

FRIENDS OF THE NORTH COAST

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December 10, 2020

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

*Item 13C
12/11/2020 Agenda*

Re: **Request that Conditional Concurrence Add Yellow Bank Gate Alternative as Consistent with Coastal Act in light of Apparent Absence of Easement Necessary Marina Ranch Alternative**

Dear Commissioners:

We have reason to believe that no easement has yet been granted to BLM to cross the TPL/CDLC Agricultural Land between Highway 1 and BLM land so as to enable access to and from BLM's proposed Marina Ranch Gate Alternative. As explained below obtaining this access is not a "slam dunk." Hence, FONC renews its previous request that the Yellow Bank Gate Alternative be made part of this conditional concurrence so as to expedite access if for some reason the easement for Marina Ranch Gate is not obtained by BLM.

An Agricultural Conservation Easement ("ACE") covers the TPL/CDLC Agricultural Land over which BLM proposes to travel to Marina Ranch Gate and it was included in the ADOPTED CDP 3-11-035 which all acknowledge is binding on BLM. That ACE includes the following provision, among others:

9. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement. ***Nothing in this Easement shall be construed to preclude Grantor's right to grant access across the Property to third parties or the general public provided that access is allowed in a reasonable manner and is not inconsistent with the conservation purposes of this Easement.***

"Prohibited Uses" include:

11. Major alteration of land form by grading or excavation of topsoil, earth, or rock, unless the Grantee consents.

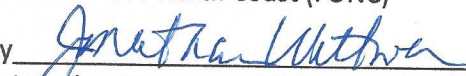
The conservation purposes of the ACE are to benefit agriculture. However the proposed access to Marina Ranch Gate will bisect an agricultural field with the following adverse impacts to agriculture:

- changed management patterns- agricultural operations cannot run disks across a road without damaging it, so it may be necessary to trailer equipment and to get it to the remainder of the field on the other side of the access road. Furrowing patterns are best on contour for erosion and ease of turning around; now, the farmer will have to turn around, costing twice as much- time and money; and
- trespass and human impacts on the crops.

Furthermore, the access will involve a major alteration to construct a two lane road up a narrow draw and engineer it in such a way as to make it passable in the winter, especially in light of the drainage necessarily involving the ephemeral stream shown in our December 4, 2020 letter.

Friends of the North Coast (FONC)

By

A handwritten signature in blue ink, appearing to read "Jonathan Wittwer", is written over a horizontal line.

Jonathan Wittwer, FONC President