 9, 2021 County of Sonoma Report.)

3. Special Condition 4 Is Inadequate, Illusory, Contradictory and Unreasonable Given the CCC’s Erroneous Legal Assertions Throughout the Staff Report That No Additional Approval Is Necessary to Expand the Use of the Easements.

The CCC staff report repeatedly opines that Bodega Harbour’s concerns about the legality of expanding the public pedestrian easements are “meritless,” and that there is no limitation of any kind on the public using those easements. In the same breath, the CCC includes Special Condition No. 4 that purports to require that TWC provide to the CCC Executive Director (without any public review or input) evidence that it has obtained any authorizations from other entities or “evidence that no such authorizations are needed, “including any necessary agreement from Sonoma County to use the

Shorttail Gulch Trail.” (CCC Staff Report at 8.) Special Condition 4 is illusory and circular.⁴ Indeed, TWC could claim to comply by doing nothing more than submitting the erroneous CCC staff report itself as “evidence” that no authorizations are needed because that is the conclusion that the CCC reaches. (See CCC Staff Report at 19 [“public pedestrians making use of the trail do not need to seek out specific permission from Sonoma County to make use of the trail, even if they are diverting onto the TWC property.”] Special Condition 4 is not a real condition, but rather window dressing intended to try to insulate the CCC from legal challenge. It won’t work.

Special Condition 4 also renders the consolidated CDP application noncompliant with Pub. Res. Code § 30601.3 because it substantially impairs public participation. Because the so-called evidence is submitted directly to the CCC Executive Director out of public view and without any opportunity for public input, public participation is substantially impaired. Special Condition 4 is specifically designed to exclude the public and Bodega Harbour from contesting any assertion by Sonoma County that the public easements may be expanded as proposed by TWC.

4. A Consolidated CDP Is Unlawful in this Situation.

As a preface, it must be noted that the CCC’s effort to hear this permit application as a consolidated CDP application is unlawful. Public Resources Code § 30601.3 provides, in relevant part,

“(a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.”

Section 30601.3 contains two key prerequisites, but neither have been met here.

First, the CCC must establish that both a CCC permit and a Sonoma County permit would be required in this case. The CCC has failed to establish that in the record. There is no evidence in the record that “the proposed project involves development in both the Commission’s retained coastal development permit (CDP) jurisdiction, as well as in areas in Sonoma County’s CDP jurisdiction under the County’s LCP.” (See CCC Staff Report at 12, failing to cite any evidence.)

Second, while TWC, Sonoma County, and the CCC, may consent to a consolidated CDP that is allowed only if “public participation is not substantially impaired by that review consolidation.” Public participation has been substantially impaired here. Bodega Harbour, over the course of years, has repeatedly alerted Sonoma County that TWC’s proposed public access plan is unlawful. Just prior to a County hearing, the County shifted gears and announced there would be no County hearing but rather only a CCC hearing on a consolidated permit.

⁴ Pub. Res. Code § 30607 mandates that CDP terms and conditions be “reasonable.” Special Condition 4 does not meet that standard.

The CCC hearing is being held in San Francisco, nearly 60 miles from the Sonoma County Board of Supervisors, and nearly a 2-hour drive (with morning traffic coming into the City) (4-hours round trip). That imposes a significant burden on the public and residents of Bodega Harbour to attend the hearing to oppose the public access plan.

Also, it should be noted that when the application was pending before Sonoma County (prior to the coastal development permit consolidation), the County failed to provide notice of this CDP application to Bodega Harbour even though Bodega Harbour immediately borders the Estero Ranch property.

5. TWC's Public Access Plan Would Exceed the Purpose and Scope of the Existing Public Access Easement from Bodega Harbour to the Beach.

In 1968, the Sonoma County Planning Commission approved the Bodega Harbour subdivision. With the passage of the California Coastal Zone Conservation Act in 1972, a dispute arose as to whether any part of the development was subject to the new coastal laws. In June 1977, Transcentury Properties, Inc. and the California Coastal Zone Conservation Commission agreed on a Stipulated Judgment that settled litigation stemming from that dispute. (*Transcentury Properties, Inc. v. California Coastal Zone Conservation Commission*, Case No. 73865, Sonoma County Superior Court ["1977 Stipulated Judgment"].)

The Stipulated Judgment included a binding Settlement Agreement.⁵

Section XI.4 of binding Settlement Agreement required the creation of certain easements, including "a reasonable public pedestrian easement between the existing public easement in Shirt-tail Gulch and Osprey Drive shall be dedicated to Sonoma County prior to the close of the escrow provided for herein." That Settlement Agreement paragraph contains a typo – the reference to the existing public easement should have been to the "Short Tail Gulch" easement. All references in the settlement documents to "Shirt-tail Gulch" should read as "Short Tail Gulch."

The Settlement Agreement required the creation of a "connecting" public pedestrian easement between the then-existing "Short Tail Gulch" easement and Osprey Drive. The then-existing easement was a drainage and pedestrian easement leading to the beach that was created in 1973 (and confirmed in 1977) as part of an approved subdivision map.

The connecting easement referred to in the Settlement Agreement is known as Easement G. Easement G is located entirely on Bodega Harbour's private property. Nothing in the Settlement Agreement suggests that Easement G would or could be used by private parties or the public to access the Estero Ranch, or was being created for such a purpose. Rather, Easement G connected Osprey Drive to the existing beach access easement. Easement G therefore was intended to facilitate public pedestrian access *from Osprey Drive to the beach via the existing pedestrian easement*, and nowhere else.

The Settlement Agreement included an "Exhibit B." Exhibit B is a grant deed of

⁵ Sonoma County also was a party to that litigation and is bound by the Stipulated Judgment.

open space and easements, including Easement G. The grant deed conveyed to Sonoma County for park and public recreational use beach and bluff property within the development, known as Tract A. It also conveyed to Sonoma County an easement for a public parking area, known as Tract B, to facilitate beach access. As expressed by the grant deed, “Grantor desire[d] to insure reasonable public access to and full public use of all beach areas in the Bodega Harbour Development” The grant deed also provided that Sonoma County was granted a “pedestrian access easement” “to connect a presently dedicated easement through Shirt [sp] Tail Gulch to the beach with public roads as planned under the new development plan agreed to by the parties hereto.”

Clearly then, the easements being granted to Sonoma County were expressly for the purpose of providing public access from public roads within Bodega Harbour to the “beach.” They are expressly for *that purpose*. The grant deed expresses no other purpose.

Because the purpose of the grant deed with regard to “public access” is to “insure reasonable public access to and full public use of all beach area within the Bodega Harbour Development,” the grant deed establishes the purpose of Easement G as accessing the beach by connecting Osprey Drive with the Shorttail Gulch trail, which, in turn connects to Tract A, which is the beach and bluff face.

Neither the Stipulated Judgment, the Settlement Agreement, nor the grant deed suggest that Easement G’s purpose was to provide public or private access to Estero Ranch.

Despite this, TWC’s proposed public access plan and CDP seek to create an access point and gate off of Easement G, for the purposes of accessing a trail system (not existing, but to be developed) on the Estero Ranch. That flatly exceeds the purpose of Easement G.

The purpose of Easement G cannot now be converted to public access to the Estero Ranch. *State ex rel. Rich v. Wolfe* (1959) 80 Idaho 563, 565 [The reservation of a “farm crossing” only allowed use for agriculture and uses allowing a crossing for a new motel were a surcharge on the easement].)

The California Coastal Zone Conservation Commission was a party to the Stipulated Judgment and is bound by it. The CCC is the successor-in-interest to the California Coastal Zone Conservation Commission and, therefore, is likewise bound by the Stipulated Judgment and Settlement Agreement. Pub. Res. Code, § 30331 [“The commission is designated the successor in interest to all remaining obligations, powers, duties, responsibilities, benefits, and interests of any sort of the California Coastal Zone Conservation Commission”]. The CCC must live by the terms of that judgment and settlement.

Likewise, Sonoma County was a party to *Transcentury Properties, Inc. v. California Coastal Zone Conservation Commission*, Case No. 73865, Sonoma County

Superior Court, and is bound by the 1977 Stipulated Judgment.⁶

6. The CCC Has Misinterpreted the Term “Reasonable Public Pedestrian Easement,” and Ignores Fundamental Principles of Easement Law.

The CCC and TWC contend that the term “reasonable public pedestrian easement” in the Settlement Agreement authorizes the use of the trail easements to allow unlimited public access via public roads and those easements to the Estero Ranch. (CCC Staff Report at 18.) The CCC argues that the Settlement Agreement does not define the word “reasonable,” and “the prohibition on the use of a public easement to facilitate public access is clearly an unreasonable interpretation.” (Id.) The CCC is mistaken. The CCC is seeking to apply the word “reasonable” in a way that is wholly untethered from easement law. That is both unreasonable and unlawful.

An easement may be “appurtenant,” or “in gross.” An appurtenant easement is one where the right to use the easement is dependent upon a right held in a particular parcel of land. *Committee to Save Beverly Highlands Homes Assn. v. Beverly Highlands Homes Assn.* (2001) 92 Cal.App.4th 1247, 1269 [“An easement appurtenant to the land is ‘attached to the land of the owner of the easement, and benefits him as the owner or possessor of that land.’”].

Easement G is an easement *appurtenant* to Tracts A, B and the subdivision’s dedicated roads. Tract A is a beach on the edge of the Bodega Harbour subdivision, and Tract B is a parking area adjacent to Mockingbird Road for the public to access the Pinnacle trail directly to the beach. In other words, Easement G benefits the Bodega Harbour development and access to the beach. Even though it is also appurtenant to the public roads, public access to those roads was intended to facilitate the public’s access to the beach in Tract A, not to the Estero Ranch. Nothing in the Stipulated Judgment, the Settlement Agreement or the grant deed indicate that Easement G is appurtenant to the Estero Ranch.

The CCC is erroneously, *sub silentio*, assuming that Easement G is appurtenant to the Estero Ranch. Neither the CCC, TWC nor the County has presented any evidence that in the record.

Likewise, the 1973/1977 pedestrian easement also is not appurtenant to the Estero Ranch. Neither the CCC, TWC nor the County has presented any evidence of that in the record. The original map and grant also indicates that the 1973/1977 pedestrian easement is appurtenant to the Bodega Harbour subdivision land. Again, the purpose

⁶ TWC proposes to “phase in” the new public access. (See CCC Staff Report at 11 [“TWC intends to provide general public access . . . as quickly as possible, but also proposes to phase in such access over time as a means of attempting to appease the concerns of the HOA”]; see also id. at 16.) The HOA is not appeased. Phased implementation (delaying about 1-year) doesn’t make the actions legal, or reduce the burdens of the unlawful action. At most, it merely delays the burdens. It also constitutes an anticipatory breach of the Settlement Agreement, Stipulated Judgment and easement grants by the CCC and the County. TWC also proposed to remove some existing buildings and farm infrastructure but does not indicate if it plans to use the new access gate or the pedestrian easements to accomplish that. (CCC Staff Report at 12.)

was to provide public access to the beach on Tract A.

The CCC misinterprets the modifier “reasonable” because it disregards the required “appurtenance” analysis that is required by easement law.

The CCC further argues that because the easement is described as a “pedestrian” access easement” that public pedestrians may use the easement for any purpose and anyway so long as they are pedestrians. (CCC Staff Report at 18.) That analysis is also in error. Public pedestrian use must be consistent with the purpose and scope of the easement. The purpose was to facilitate public access to the beach and not the Estero Ranch. The new uses exceeds the purpose of the easement grant.

Additionally, the expanded proposed use would greatly increase the public traffic since the easement would now be used not only to access the beach but to access a new 5-mile trail system that extends inland. Thus, the new use exceeds the original scope of the easement. There is not requirement that the easement specify a numerical limit in order to conclude that the easement contemplated a limited number of people using it. The easement grant clearly did not contemplate that the easement would be used by thousands if not tens of thousands of additional people per year to access a new trail system that did not exist at the time of the grant, and that does not provide access to the beach.

7. Post-Grant Actions and Representations by Sonoma County and Sonoma County Regional Parks Confirm That the Purpose of the Shorttail Gulch Trail is to Provide Beach Access, and the County Is Estopped from Changing Its Interpretation of the Easement After 50 Years.

The grant deed conclusively establishes that the purpose of Easement G and the Shorttail Gulch easement are to connect the development, and to ensure public access, to the beach (Tract A).

Sonoma County has consistently supported that interpretation. County approvals post-dating the 1977 Stipulated Judgment, Settlement Agreement and associated grant deed confirm that the purpose of the 1973/1977 pedestrian and drainage easement known as Shorttail Gulch (and Easement G) was to provide public access to the beach.

For example, in 2002, Sonoma County Regional Parks obtained a CDP to construct the public access trail along the Shorttail Gulch easement leading to the beach in Tract A. In Resolution No. 02-0546, Sonoma County approved the CDP and found that the pathway “will make the beach available to all citizens” The Resolution did not conclude that the trail or the connector (Easement G) was intended to provide public access to the Estero Ranch. In fact, the County staff report stated that “when developed, the proposed Short Tail Gulch Trail would provide the primary public access to Short Tail Gulch Beach.” It stated that the trail would begin at Osprey Drive and end at the beach. There was no indication that it would provide access to Estero Ranch. The maps in the 2002 application showed no trail access, or any connection to, Estero Ranch. The County staff report noted the adjacent cattle ranch (Estero Ranch) and again failed to

conclude that the trail was intended to provide public access to the Ranch, *or even future access to the ranch.*

Similarly, the 2002 Notice of Intent to Adopt a Mitigated Negative Declaration issued by Sonoma County Regional Parks stated the trail would end at the beach. It stated the purpose of the project was to provide a "public access trail to the coast," and to "Short Tail Gulch Beach." The 2002 Initial Study for the trail CDP also described the purpose as to provide a "public access trail to the coast."

In 2003, Sonoma County Regional Parks obtained an extension of time to commence construction of the trail and the County again found the purpose of the trail was to "make the beach available to all citizens"

This shows that in 2002-2003 the County continued to stand by the interpretation that the easement was for beach access and not for Estero Ranch public access.

Bodega Harbour has relied on these representations by Sonoma County and the County is estopped from now asserting that the Shorttail Gulch easements authorize access to the Estero Ranch from public roads within the Bodega Harbour subdivision.

Four elements are required to apply equitable estoppel: (1) the party to be estopped must be apprised of the facts; (2) the party to be estopped must intend that his conduct be acted upon, or must so act that the other party had a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) the other party must rely upon the conduct to its injury. *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1359; *Driscoll v. City of Los Angeles* (1967) 67 Cal.2d 297, 305 .

Sonoma County repeatedly represented that the purpose of the trail over the subject easements was to allow access to the beach, not access to Estero Ranch. Bodega Harbour had a right to believe that was the intent of the pathway/easement, and relied upon those representations. If the County actually believed that the easement authorized access to Estero Ranch it should have advised the public and Bodega Harbour of that position when the easement was created and during the last 50 years of the easement's existence. Any shift in the County's position directly injures Bodega Harbour by expanding the purpose and scope of the easements, resulting in increased traffic, parking conflicts, pedestrian use, trash, and noise when there are inadequate facilities to accommodate that new and expanded use.

8. Post-Grant Actions and Representations by the State Coastal Conservancy Confirm That the Purpose of the Shorttail Gulch Trail is to Provide Beach "Loop" Access to the Public, Not Inland Access to the Estero Ranch.

In 2002, the State Coastal Conservancy provided a grant to the Sonoma County Regional Parks Department to construct the pathway along the Shorttail Gulch pedestrian and drainage easement. The Coastal Conservancy described the trail as "the final segment of a two-mile regional trail loop" (p. A-4.) The Coastal Conservancy

never indicated in any way that the trail or the easement was intended to provide access to Estero Ranch.

The Coastal Conservancy described the original 1973 pedestrian easement as standing alone “without any connection to the subdivision or inland to Bodega Bay.” (p. A-6.) That further confirms that the easement was never intended to provide access to the Estero Ranch, nor was it appurtenant to the ranch.

Bodega Harbour had a right to believe that was the intent of the pathway/easement, and relied upon those representations. If the State actually believed that the easement authorized access to Estero Ranch it should have advised the public and Bodega Harbour of that position when the easement was created and during the last 50 years of the easement’s existence. Any shift in the State’s position directly injures Bodega Harbour by expanding the purpose and scope of the easements, resulting in increased traffic, parking conflicts, pedestrian use, trash, and noise when there are inadequate facilities to accommodate that new and expanded use.

9. Neither TWC, the CCC, Nor Sonoma County Has Any Legal Authority to Modify, Change, Expand or Surcharge Easement G or the Shorttail Gulch Easement to Authorize Public Access to the Estero Ranch.

There have been no written or oral modifications, changes or expansions of Easement G since its creation in 1977. Bodega Harbour has never authorized anyone to use Easement G to access the Estero Ranch. Historically, there has been no access from Bodega Harbour to the Estero Ranch using Easement G or any other access along the property boundary with Bodega Harbour. Nor has there ever been access to Estero Ranch from the 1973/1977 dedicated Shorttail Gulch beach trail. Presently, there are no existing trails or paths of any kind on Estero Ranch at TWC’s proposed gate/access point. The CCC staff report claims that the “the trails would run primarily along existing former agricultural roads and cattle paths . . . ,” but that statement is false and there is no substantial evidence in the record supporting it. (CCC Staff Report at 10.) In fact, the vast majority of the trails would be constructed where no trails currently exist.

Maps submitted as part of the 2002 CDP application to construct the trail along the 1973/1977 easement make clear there is no connection from the trail or Easement G to Estero Ranch. (Fig. 4, Short Tail Gulch Trail Site Map, 2002 CDP application packet.) No access from Bodega Harbour to Estero Ranch can be implied from any historical map. The County’s public access plan submitted with that CDP application described the Shorttail Gulch as access to the beach. (p. 87.)

Under the law, the easement holder’s use of the easement cannot substantially modify or increase the burden on Bodega Harbour. *Winslow v. City of Vallejo* (1906) 148 C 723; *Wall v. Rudolph* (1961) 198 Cal.App.2d 684, 686.

The easement holder is not entitled to interfere unreasonably with enjoyment of the Bodega Harbour subdivision or cause it unreasonable damage. *Wright v. Austin* (1904)

143 C 236, 239; *Thorstrom v. Thorstrom* (2011) 196 Cal.App.4th 1406, 1421. An unreasonable increase in the burden on Bodega Harbour resulting an increase or change of use of the easement is sometimes called a "surcharge," and is unlawful. *Hewitt v. Perry* (1941) 309 Mass. 100, 105.

10. TWC and the CCC Are Incorrect in Their Assertion That the Existing Easements Authorize Unlimited Public Access, Or Are Automatically Expanded to Encompass New Development.

A lawyer for TWC argues that an easement for public use can't ever overburden Bodega Harbour because such an easement presently allows unlimited public access use. The basis for this argument is that public rights-of-way are vested in every member of the public. (CCC Staff Report, Ex. 6; see also CCC Staff Report at 19 [CCC argues that easement does "not set *any limits* on the number of users."].) TWC's lawyer misstates the law. First, *Bello v. ABA Energy Corp.* (2004) 121 Cal.App.4th 301, does not support the argument that there are *no limits* to public access easements. Second, the citation provided by the TWC's lawyer is incorrect and does not exist.

Likewise, TWC's assertion that the public use is automatically expanded due to new development or uses at Estero Ranch is also wrong and flawed. *Bello* addressed the "scope of roadway rights-of-way," not a pedestrian easement like here. The thrust of the easement expansion doctrine discussed in *Bello* is that a public easement may be expanded to account for changes *in technology*, i.e., an electric interurban railway must be interpreted to allow the operation of equivalent motorbus service. *Id.* at 311. TWC isn't seeking to expand the use of the public pedestrian easement to technological advancement, but rather to serve an entirely new, very-large land area and new use. That's very different. Also, *Bello* and the line of cases it relies upon interpreted the meaning of the term "right-of-way." That is not the operative term here.

The TWC lawyer also cites *Norris v. State* (1968) 261 Cal.App.2d 41, for the idea that a public easement may be expanded even for unknown future uses. But the case itself shows that it is inapposite to this. First, *Norris* concerned a public road easement not a pedestrian trail. Second, *Norris* clarified that any such expansion must not be detrimental to the abutting property, and the expansion proposed here would be. Third, the expansion must be consistent with the character of the easement. Here, the easement was for beach access. TWC's proposed expansion is not for beach access but rather for "general public access" to its property. Fourth, *Norris* clarifies that ". . . the holder of a dominant tenement may not unduly increase the burden of the holder of the servient tenement." *Id.* at 48. "The rule that the right of way cannot be used to burden the servient tenement to an extent greater than was *contemplated at the time of the grant has been applied* as a test in determining the reasonableness of particular uses, both in terms of their extent and their manner. . . ." *Id.* at 49. By expanding the use to accessing a new 5-mile trail system on Estero Ranch, TWC is substantially increasing the burden on Bodega Harbour that existed and was contemplated at the time the grant was made in 1977. That is not reasonable nor lawful.⁷

⁷ Even if for some reason a court authorized the expanded use of the easements at issue, that would amount to a judicial taking, resulting in the Court and the State to be liable for damages and attorney's fees. *Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env'tl. Prot.* (2010) 560

TWC's proposal would substantially increase Bodega Harbour's burden. TWC seeks to expand the use of Easement G and the Shorttail Gulch easement beyond mere public pedestrian beach access to allow unlimited public access through the Bodega Harbour subdivision to the Estero Ranch's proposed 5-mile trail system. That exceeds the purpose and scope of Easement G, as expressed in the grant deed, the Stipulated Judgment and the Settlement Agreement, and exceeds the purposed and scope of the Shorttail Gulch easement. Doing so substantially increases the burden on Bodega Harbour.

Presently, approximately 6,900 people per year access the beach via Easement G and the Shorttail Gulch trail on weekends. (Average of IDAX weekend data submitted herewith, multiplied by 52 weekends.)⁸ If the TWC project is approved, visitation will certainly increase. The addition of the 5-mile trail system will make the site akin to the Tennessee Valley trail system within Golden Gate National Recreation Area. In 2023, that trail system experience about 204,000 visitors. Even accounting for the more remote location in Sonoma County the Estero Ranch hiking trails could easily experience between 68,000 and 102,000 annual visitors – between ten and nearly fifteen times current visitation rates. (Mary O'Hara-Devereaux, Ph.d, Global Foresight, November 5, 2024 Report.)

That enormous increase will bring additional substantial adverse impacts. Presently, only a few parking spaces serve the Shorttail Gulch trail. (Mary O'Hara-Devereaux, Ph.d, Global Foresight, November 5, 2024 Report.) Those are nearly fully used on weekends, and thus, there is minimal or no existing additional capacity to accommodate such a large influx of cars. Nor would street parking fully accommodate such a large increase in traffic, creating public safety hazards due to likely illegal parking by visitors.

A 2002 County staff report determined that the 18 parking spaces at Pinnacle Gulch trailhead and 16 additional street parking spots would be adequate to serve the public traffic to the beach. The staff report indicated that the trail would be Class III hiking trail that would be "lightly used," as did the CEQA Initial Study. Expanding the use of

U.S. 702, 715 [". . . the Takings Clause bars the State from taking private property without paying for it, no matter which branch is the instrument of the taking."]; *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238, 262 [invalidation of property right by court is unconstitutional under takings or due process clause.] CCP § 1036. The public easements granted as a result of the Stipulated Judgment are not limitless. Indeed, the Coastal Act restricts CDP conditions to those that are "reasonable." PRC § 30607. Mandating a limitless easement for public access as part of a Coastal Act settlement would likewise be unreasonable and thus is not a fair interpretation. Even after the settlement, Bodega Harbour retained property rights in the fee underlying the easement and an excessive use of the public easement beyond the purpose and scope of the easement invades those private property rights. Any effort by any branch of government to now eliminate or restrict those rights is a taking and/or a due process violation. (See CCC Staff Report at 2 ["Although Sonoma County holds and manages the public easement, which has been providing for public pedestrian access trail use for over 20 years, the Bodega Harbour HOA remains the underlying property owner of the easement area . . .".])

⁸ The greater of the two weekends measured by IDAX showed a weekend tally of 238 visitors.

Easement G and the Shorttail Gulch trail for access to Estero Ranch would increase public use without any additional parking when the existing parking is fully used to accommodate the Pinnacle Gulch Trail.⁹

No restrooms or other public facilities are near the entrance to the Shorttail Gulch trail, and the great influx of additional visitors will result in trash problems, noise problems, and potential crime. In fact, TWC fails to specify in its application where any proposed restrooms would be located. (CCC Staff Report at 16.)

The entrance to the Shorttail Gulch trail is very close to existing homes and private property.

11. TWC's Proposed Unauthorized or Excessive Use of Easement G Would Constitute Trespass.

"The extent of a servitude is determined by the terms of the grant . . ." Civ. Code § 806. Since Easement G was created by a grant deed, the purposes expressed in the grant deed are conclusive and binding.

The purpose of Easement G is expressly to allow public access from Osprey Drive to the previously dedicated Shorttail Gulch beach access trail, and nothing more. There have been no written modifications of Easement G that changed the 1977 grant deed.

The precise location of Easement G is defined by the grant deed's legal description and it does not provide access to the Estero Ranch. An easement may be relocated only with the consent of both parties, here, Bodega Harbour and Sonoma County. *Youngstown Steel Prods. Co. v. City of Los Angeles* (1952) 38 Cal.2d 407, 410. Sonoma County has admitted that changes to the Shorttail Gulch easement would require the consent of Bodega Harbour. (Apr. 29, 2002 Memo from Michelle Julene, Sonoma County, to Sigrid Swedenborg, Sonoma County, p. 3.) Indeed, as part of the conservation easement between TWC and the Sonoma County Agricultural Preservation and Open Space District, those parties agreed that modification of any existing easements would need District approval. (Dec. 24, 2015 Conservation Easement deed, § 5.7.) Bodega Harbour has never agreed to relocate the location of Easement G or the 1973/1977 easement, or expand their respective purposes or uses.

Unauthorized uses and excessive use of Easement G and the 1973/1977 easement is trespass. *Wall v. Rudolph* (1961) 198 Cal.App.2d 684. TWC's proposal constitutes an unauthorized use of Easement G, and/or an unlawful and unreasonable expansion of the two easements' purpose and scope of use. If the CDP is approved, TWC, the CCC and Sonoma County will be liable for damages caused by the public and private trespass,

⁹ To repeat, the study submitted by TWC is essentially worthless. (CCC Staff Report, Ex. 7.) That study admits that its conclusion as to whether there will be adequate parking is based on "observations during a [singular] site visit as well as anecdotal information about parking usage, the existing on-street and off-street parking supply . . ." (Id. at 7.) That is not substantial evidence. In addition, the study tacitly admits that its authors did not speak to or interview a single resident or Board member from Bodega Harbour – people who have first-hand knowledge of the parking situation. The parking study is not substantial evidence.

including interference with quiet enjoyment, annoyance, discomfort, traffic impacts, etc.

12. The CCC's or Sonoma County's Purported Authorization for Unlawful or Excessive Use of Easement G Would Constitute a Taking and/or Damage in Violation of the U.S. and California Constitutions.

To the extent that the CCC (and Sonoma County as a facilitator of the consolidated permit process [Pub. Res. Code § 30601.3]), purport to authorize the use of Easement G for public access to the Estero Ranch, such action is unlawful and constitutes a taking under the U.S. and California Constitutions, and damage under the California Constitution. See also *Nollan v. California Coastal Commission*, 483 U.S. 825, 828 (1987) [appropriation of an easement constitutes a physical taking]; *Hendler v. United States* 952 F.2d 1364 (Fed.Cir. 1991) ["It is no defense to a charge of authorizing someone to violate another's rights that the perpetrator might have done so on his own."] ¹⁰

In addition to paying just compensation for the actual condemnation of property, a condemner is also liable for precondemnation damages when the owner can demonstrate "unreasonable conduct prior to condemnation; and (2) as a result of such action the property in question suffered a diminution in market value." *Klopping v. City of Whittier* (1972) 8 Cal.3d 39, 52. Such purported authorization by either the CCC or the County constitutes *Klopping* damages.

13. There Is No Legal Authority to Modify, Change or Expand Easement G on the Basis of Necessity.

No expansion of Easement G is authorized on the basis of necessity. Bodega Harbour was not created from a larger Estero Ranch or vice versa.¹¹ Estero Ranch is not land-locked as some access and public access is authorized from Estero Lane. California requires "strict" necessity and that does not exist here. *Roemer v. Pappas* (1988) 203 Cal.App.3d 201, 206. No easement of necessity will be implied or found if there is another possible means of access, even if that access is inconvenient, difficult or costly. *Kripp v. Curtis* (1886) 71 C 62; *Pipkin v. Der Torosian* (1973) 35 Cal.App.3d 722. Estero Ranch can be accessed from Estero Lane for private purposes and, within the limitations of the settlement between TWC and local ranchers, for limited public purposes.

Additionally, because the Sonoma County Agricultural Preservation and Open

¹⁰ The CCC lacks statutory authority to hold title to property. Pub. Res. Code §§ 30330-344; *McAllister v. California Coastal Com.* (2008) 169 Cal.App.4th 912, 939.

¹¹ There never was common ownership of Bodega Harbour and Estero Ranch at the time Estero Ranch was conveyed, which forecloses an easement by necessity.

Space District is a governmental entity and part owner of the Estero Ranch, there can be no easement of necessity.¹² *Murphy v. Burch* (2009) 46 Cal.4th 157.

14. There Is No Legal Authority to Modify, Change or Expand Easement G on the Basis of Prescription.

No expansion of Easement G is authorized on the basis of prescription. Prescriptive rights are established by judicial decree and TWC has obtained no such judgment. There is no evidence of any historical public access from Easement G to the Estero Ranch. In fact, there are no existing paths or trails on the Estero Ranch side where TWC wants to install a gate. There is a long-existing fence that prevents, and has historically prevented, public access to Estero Ranch.

15. There Is No Legal Authority to Modify, Change or Expand Easement G on the Basis of an Implied Dedication.

No expansion of Easement G is authorized on the basis of implied dedication. There is no evidence of public access from Easement G to the Estero Ranch at all, or sufficient to establish an implied dedication.

16. There Is No Legal Authority to Modify, Change or Expand Easement G on the Basis of Any License by Bodega Harbour.

No expansion of Easement G is authorized on the basis of any license. Bodega Harbour has never granted any license or consent or any kind to TWC or the public to use Easement G or any portion of Bodega Harbour to access the Estero Ranch.

17. There Is No Legal Authority to Modify, Change or Expand Easement G on the Basis of Any Subdivision Map.

No expansion of Easement G is authorized on the basis of any dedication on a subdivision map. No such map establishes or reflects any access, public or otherwise, from Bodega Harbour to the Estero Ranch, especially in the area of the Shorttail Gulch trails.

18. There Is No Legal Authority to Modify, Change or Expand Easement G As an Equitable Easement.

No expansion of Easement G is authorized on the basis that an equitable easement exists. Any hardship to the trespasser must be greatly disproportionate to the hardship to Bodega Harbour to justify the grant of an equitable easement. *Shoen v. Zacarias* (2015) 237 Cal.App.4th 16, 21.

As mentioned, Estero Ranch is not land-locked. The public has some lawful access via Estero Lane per its settlement with the ranchers. TWC has had full knowledge that Easement G does not authorize public or private access to the Estero Ranch even when it made its proposals to Sonoma County and the CCC.

¹² The State Coastal Conservancy also contributed \$ 1 million towards the acquisition. (CCC Staff Report at 14, fn 5.)

19. No Coastal Act Public Access Policies Override Bodega Harbour's Private Property Rights.

Both the California Constitution and the Coastal Act protect private property rights. The Legislature codified the application of Article 1, Section 19 of the California Constitution into the Coastal Act in Public Resources Code § 30010, which states:

"The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission...or local government...to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor."

The CCC's approval of this CDP with the purported expansion of public access on Easement G and the 1973 easement violate these provisions.

None of the Coastal Act's public access policies override the protection of private property rights, even where public access must be "maximized."

Pub. Res. Code § 30210 constrains its policy of public access to access consistent with "public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

Pub. Res. Code § 30211 does not apply because there is no new development on Bodega Harbour's property that is at issue.

Pub. Res. Code § 30212 does not apply because there is no new development on Bodega Harbour's property that is at issue. In addition, even if it did apply, the statute does not mandate public access where it is inconsistent with public safety.

Pub. Res. Code § 30213 does not grant authority to expand the purpose and scope of a public easement on adjacent property.

Pub. Res. Code § 30220 does not grant authority to expand the purpose and scope of a public easement on adjacent property.

Pub. Res. Code § 30221 does not grant authority to expand the purpose and scope of a public easement on adjacent property.

Pub. Res. Code § 30223 does not grant authority to expand the purpose and scope of a public easement on adjacent property.

Pub. Res. Code § 30224 does not grant authority to expand the purpose and scope of a public easement on adjacent property.

In its analysis of the Coastal Act's public access policies, the CCC completely fails to even mention these policies co-equal mandate to provide access only in a way that protects private property. Thus, the analysis is legally flawed and erroneous. It fails to consider an important factor and therefore reaches the erroneous conclusion that the CDP application is consistent with these policies.

20. The CCC's Environmental Justice Arguments Are Blatantly False.

The CCC argues that “the Bodega Harbour HOA . . . seek to raise barriers to coastal public access and deter visitors that are not residents of the wealthy HOA community . . .” (CCC Staff Report at 21.) “. . . [B]y virtue of their opposition they essentially seek to deny and diminish coastal access based on socio-economic status . . .” (Id. at 21.)

That statement by CCC staff is false and has no support in the record. Bodega Harbour has done nothing to “raise barriers.” On the contrary, TWC and the CCC seek to expand the scope of the existing easements from their level use for the past 50 years.

The HOA’s opposition has nothing to do with wealthy landowners seeking to diminish access based on socio-economic status. It is simply a dispute about whether TWC and the CCC have the right to expand the purpose and scope of a public easement over Bodega Harbour’s property.

When Bodega Harbour prevails in this dispute, visitors from anywhere in the County, the State, the United States or the world, still may use Easement G and the 1973 easement trail to access the beach on Tract A.

21. The Project Violates the Coastal Act’s ESHA Policies.

Pub. Res. Code § 30240 provides:

“(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.”

The CCC asserts that the “project generally follows existing ranch roads or existing cattle trails . . .” (CCC Staff Report at 22.) That statement is false and is not supported by substantial evidence in the record. TWC asserts that the “trails will utilize existing ranch roads to the greatest extent possible . . .” (CCC Staff Report, Ex. 4 at 4.) Yet, TWC presents absolutely no evidence that is the case. It doesn’t specify what “the greatest extent possible” means, or what percent of the trail system is allegedly existing cattle trails and roads. The way the assertion is phrased it could be as little as one-foot.

The CCC admits that “some of the trail project would involve mowing of existing lands that include . . . [ESHA].” (Id.) The Proposed LCP update declares the entire Estero Ranch as grassland ESHA. (Fig. C-OSRC-2i.)

The CCC admits that the mowing of trails in the ESHA grassland is considered an ESHA impact. (CCC Staff Report, Ex. 4 at 4 [“TWC recognizes that by mowing portions of our proposed trail system we will have some limited impact on the sensitive ecology of the region.”].) But staff fails to provide detail on what percentage of the trail system exists within ESHA.

In fact, there are no existing ranch roads or existing cattle trails near the proposed gate entrance to the Estero Ranch from Easement G or the 1973 easement. All the proposed trails would be newly created, and many of them will be created *in ESHA*.

Under § 30240, the hiking trails do not qualify as “resource dependent.” Hiking trails can be created anywhere and on other locations on the site that are not ESHA. The CCC has a history of interpreting that phrase to mean that the activity cannot occur elsewhere. (See March 2021 CCC Staff Report re Oceano Dunes SVRA at 51 [“Coastal Act Section 30240(a) protects ESHA by prohibiting uses within it, except those that are dependent on the habitat to be able to occur at all, such as restoration and nature study, also referred to as resource-dependent uses.”]; id. at 62 [“ . . . simply because some activities are enjoyed . . . in coastal areas does not make them ‘resource dependent’”].)

Nor is it relevant that the area is currently used to graze cattle. *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 508, *overruled in part on other grounds*, *Dhillon v. John Muir Health* (2017) 2 Cal.5th 1109, 1116, fn. 2 [“ . . . under the statutory scheme, ESHAs, whether they are pristine and growing or fouled and threatened, receive uniform treatment and protection.”].

Nor is it relevant that the CCC “has a long history of allowing such projects in ESHA,” or that the CCC has mitigation measures to mitigate some impacts. (CCC Staff Report at 23, and fn 12.) Past violations of § 30240, or a pattern and practice of such violations is no justification for future violations. Also, ESHA impacts must be avoided not merely mitigated. *Bolsa Chica, supra*, 71 Cal.App.4th 493.

Further, making the trail “as minimal as possible,” (CCC Staff Report at 23), doesn’t eliminate significant impacts to ESHA. Mowing and removing ESHA grassland on a sustained basis causes significant disruption to the ESHA and thus is not permitted under § 30240.

The CCC’s assertion that “the trail project is sited and designed to prevent impacts that would significantly degrade ESHA” is false given the CCC’s admission that portions of the trail project will be placed in ESHA and the ESHA will be significantly disrupted via mowing on a sustained basis.

The CCC proposes “compensatory mitigation,” (CCC Staff Report at 23), but that is not authorized under the Coastal Act as a way to address impacts to ESHA. *Bolsa Chica, supra*, 71 Cal.App.4th 493.

22. Even Assuming That the Expanded Use of the Trail Is Lawful (Which It is Not), the Proposed Project Is Inconsistent with the Existing, Certified LCP.

Even assuming that the expanded use of the trail is lawful (which it is not), the proposed project conflicts and is inconsistent with the following LCP provisions contained in the existing, certified LCP:

The LCP Access Plan described the Shorttail Gulch “accessway” as “undedicated” and a pathway to the beach and a trail to the shoreline. (p. 87, ¶ 67.) It did not describe it as an access point to Estero Ranch, which is what TWC now seeks to make it (unlawfully).

23. Notwithstanding Ambiguities in the County's Various Drafts of the Proposed LCP Amendment, None of the Drafts Established That Lawful Public Access Exists from Bodega Harbour to the Estero Ranch.

The County's various drafts of the LCP amendment over a 9-year period never clearly established that any public access exists from Bodega Harbour to Estero Ranch.

In September 2019, the County issued a proposed "Public Access Plan," as an appendix to the draft LCP amendment. In that attached plan, the County identified as "I-34," the Shorttail Gulch Trail. The County did not indicate in that plan that the Shorttail Gulch Trail provided any access or any public access to the Estero Ranch. Under "J-6," that plan stated the need to "develop" public access to the Estero Ranch, meaning it did not exist. As an attachment to the draft LCP the County included "FIGURE C-PA-1j," which listed the Shorttail Gulch Trail, but did not indicate in any way that it provided access to the Estero Ranch.

In June 2021, the County issued a new draft of the LCP amendment. Again, FIGURE C-PA-1i listed the Shorttail Gulch Trail, but did not indicate in any way that it provided access to the Estero Ranch.

In May 2022, the County issued a new draft of the LCP amendment. Again, FIGURE C-PA-1i listed the Shorttail Gulch Trail, but did not indicate in any way that it provided access to the Estero Ranch.

In August 2022, the County issued a new draft of the LCP amendment. The County modified the attached proposed public access plan, under I-34, to state: "Future trail access may connect Short-Tail Gulch Trail to Estero Ranch." By using the term "future," that statement indicated that no trail access existed between Bodega Harbour and the Estero Ranch. The County developed a new map identified as FIGURE C-PA-1j, where the County listed the Shorttail Gulch Trail as an existing public access point but did not elaborate. That same figure listed under I-35 a "proposed" "private" access point to Estero Ranch, but the map was unclear on where that would be located. The County's articulation side-stepped the elephant in the room which was the issue that there was no legal right to access Estero Ranch using either of the Shorttail Gulch easements.

In February 2023, the County issued a draft "Policy Options" document. That document included a discussion of access to Estero Ranch:

"Currently, public access to the Estero Americano is only available at the mouth of the Estero or via an informal accessway at Marsh Road in Marin County. The Marsh Road accessway is on land owned by Marin County, but not identified as an accessway by the Marin County Local Coastal Program. Marin County has requested that the informal accessway adjacent to the county line on Marsh Road not be referenced in the Sonoma County Local Coastal Plan. The mouth of the Estero can be accessed by walking along the shoreline from Shorttail Gulch Trail, use of this route would be limited to low tide and the route would be challenging and hazardous in some conditions. The mouth of the Estero Americano could also be accessed by boat.

To expand existing public access, the Planning Commission

recommended adding a new proposed accessway at property owned by Sonoma Land Trust and a second proposed accessway on parcel further inland using an existing easement purchased by the Sonoma County Ag + Open Space District.

Planning Commission Action:

The Planning Commission supported Marin County's request to remove references to an accessway at Marsh Road and the staff recommendation to add a new proposed accessways at property owned by Sonoma Land Trust, and another accessway using an existing easement purchased by the Sonoma County Ag + Open Space District across an agricultural parcel adjacent to the Estero Americano.

In addition to these two new proposed accessways, the Planning Commission recommended adding an alternative alignment of the California Coastal Trail along Highway 1, and a water trail for canoes, kayaks, and similar watercraft, accessed from public trust lands at the mouth of the Estero Americano.

In response to some landowners' concerns that existing mapping and policy language encouraged trespassing, the Planning Commission added new text to the public access maps and the public access plans stating:

"Undeveloped (Proposed) access points are not available for public use until developed. Do not use Proposed access points without permission of the landowner."

The Planning Commission also recommended changes to access point labeling on Figure C-PA-1k to clarify that the California Coastal Trail and Estero water trail are general alignments that are not associated with a specific parcel or property owner."

Thus, this document also acknowledged that no public access exists from Bodega Harbour to Estero Ranch.

In July 2023, the County issued new maps once again. FIGURE C-PA-1i suddenly listed access point I-35 at the Estero Ranch as "existing."

However, also in July 2023, the County issued a correction paper indicating that the maps were being corrected. That document noted:

"Mapping of public access has been a continued topic of public comment throughout the Local Coastal Plan Update process, particularly as it relates to the Estero Americano, but also for proposed public access points on private property throughout the Coastal Zone. Currently, public access to the Estero Americano is only available at the mouth of the Estero or via an informal accessway at Marsh Road in Marin County. The Marsh Road accessway is on land owned by Marin County, but not identified as an accessway by the Marin County Local Coastal Program. Marin County has requested that the informal accessway adjacent to the county line on Marsh Road not be referenced in the Sonoma County Local Coastal Plan.

The mouth of the Estero and Estero Americano Water Trail can be accessed by walking along the shoreline from Shorttail Gulch Trail, use of this route is limited to low tide and the route would be challenging and hazardous in some conditions. The mouth of the Estero Americano could also be accessed by boat."

The document stated that "I-35: Estero Ranch Preserve dot updated to 'existing' to reflect current trail status." That designation was in error.

In any event, the current draft LCP amendment appears to have included revised maps that changed access point I-35 back to "proposed." (Fig. C-PA-1i.) The LCP fails to specify what actions that the County believes are necessary to make the access to Estero Ranch at I-35 valid. As such, the proposed LCP fails to adequately notify the public what processes are required.

Thus, as of July 2023, the County appears to have conceded that there is no "existing" lawful public access point from the Shorttail Gulch Trail to the Estero Ranch.

24. The Proposed LCP Update Appendix B Public Access Plan Appears to Confirm That Shorttail Gulch Trail Does Not Provide Access to Estero Ranch.

The proposed LCP Update, Public Access Plan, is unclear with respect to the legality of an expanded pedestrian easement over Easement G and the 1973 easement at Shorttail Gulch. The discussion under I-34 fails to discuss the issue at all.

The discussion of access to Estero Ranch under I-35 states "Trail access is either via the California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. *Future* trail access may connect Short-Tail Gulch Trail to Estero Ranch Preserve."

What this appears to state is that no access to Estero Ranch presently exists via the Shorttail Gulch trail. That would include both Easement G and the 1973 pedestrian easement.

If the provision is not saying that but is saying that the 1973 pedestrian easement provides access to Estero Ranch, that is incorrect for the reasons described in this comment letter.

25. Even Assuming That the Expanded Use of the Trail Is Lawful (Which It is Not), the Proposed TWC Project Conflicts with the County's Proposed Updated LCP.

Even assuming that the expanded use of the trail is lawful (which it is not), the

proposed project conflicts and is inconsistent with the following LCP provisions contained in the County's proposed, but uncertified, LCP:

Objective C-PA-3.3: Provide adequate facilities at public accessways. The proposed project fails to provide adequate facilities, or any facilities at all (including parking and restrooms) to serve the expanded use of Shorttail Gulch trail. The proposed project adversely and significantly impacts adjacent properties in a residential neighborhood by increasing public vehicle and foot traffic in the neighborhood, resulting in increased traffic, parking conflicts and congestion, noise, trash and litter, and other issues due to the lack of public restrooms servicing the trail. The additional parking will impede emergency and fire access to the neighborhood. The proposed project contains no discussion of the increased policing and monitoring of the trail, which will be needed with the increased use.

Objective C-PA-3-4: the proposed project conflicts with this objective which expressly provides that public accessways should be developed and maintained to "prevent adverse impacts on adjacent properties." The proposed project adversely and significantly impacts adjacent properties in a residential neighborhood by increasing public vehicle and foot traffic in the neighborhood, resulting in increased traffic, parking congestion, noise, trash and litter, and other issues due to the lack of public restrooms servicing the trail. The additional parking will impede emergency and fire access to the neighborhood.

Objective C-PA-4.1: this objective mandates that each new or expanded public facility have adequate parking facilities. As discussed herein, the increase demand for parking that will result from the expanded trail use will create parking shortages and conflicts, especially on weekends.

Policy C-PA-3c: this policy mandates that the distance between coastal access trails and residences should be as large as possible to protect the privacy of the homes. They should be designed and managed to minimize conflicts with the residential development. The proposed project is inconsistent with this policy because the distance between the trailhead and homes is about 80 feet (35 feet from the lot line), adversely affecting the privacy of the occupants of the homes. The expanded use of the trail will exacerbate this adverse impact.

Policy C-PA-4a: this policy mandates that adequate parking facilities be developed to serve new public access facilities. The proposed project fails to provide additional parking that will be necessary to serve the expanded public trail use.

26. Previous Proceedings Before the Sonoma County Board of Supervisors Indicate That the County Is Aware That Neither Easement Associated with the Shorttail Gulch Trail Provides Public Access to the Estero Ranch.

In a hearing before the Sonoma County Board of Supervisors on October 4, 2022, the County acknowledged that there is no legal public access from Bodega Harbour to Estero Ranch using the Shorttail Gulch Trail:

"Public Access at the Estero Americano:

Many comments have been received concerning access to the Estero Americano, both in support and in opposition to public access to the coast in this area. Opponents have raised issues of trespassing, vandalism, damage to Environmentally Sensitive Habitat Areas (ESHA) and requested that all references to public access to the Estero Americano be removed from the Local Coastal Plan. Proponents have argued that access to the coast is a right protected by the California Constitution and the Coastal Act, and further, that existing environmental impacts have to do with agricultural operations and not visitors. There are also disputes regarding access easements that go well beyond the scope of the Local Coastal Plan.

The Estero Americano is located within the Valley Ford Subarea on Figure C-PA-1k and three proposed accessways and well as an alternative alignment of the California Coastal Trail are shown on this map. Currently, there is no public access to the Estero Americano. The California Coastal Trail alignment is Highway 1, and does not provide access to the Estero Americano. One of the three accessways (J-2) is owned by the Sonoma County Land Trust, who supports limited supervised public access to their property. Accessway J-4 is associated with an easement purchased by the Sonoma County Ag + Open Space District. The final accessway is a water trail associated with canoeing and kayaking in the Estero Americano and adjoining public trust lands.

Trails are resource dependent development and are not prohibited in ESHA, provided that measures are taken to protect “against significant disruption of habitat values.” The Coastal Act specifically contemplates that recreation areas can be in, adjacent to, or near ESHA. With the exception of an accessway outside of the County’s jurisdiction on the Marin County side of the Estero, the Planning Commission did not recommend removing accessways to the Estero Americano. The Planning Commission also recommended that Public Access maps (Figures C-PA-1a through C-PA-1k) clearly identify which public accessways are existing and which ones are proposed for future development and provide notice that proposed accessways are not available for public use until developed.

...

Policy Option: Estero Americano Access

1. Adopt access plan and associated map as recommended by the Planning Commission with language and symbols clarifying that no access exists at this time, and use of the accessway required landowner permission. Add a new symbol and language clarifying that the Estero Americano Water Trail (J-3) refers to the Estero and public trust lands within the intertidal zone and that access at the Valley Ford Estero Americano Road Bridge on the Sonoma County side is privately owned and will require acquiring an easement to allow use of this

location to launch canoes and kayaks. Development of this accessway will not be necessary if Marin County opens the Marsh Road access to public use.

2. Remove all points identifying accessways on the map associated with the Estero Americano and add a policy to the Open Space and Resource Conservation Element acknowledging the public right to access public trust lands and strongly supporting development of accessways in locations where landowners have expressed an interest in providing access or where easements have been acquired that would allow development of public access.

Staff recommends Option 1. Accessway J-1 (Coastal trail along Highway 1) and accessway J-3 are intended to identify use of existing public rights-of-way or use of public trust lands. Only accessway J-2 and J-4 identify accessways across private property. As discussed above, Sonoma Land Trust (J-2) intends to allow limited supervised public access and accessway J-4 is across an easement purchased by the Sonoma County Ag + Open Space District.

(Oct. 4, 2022 staff report to Board of Supervisors.)

27. Neither the California Constitution, the Coastal Act Nor the Public Trust Doctrine Provide an Unqualified Right to Coastal Access.

Neither the California Constitution, the Coastal Act nor the public trust doctrine provide an unqualified right to coastal access.

Public Resources Code § 30210 alludes to the public trust doctrine in its reference to article X, section 4 of the California Constitution, but it recognizes that “maximum access” is to be provided “consistent with” public safety and private property interests.

Any effort to expand Easement G or the 1973/1977 pedestrian easement 50 years after-the-fact to the extent sought by TWC is not consistent with Bodega Harbour’s private property interests and rights, and also is contrary to public safety. The area does not possess adequate facilities to accommodate the expansion of purpose and use sought by TWC.

28. Based on the Absence of Any Lawful Public Access from Bodega Harbour to Estero Ranch, the Proposed LCP Amendment Should Be Modified.

Based on the discussion and analysis in this comment letter, and previous submissions to the County, the proposed public access plan (as part of the LCP amendment), should be modified as follows:

(I-35) Estero Ranch Preserve

In 2015 The Wildlands Conservancy acquired a 547-acre preserve at the mouth of the Estero Americano and ocean. The acquisition secured a conservation easement that included public funding and the requirement for public access. Road access is limited by easement restrictions that prohibit public use of Estero Lane. ~~Trail Access is either via the California Coastal Trail segment between Bodega Harbour and the mouth of the Estero Americano running along the Pacific Ocean. Future trail access may connect Short Tail Gulch to Estero Ranch Preserve.~~ A management plan under development will balance appropriate public access to the bluff, estuary, and coast with ecological protection.

Proposed Improvements and Programs:

1. *Plan and develop appropriate public access, education, and research compatible with the site's fragile ecosystem.*
2. *Maintain agriculture and related infrastructure on the preserve to support grassland health.*

29. CCC Approval of the Proposed CDP Would Violate the California Environmental Quality Act (CEQA).

CEQA applies to the CDP application and the CCC's certification of an LCP or amendment thereto. 14 Cal. Code Regs. § 15265(b).

The purpose of the CEQA is to ensure that an agency regulating activities "that may" affect the environment give primary consideration to preventing environmental damages. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 117. CEQA applies to "discretionary projects proposed to be carried out or approved by public agencies." PRC § 21080(a). A project may be exempted from CEQA, or part of CEQA, by statute.

Here, the CCC evaluated the proposed CDP under a "certified regulatory program" exemption to CEQA, allowing the CCC to sidestep a few procedural aspects of CEQA such as preparing an EIR. *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 709. However, PRC § 21080.5(c) exempts certified regulatory programs only from a limited number of CEQA provisions, namely – §§ 21100–21108, 21150–21154, and 21167. *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1231; *EPIC v. Johnson* (1985) 170 Cal.App.3d 604 [not a "blanket exemption."]. Thus, the CCC is still "subject to the broad policy goals and substantive standards of CEQA." *Pesticide Action Network North America v. Dep't of Pesticide Reg.* (2017) 16 Cal.App.5th 224, 242; 14 CCR §§ 15250; 13096(a); 13057(c).

One broad CEQA policy is that "noncompliance with [CEQA's] . . . information disclosure provisions . . . , or noncompliance with [CEQA's] substantive requirements . . . , may constitute a prejudicial abuse of discretion . . . regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." PRC § 21005(a). PRC § 21006 states that CEQA "is an integral part of any public agency's decisionmaking process, including, but not limited to, the issuance of permits," Another CEQA policy is that "public agencies should not approve projects as proposed if there are . . . feasible mitigation measures . . . which would substantially lessen the significant environmental effects" *Id.*, § 21002. PRC § 21001.1. also states

that public projects are “subject to the same level of review. . . [as] private projects” As discussed below, the CCC failed to meet these basic CEQA standards.

30. The CCC Failed to Consider Feasible Mitigation Measures and a Reasonable Range of Alternatives to the Proposed Shorttail Gulch Access.

But because the CCC must avoid significant adverse effects on the environment where feasible, it prepares a document functionally equivalent to an environmental impact report (EIR) when evaluating the environmental impact of activities, such as an LCP amendment or a CDP. 14 Cal. Code Regs. §§ 15250, 15252. The CCC’s staff report, as the functional equivalent of an EIR, must identify and analyze feasible mitigation measures and feasible alternatives that could avoid or substantially lessen the project’s significant environmental impacts. PRC § 21002, 21002.1(a), 21100(b)(4), 21150. The CCC must consider and analyze a reasonable range of alternatives to the proposed project or to its location that would feasibly attain most of the project’s basic objectives while reducing or avoiding significant impacts.

Based on the nature and scope of the dedicated easement, the Shorttail Gulch was never intended to be an access point to the Estero Ranch. It was certainly never intended to be the *primary public access* to the ranch. Yet, that’s exactly what TWC proposes, ignoring the purpose, scope and breath of the easement, as well as the surcharge of the easement that would occur in making Shorttail Gulch the primary public entrance to Estero Ranch.

The CCC concludes that “there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects” (CCC Staff Report at 4, 28.) That is erroneous. In fact, the CCC did not analyze or consider any feasible alternatives or feasible mitigation measures before making its decision.

Potentially feasible alternatives may include other access points from areas other than the private Bodega Harbour subdivision, or legal constraints on the time, place and manner of the access in order to ensure that the easement is not surcharged. Likewise, possible mitigation measures may include different access points and legal constraints on the time, place and manner of the access in order to ensure that the easement is not surcharged.

31. In violation of CEQA, the CCC Made No Effort to Forecast the Increase in Visitation and Use of the Shorttail Gulch Easements That Would Result from the New Estero Ranch Trail System, and Thus, Ignored and Failed to Analyze Direct and Indirect Effects of the Project.

The CCC must identify and describe the project’s significant environmental effects, including direct, indirect and long-term effects. Pub. Res. Code § 21100(b)(1); 14 Cal. Code Regs. § 15126.2(a) § 15128.

CEQA Guidelines § 15358 defines “effects” and “impacts” (used synonymously) to

include “[d]irect or primary effects which are caused by the project and occur at the same time and place” and “[i]ndirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable.” 14 Cal. Code Regs. § 15358, subd. (b).

The CCC asserts, without evidence, that “does not appear there will be excessive traffic, parking, or pedestrian use that would burden the HOA in any case.” (CCC Staff Report at 2.) Yet, the CCC made no effort to estimate or forecast the additional use of the Shorttail Gulch easements that would result from the new 5-mile trail system on Estero Ranch. The CCC also failed to consider that Shorttail Gulch would be the only public entrance to Estero Ranch except for the limited public access four times a year through Estero Lane.

In other words, the CCC’s analysis doesn’t have any idea of how many additional visitors will use the new trail system or Shorttail Gulch to access the system. More people on the trail is obviously a physical impact.

Accordingly, there is no substantial evidence in the record that supports the idea that there would be no additional burdens on the easement and the Bodega Harbour neighborhood resulting from that increased use. (See Mary O’Hara-Devereaux, Ph.d., Global Foresight, November 5, 2024 Report.)

The CCC has failed to comply with CEQA because it failed to analyze the impacts that would be created by additional recreational users because its analysis fails to even consider how many additional users will access Estero Ranch.

32. In violation of CEQA, the CCC Failed to Analyze Cumulative Impacts of the Project.

The CCC must analyze significant cumulative impacts.

CEQA defines “cumulative impact” as an impact produced by combining a proposed project’s impacts with other projects causing related impacts. 15 Cal. Code Regs. § 15130(a)(1). CEQA analyses must examine a project’s cumulative impacts when the project’s possible environmental impacts are “cumulatively considerable.” *Id.*

“Cumulatively considerable” means that a project’s incremental effects are significant when combined with the effects of past, present, and reasonably foreseeable future projects. 14 Cal. Code Regs. §15065(a)(3). If an agency concludes that a project’s incremental effect is not cumulatively considerable, it must still discuss this effect by explaining how it reached that conclusion, including why a project’s incremental effect plus other projects’ effects do not have a significant combined cumulative impact. *Id.*, §15130(a), (a)(2).

The CCC has failed to consider, or discuss, the cumulative impact of adding the new trails project to the present use and burden of the Shorttail Gulch trail.

33. Incorporation by Reference of Previous Comments and Submissions.

Bodega Harbour hereby incorporates by reference all previous letter, comments and submissions to the CCC and the County.

Thank you.

Sincerely,

/s/

Tom Roth

Cc: Bodega Harbour HOA Board of Directors
USB stick with supporting documentation



#3 Montague Place, San Francisco, California 94133

Tel: 415.398.8816 • Fax: 415.398.8815

Mobile: 415.990.7966

mohara@global-foresight.net

November 5, 2024

Tom Roth
Law Office of Thomas D. Roth
1900 S. Norfolk Street
Suite 350
San Mateo, CA 94403

Re: Forecast of Additional Shorttail Gulch Trail Users Resulting from the Creation of a New 5-Mile Trail System at the Former Estero Ranch; California Coastal Commission Agenda Item 10c; November 14, 2024

Mr. Roth:

You have asked me to respond to the following California Coastal Commission statement in its staff report for The Wildlands Conservancy's application for a coastal development permit for a new trail system, set for hearing before the Commission on November 14, 2024:¹

“The HOA has also not submitted any evidence demonstrating there will be an excess number of users or any associated problems with that increase, and indeed, a traffic study conducted by TWC concluded that the new trail use will not significantly increase parking or traffic issues in the HOA area. Any increased parking use, it should be noted, would take place on public roads in areas with open public on-street parking. Lastly,

¹ I have attached my CV. I have more than 25 years' experience in preparing a wide range of socio-economic forecasts for a range of global corporations.

the responsibility for trail maintenance resides with the easement holder, Sonoma County, and there would thus be no increase in the burden of trail maintenance on the HOA.”

The Bodega Harbour HOA commissioned IDAX Data Solutions to monitor pedestrians entering the Shorttail Gulch trailhead for two weekends: September 13-15, 2024 and Oct. 12-14, 2024.

Taking an average of those two weekends, which included a Holiday weekend, multiplied by 52 weekends, Shorttail Gulch presently experiences about 6,900 visitors annually on weekends. While there is no data on weekday usage (other than Fridays), I live in Bodega Harbour (adjacent to the trail) and I have observed that weekday usage is typically substantially less than on a weekend. For analytical purposes, weekend usage is more relevant because the increased usage during weekends has the greatest potential to create impacts to the neighborhood.

Forecasting future visits by recreational users due to the new 5-mile trail system is difficult given the wide range of variables. However, TWC’s consultant, W-Trans, appears focused only on additional vehicular traffic, not the overall use of the easement access by pedestrians.

W-Trans admits that its conclusion as to whether there will be adequate parking is based on “observations during a [singular] site visit as well as anecdotal information about parking usage, the existing on-street and off-street parking supply” (CCC Staff Report, Ex. 7 at 7.) Generally, a single data point is insufficient to forecast future conditions. It also appears that W-Trans did not speak to or interview any residents or Board members from Bodega Harbour – people who have first-hand knowledge of the parking situation.

My personal observations and those of other Bodega Harbour residents is that the parking lots for Pinnacle Gulch and Shorttail Gulch are often at capacity on weekends presently – meaning that there is no excess capacity. On weekends, there is also significant street parking use near

Shorttail Gulch, meaning there is limited excess capacity to accommodate additional use from the TWC trails project. I estimate that there are only a few excess capacity street parking spots available on non-Holiday weekends.

In terms of forecasting future use of the Shorttail Gulch trail easement in order to access the TWC trail system, one approach is to identify another park that has a similar trail system near the coast. One such example is the Tennessee Valley trail system at Golden Gate National Recreation Area in Marin County. According to National Parks Service data, annual recreational visitation to those trails in 2023 was approximately 204,000.

However, it is not reasonable to assume that the TWC visitation would reach that level. The former Estero Ranch property is more remote and is not near the Bay Area, which generates extensive traffic at Tennessee Valley.

It is reasonable to predict that within the medium-term, visitation to the Estero Ranch trails would reach one-third to one-half of the Tennessee Valley numbers – between 68,000 and 102,000 per year.

That forecast is consistent with the County's forecast of 56,000 annual visitors to the Pinnacle Gulch trail.

It is also a reasonable forecast because under TWC's proposal, Shorttail Gulch would be the **only public entrance** for the 600-acre property, except for very restricted public access four times a year on Estero Lane. In other words, if the public wants to access the former Estero Ranch, it must use Shorttail Gulch.

68,000 to 102,000 would be an order of magnitude increase from the current annual visitation level of 6,900.

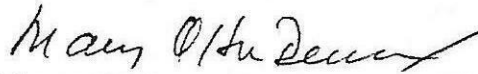
Obvious adverse impacts from such a large increase in use would

include litter, impacts from using the area as an outside toilet, impacts from people taking short cuts across private property, conflicts over parking spaces, inadequate parking, potential vandalism, and illicit drug use. Osprey is a narrow street in front of the proposed entrance to the new trail area, and excess parking will create obstacles for first responders for medical care or other emergencies.

While the Coastal Commission notes that Sonoma County would be responsible for trail maintenance, no one claims that Sonoma County would address impacts to the neighborhood itself, thus burdening the HOA and residents of Bodega Harbour.

Nor is there any claim or evidence that Sonoma County has the personnel, resources or budget to maintain the trail in light of a ten to fifteen-fold increase in use.

Sincerely,


Mary O'Hara-Devereaux., Ph.D
Global Foresight LLC

Golden Gate NRA

Current calendar year data are preliminary and subject to change. Data will be finalized by the end of the first quarter of next calendar year.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Annual Total
TRAFFIC COUNT AT TENNESSEE VALLEY ROAD													
2024	16,665	10,902	15,326	13,275	0	0	0	0	0				56,168
2023	17,390	9,823	12,491	18,011	16,276	17,106	23,457	34,222	17,093	10,630	16,064	12,116	204,679
2022	18,206	15,769	14,847	16,997	16,009	12,093	12,093	18,819	11,497	14,862	15,917	12,709	179,818
2021	20,452	20,551	23,043	16,567	15,952	39,565	15,438	28,026	14,092	14,092	13,945	17,214	238,937
2020	18,350	17,148	15,928	16,024	16,901	17,340	18,241	24,576	15,981	18,608	23,622	22,588	225,307
2019	15,164	11,126	15,293	18,092	15,002	16,838	20,365	16,668	14,788	17,291	14,673	11,839	187,139
2018	16,475	15,051	16,416	16,416	16,142	16,100	19,428	21,535	17,421	17,421	2,838	14,102	189,345
2017	15,384	15,444	16,104	15,247	15,325	16,567	15,737	15,796	15,734	18,105	16,388	16,352	192,183
2016	21,466	18,633	18,733	21,799	20,753	20,135	20,874	21,531	18,554	20,389	14,854	14,447	232,288
2015	22,728	21,174	21,578	21,623	19,967	19,852	20,075	22,884	17,681	17,953	17,420	16,074	239,009
2014	23,701	15,244	16,347	17,169	19,967	16,978	15,185	22,715	15,800	18,563	16,333	17,911	215,913
2013	19,957	16,616	15,428	20,001	16,571	14,628	15,623	19,734	18,020	14,301	14,822	22,676	208,377
2012	24,403	12,151	0	14,395	13,858	17,287	16,051	19,677	23,779	16,466	16,234	0	174,301
2011	14,711	15,123	16,473	10,940	16,348	16,488	14,254	15,068	14,489	13,790	14,816	18,799	181,299
2010	0	1,347	1,388	0	16,732	6,161	839	0	16,319	12,079	15,584	8,436	78,885
2009	20,633	13,775	12,633	19,123	15,902	15,902	10,960	22,574	11,000	14,000	16,000	12,000	184,502
2008	9,728	18,558	14,642	19,962	15,648	15,431	15,829	18,000	11,958	14,828	17,624	10,778	182,986
2007	21,974	0	17,965	13,213	0	34,903	18,751	18,498	0	0	13,008	14,478	152,790
2006	0	0	17,202	0	0	0	0	0	0	0	10,961	0	28,163
2005	15,140	11,485	0	0	25,827	7,012	16,308	0	0	14,770	14,963	0	105,505
2004	16,411	13,314	17,430	9,886	0	6,492	18,203	18,203	12,482	12,210	12,412	9,736	146,779
2003	0	8,271	20,101	15,607	17,146	0	17,739	15,801	15,309	18,390	12,713	10,189	151,266
2002	10,877	0	0	8,914	20,446	20,276	0	37,648	198,113	0	0	0	296,274
2001	28,056	9,911	21,816	0	0	0	0	64,820	17,172	21,635	0	31,105	194,515
2000	0	44,482	26,960	0	19,655	25,552	0	9,227	14,448	11,576	19,651	14,438	185,989
1999	9,602	13,512	17,040	19,871	17,848	24,763	16,018	18,663	19,502	15,296	19,585	0	191,700



RANA
26382 Carmel Rancho Ln. 2nd Floor
Carmel, CA 93923
T: 831.659.3820
www.ranacohabitat.com

November 8, 2024

Tom Roth
Law Offices of Thomas D. Roth
1900 S. Norfolk Street
Suite 350
San Mateo, CA 94403

Dear Mr. Roth:

I have received and reviewed the Transportation Impact Study for Estero Americano Coast Preserve by W-Trans that discussed potential transportation impacts associated with the proposed Estero Americano Coast Preserve Trails Project in Sonoma County.

The stated purpose of the letter is to set forth anticipated trip generation, address potential impacts related to CEQA and detail the projects effect on traffic operation.

However, the letter also proposed and used a methodology for assessing parking space demand and stated findings for the number of parking spaces that firm believes the trail project warrants. My comments below focus solely on W-Trans' findings of parking demand in relation to potential impacts of the proposed project.

Utilizing traffic rates and two existing parking lots parking spaces and correlating this data to miles of trails -- as the W-Trans firm did -- doesn't properly support the parking demand analysis.

Hours of use per parking space during peak hours would be a more accurate way of establishing demand. W-Trans failed to provide this analysis, which is necessary to obtain an accurate parking demand forecast.

W-Trans' methodology is not appropriate given the nature of the project being analyzed, and is not the industry standard. It does not matter how many miles of trail a park has; what matters is how long a visitor stays there and uses the trailhead parking. It also matters what the trail/park capacity is.

A handwritten signature in black ink that reads "Paul Kephart". The signature is written in a cursive, slightly slanted style.

Paul Kephart
Ecologist/Founder Rana Creek

MARY O'HARA-DEVEREAUX, PH.D.

Founder and President, Global Foresight

A trusted and respected advisor to Chief Executives (CE), Mary O'Hara-Devereaux has more than 25 years of global experience providing private companies, government entities, and non-profits with long-term socio-economic forecasts, trend analysis, strategy, and innovation support to support them making better decisions and make sense out of the future.

Known for her steady-eyed forecasting, Mary's ability to analyze emerging trends and translate them into profitable business opportunities is legendary. She is known for finding targets no one else can see.

Mary's skill at helping executives thrive in turbulent times has been honed by more than 25 years of global experience in over 66 countries on 6 continents. Her deep cross-industry expertise includes work for well-known companies in the technology, entertainment, media, biotech, financial services and accounting, consumer products, energy, health care/ pharmaceuticals, food and beverage, and staffing industries. Areas of business expertise include business forecasts, corporate strategy, innovation "skunk works," competitor analysis, business development, and strategic human resources.

She has delivered keynotes and executive briefings to a list of global blue-chip clients. Additionally, she has provided future's briefings to U.S., China, and other global governmental agencies, foundations and forums, and speaks at Public not-for-profit entities.

As former Director of the Institute for the Future in Silicon Valley (a spin-off of The Rand Corporation), Mary led the emerging technologies program providing forecasts and analysis to multinationals around the globe and led conferences and institutes exploring the future and disruptive impacts of technology, as well as, the future of work and education.

An internationally known futurist and sought-after speaker, Dr. O'Hara-Devereaux is the author of the best-selling books 'Navigating the Badlands: Thriving in the Decade of Radical Transformation' and 'Global Work—Bridging Distance, Culture and Time'. Two other books, 'China Five-Year Forecast: Creating the New Marketplace' and 'China's Generations: The Transformation of Daily Life', are considered must-reads for business leaders who want to engage successfully with the world's most important emerging market. She is currently finishing her next book, a forecast of the global business environment over the next 10 years out to 2030.

Mary's work has been featured on Bloomberg TV and Fox TV in the U.S. and on CCTV in China; on National Public Radio, AARP Radio, and other regional and local radio shows; in The Wall Street Journal Asia and the Los Angeles Times; and in other prominent magazines and journals.

Dr. O'Hara-Devereaux has served on a number of boards; she has been on the faculty of the University of California, Davis, UC San Francisco, the University of Hawaii, and Beijing University; founded the Center for the Future of China at Beijing University where she lead forecasts and research for global and Chinese clients; and has served as visiting professor at many universities around the world. She holds degrees from the University of Michigan, the University of California, and Fielding Graduate University.



Trusted CEO Advisor
Forecaster/Futurist
Keynote Speaker
Best Selling Author
Founder of 3 Companies

Clients**Global**

Apple, Oracle, Chevron, IBM, Merck, Genentech, Walt Disney Company, Sony, China Merchants Bank, CITIC Pacific, Heineken, Gap, Royal Bank of Canada, BASF, Skandia, Coca-Cola, P&G, Lockheed Martin

Corporate

HMC Architects, Kaiser Permanente, Erickson, Scripps Networks, Sempra Energy

Government Agencies

NASA, DARPA, Health and Human Services

Foundations/Forums

Robert Wood Johnson, Archstone Foundation, Rockefeller Foundation, Pew Charitable Trust, Milken Global Institute, Harvard's Kennedy School, The Conference Board, World of Work

Public Not-for-Profit

ASAE, SHRM, Geoprofessional Business Association, Senior Researcher

Leadership, Innovation, Strategy

Paul Kephart

RANA- Founder and Principal Ecologist

(831) 659-3811

paul@ranacreekdesign.com

Paul has a keen ability to see the geologic, natural and cultural history embodied in a landscape, and simultaneously imagine its most vibrant future. For thirty years, Paul has given himself to observation, scientific understanding and intimate relationship with the great diversity of natural systems. As the principal ecologist for Rana Creek, Paul applies his comprehensive consulting experience pertaining to CEQA, NEPA, botanical survey, biological assessment, project mitigation, land stewardship programs, and land management planning. Paul is a licensed landscape contractor and often implements restoration plans. As a land use & zoning expert, Paul can offer insight into issues related to land use regulations, zoning laws, and planning and development.

AFFILIATIONS

- American Society of Landscape Architects
- California Native Plant Society California
- Native Grass Association
- Society for Ecological Restoration
- Special Consultant for the Monterey Peninsula Open Space Trust at CSUMB
- Society of Environmental Professionals

PUBLICATIONS

- Stromberg, Kephart, Yadon, 2002 Coastal Grasslands, Madrono
- Kephart, Paul, 2005 Bring back Native Grasses, Restoration and Management Demonstration Russian Ridge, Grasslands
- Stromberg, Mark R. and Paul Kephart, "Restoring native grasses in California Old Fields" Restoration and Management Notes, 14(2), Winter, 1996

RELEVANT EXPERIENCE

Founder and Principal Ecologist of *Rana Creek Habitat Restoration*

1987- current

- Applies comprehensive consulting experience pertaining to botanical survey, biological assessment, project mitigation, land stewardship programs, land management planning, and habitat restoration
- Licensed landscape contractor
- Endangered Species Work
 - California red-legged frog relocation and habitat creation. Carmel River Reroute and Dam Removal (2023-current)
 - Monterey spineflower restoration and monitoring. Monterey Bay Aquarium Research Institute (2021-current)
 - California red-legged frog, foothills yellow-legged frog, southwestern pond turtle, and nesting birds surveys. Mattos Wetland Restoration (2021-current)
 - Design, Permit, and Construction of Two Lakes and Restore Riparian Habitat for San Francisco Garter Snake for Fandango Ranch, San Gregorio (2007-2014)
 - Rare and Endangered Species Mitigation Plan -Trifolium Polyodon, Clint Eastwood, Cañada Woods North, Carmel Development Co (1997)
 - Vegetation Management Plan for Tipton kangaroo rat, Blunt-nosed leopard lizard,

and San Joaquin kit fox, Kern Water Bank Authority (1996)

- Land Use, Restoration Planning and Implementation
 - Rocky Point Restaurant Restoration Plan (2024-current)
 - Rocky Point Restaurant California Coastal Commission Cease and Desist Orders Settlement Agreement (2024-current)
 - Coastal Development Permit, State Lands Commission Lease Agreements – Boathouse, Inverness, California (2019-Current)
 - UC Berkeley Coastal Prairie Assessment, Restoration and Mitigation Planning, UC Berkeley (2019-current)
 - UC Berkeley Richmond Field Station EPA Meadow (2023-current)
 - Rancho Cañada Floodplain Restoration (2023)
 - Monterey Bay Aquarium Research Institute, Moss Landing, CA (2021-current)
 - Knoop Residence Revegetation Plan (2021-current)
 - DeSantis Residence Revegetation Plan Implementation Project (2021-current)
 - Restoration Implementation Design, Biological Monitoring and Implementation: *for* San Clemente Dam Removal and Carmel River Reroute Project
 - Redberry Ridge Portola Valley, California (2013-2018)
 - Great Tidepool Restoration, City of Pacific Grove, (2008-2018)
 - Front Runner, Topanga, California: Erosion Control Plan, Removal Plan, Remedial Grading Plan, Revegetation Plan, Monitoring Plan, and Reporting (2017-current)
 - Oak Woodland Mitigation and Restoration Plan, City of Portola Valley (2017)
 - Coastal Dunes, City of Marina (1999)
 - Monterey Pine Forest Restoration, PG&E (1999)
 - Coastal Bluff Restoration Plan, Pebble Beach Company (1999)
 - Revegetation Plan of Julia Pfeiffer Burns Landslide, CALTRANS District Five (1996)
 - Native Grassland, Diablan Sage Scrub, and Oak Woodland, Granite Rock Company (1996)
 - 1996: San Bruno Mountain, County of San Mateo (1996)
 - Public Education Interpretive Trail, PG&E City of Seaside (1996)
 - Bill and Roxanna Keland, Monterey California (1995)
 - Garland Ranch, Monterey Regional Park District (1995)
- Biological Assessments and Monitoring
 - Rocky Point Biological Assessment, Big Sur (2024)
 - Linda Flora Mountain Lion Corridor Survey and Mapping, Santa Monica, CA (2024)
 - Sunset Drive, Pacific Grove, CA (2024)
 - Calvary amphitheater and pavilion, Monterey, CA (2023)
 - Boathouse wetlands, Inverness, CA (2023)
 - 1359 Lighthouse Avenue, Asilomar Dunes, Pacific Grove, CA (2023)
 - Golden Hind Passage, Corte Madera, CA (2022)
 - Wetland Restoration and Mitigation, Design, Biological Monitoring and Assessment, Permitting: *for* Diamond D Dairy, Marshal California (2017-current)
 - San Clemente Dam Removal and Carmel River Reroute Project (2013 – 2023)
 - Wilson Quarry SMARA compliant Restoration for Granite Rock, Aromas CA (2008 – current)
 - Palassou Ridge, The Nature Conservancy and Santa Clara County Open Space Authority (1999)
 - Desert Alkaline Scrub Habitat: *for* Kern Water Bank Authority (1999)
 - Vegetation Monitoring, Kern Water Bank Authority (1998)
 - Clint Eastwood Cañada Woods North, Carmel Development Co (1997)
 - Coastal Terrace Prairie, The Nature Conservancy (1996)

- Diana Fish of the Palo Corona Ranch, Monterey County (1996)
- Off-site Coastal Terrace Prairie mitigation, Elkhorn Slough Nature Conservancy property (1995)
- Coastal Terrace Prairie Restoration, East Bay Utility District, Richmond, CA (1995)
- Grazing Management
 - Fish Ranch, Carmel (2013-14) and Dianna Fish (2018)
 - SunPower Corporation, Multiple locations, California (2010-2017)
 - Diana Fish of the Palo Corona Ranch, Monterey County (1996)
- Resource Management Planning
 - Unger Park, Santa Clara County Parks (1999)
 - Bear Property Transition, Santa Clara County Parks and Recreation (1997-1998)
 - Native Grassland, Mid-Peninsula Open Space Russian Ridge Preserve (1997)
 - Native Grass Establishment, PG&E Diablo Canyon (1995)
 - Native Grassland and Diablan Sage Scrub, Granite Rock (1994)

Landscape Design and Implementation for Rana Creek

- Pioneer and innovator of living architectural systems, a thought-leader in ecological design, and a dedicated horticulturalist
- Consulted on many groundbreaking and iconic projects, including large-scale living roofs and living walls, site master plans, and cumulative restoration of many thousands of acres of grassland, wetland and coastal landscapes in the Western US

EDUCATION

- Master of Architecture: San Francisco Institute of Architecture

RESEARCH

- State-wide classification, collection, and propagation of native grasses, wildflowers, shrubs, and trees for agronomic, restoration, and nursery production