

1 UNITED STATES DEPARTMENT OF THE INTERIOR
2 OFFICE OF HEARINGS AND APPEALS
3 BOARD OF LAND APPEALS

4)
5) IBLA Docket No. IBLA-2021-0313
6 FRIENDS OF THE NORTH COAST,)
7 DAVENPORT NORTH COAST ASSOCIATION,)
8 and RURAL BONNY DOON ASSOCIATION,)
9 Appellants.) DECLARATION OF
10) MARK LIPSON
11) IN SUPPORT OF
12) MOTION FOR STAY
13)
14)

15 I, Mark Lipson, declare as follows:

16 1. I am a partner in Molino Creek LLC and reside at Molino Creek Farm, a multi-
17 family working farm accessed via an easement known as Warrenella Road. The easement (BLM
18 easement registry #CA 055386) crosses largely through property now owned and managed by
19 US BLM.

20 2. I have resided at Molino Creek for 41 years and I have a close working
21 knowledge of how Warrenella Road is used by vehicles associated with timber, utility, farming,
22 and fire management needs and the concerns of the Molino Creek community.

23 3. The Molino Creek community has significant concerns about proximity of BLM's
24 recently proposed Access to its proposed northern entrance parking lot to Warrenella Road.

25 4. The small distance (approximately 60 feet centerline to centerline) proposed
26 between the Warrenella Road intersection with Cement Plant Road and the proposed new Access
27 intersection with Cement Plant Road is guaranteed to create conflict between Cotoni-Coast
28 Dairies Monument recreational users and the working traffic on Warrenella Road. Large and
long tractor-trailers and other vehicles with trailers move frequently through the Warrenella
Road Gate for agriculture, logging, fire management, PG&E activities and other land

1 management purposes. Convoys of vehicles doing work on and touring in the San Vicente
2 Redwoods property are becoming more frequent. All of this traffic must stage on Cement Plant
3 Road while entering and exiting the (manually) locked gate.

4 5. The small distance as planned between the two intersections does not allow for
5 the margin of maneuverability that is needed. This will be made worse by closing the railroad
6 crossing just south of the Warrenella Road intersection, where most of the Warrenella traffic
7 currently exits and enters Highway 1. After the closure of the railroad crossing immediately
8 south of the Warrenella intersection (which County Officials have told DNCA will be in Spring
9 of 2022), traffic (consistent with BLM and County objectives) will be encouraged to access
10 Cement Plant Road from the northern intersection of Cement Plant Road and Highway 1. The
11 County's proposed new speedbumps on Cement Plant Road to the south of Warrenella Road will
12 reinforce this preference.
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15 6. The effect of this change will be that vehicles stopping to manually open and
16 close the Warrenella gate will queue north of the gate, facing south. Long vehicles (or caravans
17 of vehicles, as is frequently the case) will necessarily block BLM's proposed Access to BLM's
18 proposed Warrenella Gate Parking Lot. There is also a likelihood that recreational users of
19 BLM's proposed Parking Lot, approaching from the south and less deterred by speed bumps than
20 heavy trucks, will block the Warrenella Road intersection as they queue for entry into the BLM
21 Parking Lot.
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23 7. The location of BLM's recently proposed Access to the proposed Warrenella Gate
24 Parking Lot represents a substantial change from the location approved by the Decision Record
25 for BLM's Resource Management Plan Amendment. BLM did not inform any of the Molino
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1 Creek community of this proposed change, which we learned of only subsequent to a March 28,
2 2022 meeting on site between BLM's Field Manager and DNCA representatives.

3 8. Nor did the Molino Creek community receive any communication from the
4 County Department of Public Works regarding its consideration of an Encroachment Permit for
5 BLM's relocated proposed Access. See also Exhibit A, the Big Creek Lumber letter to the
6 County Public Works Director dated April 26, 2022 attached to this Declaration requesting
7 reconsideration of the Encroachment Permit issued to BLM and stating that neither Big Creek
8 nor Cal Fire was informed or consulted regarding BLM's proposed relocation of such Access.
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10 I declare under penalty of perjury that the foregoing is true and correct. Executed on May
11 10, 2022.

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14 Mark Lipson, Declarant

EXHIBIT A

1 Exhibit A – Big Creek Lumber letter (page one of two)



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6 April 26, 2022

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8 Matt Machado, Public Works Director
9 Santa Cruz County Public Works Department
10 701 Ocean Street, Room 410
11 Santa Cruz, CA 95060

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14 **RE: Cotoni-Coast Dairies National Monument Northern Entrance and Parking Lot**

15 Dear Director Machado,

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17 It has come to our attention that on March 15, 2022 the Santa Cruz County Public Works Department approved an Encroachment Permit for entering and exiting Cement Plant Road at a proposed 42-vehicle Parking Lot serving the northern entrance to Cotoni-Coast Dairies National Monument (C-CD). The location of this encroachment and associated parking lot is significantly different than the location (approximately 150' – 175' north) adopted in the Bureau of Land Management (BLM) Resource Management Plan Amendment (RMPA) which was submitted to and acted upon by the California Coastal Commission. This RMPA is intended to control the future use, disposition and management of the C-CD property. Big Creek Lumber was neither informed nor consulted regarding this change.

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19 Our company has concerns about the location of this newly-proposed relocated northern entrance and parking area, both of which appear to be approximately 40 linear feet from long-established Warrenella Road where it enters and exits Cement Plant Road. Warrenella Road is used by commercial vehicles, including loaded logging trucks and service vehicles, which frequently transport heavy equipment. Ongoing periodic timber harvesting on San Vicente Redwoods requires the access and use of Warrenella Road. Timber harvesting is a use specifically allowed by an existing Conservation Easement. Per this Conservation Easement timber harvesting will occur into the future.

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21 Locating the C-CD northern public entrance this close to the Warrenella Road and its associated locked manual gate could create interference with, and safety hazard to, future users of both entrances. Large vehicles entering and exiting Warrenella Road need sufficient distance between each entrance to safely turn onto and out of Warrenella Road. For the same reasons, visitors entering and exiting C-CD need sufficient distancing from Warrenella Road in order to minimize vehicle conflicts. Many vehicles that enter and exit Warrenella Road are longer than 40 feet, which is the distance between both entrances as contemplated by the Encroachment Permit. Some of these vehicles are as long as 60 feet.

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27 **BIG CREEK LUMBER CO. 3564 Highway 1, Davenport, CA 95017 (831) 457-5015**

1 Exhibit A – Big Creek Lumber letter (page one of two)

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3 Big Creek Lumber has been informed by Davenport North Coast Association (DNCA) that BLM has a
4 superior alternative to their new, unvetted encroachment and parking lot design. DNCA has informed us
5 that since 2018 it has recommended a C-CD entrance near the Mocettini Barn approximately 300 feet
6 further to the north on Cement Plant Road. Not only would this location significantly reduce future
vehicle conflicts, it is a location that BLM has specified as a future entrance and parking facility to serve
the soon to be restored historic Mocettini Barn.

7 It is important to point out that the California Department of Forestry and Fire Protection (Cal Fire) also
8 uses the Warrenella Road to transport firefighting equipment and personnel during emergencies,
9 potentially resulting in additional vehicle conflicts. It is our understanding that Cal Fire was not
informed or consulted as to BLM's proposal to relocate its entry/exit to the northern entrance either.

10 We urge the County Department of Public Works to reconsider the Encroachment Permit it signed about
11 a month ago and consult with affected users of Warrenella Road. We also urge BLM to consider the
12 alternative northern entrance long-proposed by DNCA adjacent to the Mocettini Barn. This would
13 significantly reduce the likelihood of vehicle conflicts, serve to increase public safety and help to
minimize visitor impacts to nearby local residents.

14 Sincerely,

15 
16 Bob Berlage
17 Communications Director

18 Cc: Travis Rieber, Santa Cruz County Public Works

1 **PROOF OF SERVICE**

2 I, Toyer Grear, declare as follows:

3 I am a resident of the State of California, and employed in Oakland, California. I am over the age
4 of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison Street,
5 Suite 150 Oakland, CA 94612. On May 11, 2022, I served a copy of the following documents:

- 6 • Declaration of Mark Lipson in Support of Motion to Stay

7 By electronically e-mailing a true and correct copy to the e-mail addresses set forth below.

8

9 United States Department of the Interior Office of Hearings and Appeals Interior Board of Land Appeals 801 N. Quincy St., Suite 300 Arlington, VA 22203 ibla@oha.doi.gov	Erica Anderson, Attorney-Advisor Office of the Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712 Sacramento, CA 95825-1890 erica.anderson@sol.doi.gov
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13 By enclosing the documents in an envelope provided by an overnight delivery carrier and
14 addressed to the persons listed below and placing the envelope for collection and
15 overnight delivery at an office or a regularly utilized drop box of the overnight delivery
carrier

16

17 BLM California State Director 2800 Cottage Way, W1623 Sacramento, CA 95825	Office of the Regional Solicitor Pacific Southwest Region U.S. Department of the Interior 2800 Cottage Way, Room E-1712 Sacramento, CA 95825-1890
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19 I declare under penalty of perjury (under the laws of the State of California) that the foregoing
20 is true and correct, and that this declaration was executed May 11, 2022 at Oakland, California.

21 
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23 Toyer Grear