

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

4)
5 FRIENDS OF THE NORTH COAST,)
6 DAVENPORT NORTH COAST ASSOCIATION,)
7 and RURAL BONNY DOON ASSOCIATION,)

8 Appellants.
9

) IBLA Docket No. IBLA-2021-0313
)
) DECLARATION OF ARNETT
) YOUNG, PRESIDENT, SANTA CRUZ
) COUNTY FARM BUREAU
)
)

10 I, Arnett Young, declare as follows:

11 1. I serve as the President of the Santa Cruz County Farm Bureau. The Santa Cruz
12 County Farm Bureau is a vital part of our community, providing an important voice for the Santa
13 Cruz County and Pajaro Valley agriculture industry. We are continually involved in local land
14 use and transportation issues as well as opportunities to provide educational support through
15 scholarships and school programs. The Santa Cruz County Farm Bureau helps ensure that the
16 agriculture industry here remains viable, and continues to generate financial security for the
17 entire community.
18

19 2. On March 23, 2020 the Santa Cruz County Farm Bureau submitted a Comment
20 Letter on BLM's Draft Resource Management Plan and Environmental Assessment (RMPA) for
21 the Cotoni-Coast Dairies portion of the California Coastal National Monument. The geographic
22 area in which the BLM's RMPA would be implemented includes immediately adjoining and
23 nearby productive farmlands and farmworker housing. Many of the row crop lands are covered
24 by agricultural conservation easements. Some of these lands were part of the original acquisition
25 of ownership of Coast Dairies and Land Corporation by the Trust for Public Land (TPL) for the
26 purpose of transfer to BLM. BLM was unwilling to accept transfer of lands containing
27
28

1 agricultural operations or farmworker housing and hence those lands were carved out of TPL's
2 transfer to BLM and remain owned by TPL and leased for agricultural operations and
3 farmworker housing.

4 3. TPL remains the owner in fee simple of Agricultural Parcel 3, a parcel which
5 exceeds 240 acres in size consisting of three large agricultural fields connected by a series of
6 one foot wide strips located immediately east of Highway 1 and extending generally from
7 Laguna Creek north to San Vicente Creek just south of Davenport, California. Consistent with
8 the agricultural conservation easement that applies to Agricultural Parcel 3, TPL leases the parcel
9 to third-party farmers.
10

11 4. In its Comment Letter of March 23, 2020, the Santa Cruz County Farm Bureau
12 informed BLM that the original recorded "Stipulations" under which TPL acquired the entirety
13 of the Coast Dairies Property by Assignment of the Corporate Stock of the Coast Dairies and
14 Land Company contained the following restriction requiring (in pertinent part) that the Coast
15 Dairies Property will be "preserved and used in perpetuity" as follows:
16

17 The land currently in agricultural row crop production will be managed in such a
18 way that continued agricultural use is feasible to the maximum extent possible,
19 unless and until it is determined that conversion to other uses to enhance the
20 Property's natural resource and biodiversity values would be desirable, feasible
and beneficial...

21 In the same Comment Letter, the Farm Bureau also noted that Coastal Development Permit 3-11-
22 035, which enabled the land division which allowed the transfer of what is now the Monument
23 land to BLM, concludes that agriculture also has priority over public recreation uses.
24

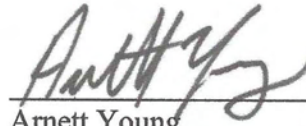
25 [t]he Coastal Act also requires that public recreational uses take precedence over
26 private residential and general industrial or commercial development, but not at
27 the expense of agriculture or coastal-dependent industry (Section 30222). (See
page 11 of ADOPTED CDP (last sentence preceding "Analysis" heading)).
28

1 5. At the request of TPL, in the spring of 2021 the Santa Cruz County Farm
2 Bureau made a site visit to the southernmost agricultural field of TPL's Agricultural Parcel 3
3 (located between Yellow Bank and Laguna Road). The Farm Bureau's long-time Executive
4 Director applied his expertise to the situation involving BLM's proposal for a road bifurcating
5 one of TPL's agricultural fields on Agricultural Parcel 3 for the purpose of providing public
6 vehicular access to BLM's proposed parking lot on an upper terrace, known as the Marina Ranch
7 Gate Access Area. The Farm Bureau at that time informed TPL that the access easement sought
8 by BLM bifurcating that agricultural land would effectively render the southern half of that land
9 unusable for agriculture (approximately 15 acres or more) and that this result would be
10 unacceptable, but that the Farm Bureau would be willing to work together to enable access and
11 parking on the 1st Terrace. The proposed road bifurcating the agricultural field would not comply
12 with the recorded restriction requiring that the land currently in agricultural row crop production
13 will be managed in such a way that continued agricultural use is feasible to the maximum extent
14 possible. Instead it would qualify as public recreational uses being at the expense of agriculture,
15 a violation of Coastal Development Permit 3-11-035. It would also be inconsistent with the
16 Agricultural Conservation Easement.
17
18
19

20 6. In furtherance of its willingness to work together to enable access and parking on
21 the 1st Terrace in a manner which would avoid bifurcation of TPL's agricultural field, the Farm
22 Bureau worked with others to enable and join in a "7 Organization Proposal" to BLM dated June
23 29, 2021, a true and correct copy of which is attached as Exhibit A. Since the Farm Bureau does
24 not support development on farmland, but recognizes that the Agricultural Conservation
25 Easement allows "voluntary conveyance to a governmental agency for public access purposes," it
26 was, and is, willing to find acceptable a southern entrance utilizing TPL's agricultural land via
27
28

1 access along the Highway 1 frontage to a parking lot at the northern end of that agricultural land
2 impacting approximately 2-3 acres, as long as the Farm Bureau is given notice of the specific
3 design in time to be able to request agriculture-protective modifications.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed on
5 January 31, 2022.

6 
7 _____
8 Arnett Young

1 **PROOF OF SERVICE**

2 I, Michael R. Lozeau, 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 February 3, 2022, I served a copy of the following documents:

6 • **DECLARATION OF ARNETT YOUNG, FARM BUREAU PRESIDENT**

- 7 ☐ By enclosing the documents in an envelope provided by an overnight delivery carrier and
8 addressed to the persons listed below and placing the envelope for collection and overnight
9 delivery at an office or a regularly utilized drop box of the overnight delivery carrier
10 ☒ By electronically e-mailing a true and correct copy to the e-mail addresses set forth below.
11 ☐ By personally delivering the document(s) listed above to the person(s) at the address(es) set forth
12 below.

12 United States Department of the Interior
13 Office of Hearings and Appeals
14 Interior Board of Land Appeals
15 801 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

16 I declare under penalty of perjury (under the laws of the State of California) that the foregoing
17 is true and correct, and that this declaration was executed February 3, 2022 at Oakland, California.

18
19 

20 Michael R. Lozeau

EXHIBIT A

June 29, 2021

“7 Organizations” Proposal Letter to BLM

June 29, 2021

Ben Blom, Field Manager
BLM Central Coast Field Office
940 2nd Avenue
Marina, CA 93933-6009
bblom@blm.gov

Attn: Cotoni-Coast Dairies RMPA/EA

Re: Proposal to Work Together to Solve the Impasse Preventing a Southern Entrance for
Cotoni-Coast Dairies, a unit of the California Coastal National Monument

Dear Field Manager Blom:

Congratulations on the recent release of the Record of Decision for the Resource Management Plan Amendment (RMPA) that will govern the management of Cotoni-Coast Dairies. It is a momentous accomplishment for you and your colleagues and marks a critical step forward in the future of this special landscape.

We recognize the immense complexity of developing a management plan that seeks to balance the preservation of natural and cultural resources while opening the landscape to outdoor recreation. Long before The Trust for Public Land (TPL) donated a significant portion of the historic Coast Dairies & Land Company property to the Bureau of Land Management (BLM) or President Barack Obama proclaimed the property's national significance, there has been debate about how best to accomplish this goal. Our seven organizations (The Trust for Public Land, Santa Cruz Puma Project, Friends of the North Coast, Rural Bonny Doon Association, Big Creek Lumber Company, Santa Cruz County Farm Bureau and Sempervirens Fund) have not always agreed with each other on these matters. However, we all recognize that this is a pivotal moment in the history of the property. The future of Cotoni-Coast Dairies will be determined not only by the ideas memorialized in the management plan, but also by our collective ability to work with each other – community representatives, conservation organizations, and public agencies, including BLM.

In that spirit, the signatories to this letter have come together to produce a Proposal regarding the southern entrance. By approaching you with a unified voice, we hope to spur speedy resolution and timely implementation of well-designed public access on the southern portion of the Monument. We share with BLM and other resource agencies the goal of fully and responsibly opening Cotoni-Coast Dairies to the public as soon as possible, and offer this Proposal with the expectation that it will expedite implementation of the RMPA.

THE ISSUE - Absence of a Viable Southern Entrance

Problem: There is broad agreement that the Monument would benefit from having two entrances to help distribute, and dilute, the recreational impacts. See Attachment B(1). Yet,

the southern entrance that is included in the RMPA (on the upper, or 2nd, Marine Terrace at “Marina Gate”) is not viable. The RMPA acknowledges that there is no right of access from Highway 1 bisecting TPL’s Agricultural Field to the Marina Gate. TPL has provided formal communication to BLM that it cannot grant this easement. The access easement bisecting the agricultural land would significantly impair the agricultural viability of the Field, potentially rendering approximately half of it unusable for agriculture. Furthermore, placement of a parking lot and associated infrastructure on the 2nd Marine Terrace as envisioned in the RMPA would irrevocably spoil a key scenic resource of the Monument, damage valuable wildlife habitat, place a high volume of public users in a relatively remote and sensitive portion of the property increasing wildfire risk and wildlife impacts, and could undermine the continued grazing uses of coastal grasslands in that area, reducing management options and placing grasslands at risk of further impairment by weeds and brush. As a result of these issues and concerns, the Marina Gate location proposed in the RMPA does not represent a path forward for a southern access point.

Proposed Solution and Next Steps: To provide for a viable second entrance at a location near Highway 1, TPL is prepared to draft and convey a formal Offer to Dedicate additional land to BLM *at no cost* (the Yellow Bank South Gate Alternative, see Attachment B(2)), for review and approval by both parties. Access in this alternative location represents the most viable path forward in the short term, and will also provide superior public access in the long term, as noted below. Based on initial discussions with the design team that has been assisting BLM in the RMPA process and other experts, TPL has completed an initial assessment of this option and informed BLM of its belief that public safety and blended beach/monument access considerations can be addressed through appropriate design at this location, even prior to construction of the proposed overpass.

BLM’s Decision Record on the RMPA identifies only one objection to what it describes as “a proposal to relocate the Marina Ranch Gate access point to a new site on private lands managed by the Trust for Public Lands (TPL) adjacent to the BLM managed property. That objection is:

“The BLM does not have the authority to make decisions regarding private lands. Therefore, a decision to relocate the access point to this location is outside the scope of this RMPA.”

In light of the fact that TPL owns the adjacent land and is willing to convey to BLM a draft formal Offer to Dedicate 2-3 acres of 1st Terrace farmland for this purpose to BLM at no cost, BLM could readily gain the authority to “relocate the Marina Ranch Gate access point” to the “Yellow Bank South Gate alternative” as TPL proposes.

The RMPA process is not final as to a challenged Implementation Action such as the Marina Ranch Gate Parking Lot until all appeals and any litigation are final. Hence it would appear that if Friends of the North Coast files an appeal to the Interior Board of Land Appeals and, for example, invokes the ADR process, the solution contained in in this Proposal could occur within the scope of the current RMPA.

We note that the proposed Yellow Bank South Gate alternative would address concerns raised by both agricultural and environmental experts. The Santa Cruz County Farm Bureau has applied its expertise to this situation and provides the following reasons why BLM's proposed access road to a proposed parking lot on the 2nd Terrace is unacceptable, followed by a willingness to work together to enable access and parking on the 1st Terrace.

In its Comment Letter of March 23, 2020, the Santa Cruz County Farm Bureau informed BLM that the original recorded "Stipulations" under which TPL acquired the entirety of the Coast Dairies Property by Assignment of the Corporate Stock of the Coast Dairies and Land Company contained the following restriction requiring (in pertinent part) that the Coast Dairies Property will be "preserved and used in perpetuity" as follows:

"The land currently in agricultural row crop production will be managed in such a way that continued agricultural use is feasible to the maximum extent possible, unless and until it is determined that conversion to other uses to enhance the Property's natural resource and biodiversity values would be desirable, feasible and beneficial..."

In the same Comment Letter, the Farm Bureau also noted that Coastal Development Permit 3-11-035, which enabled the land division which allowed the transfer of what is now the Monument land to BLM, concludes that agriculture also has priority over public recreation uses.

"[t]he Coastal Act also requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of agriculture or coastal-dependent industry (Section 30222)." (See page 11 of ADOPTED CDP (last sentence preceding "Analysis" heading)).

This spring, the Farm Bureau made a site visit to TPL's agricultural land between Yellow Bank and Laguna Road and informed TPL that the access easement sought by BLM bisecting that agricultural land would effectively render the southern half of that land unusable for agriculture (approximately 15 acres or more). This would not comply with the recorded restriction requiring that the land currently in agricultural row crop production will be managed in such a way that continued agricultural use is feasible to the maximum extent possible. Instead it would qualify as public recreational uses being at the expense of agriculture, a violation of Coastal Development Permit 3-11-035.

Since the Farm Bureau does not support development on farmland, but recognizes that that the Agricultural Conservation Easement allows "voluntary conveyance to a governmental agency for public access purposes," it is willing to find a southern entrance utilizing TPL's agricultural land, access along the Highway 1 frontage to a parking lot at the northern end of that agricultural land impacting ~2-3 acres to be acceptable, as long as the Farm Bureau is given notice of the specific design in time to be able to request agriculture-protective modifications.

The Santa Cruz Puma Project has also applied its expertise to the situation. Last October Dr. Chris Wilmers, leader of the Santa Cruz Puma Project, recommended in relation to the Marina Ranch Gate parking lot “that parking lots be placed adjacent to highway 1, so that natural areas in the core parts of mountain lion habitat are not impacted by an overabundance of people.”

The Yellow Bank South Gate location reduces impacts to agricultural uses on both the 1st and 2nd Marine Terraces, avoids impacts to sensitive scenic and natural resources, and provides opportunities to coordinate facility management with future rail-trail improvements. It would also avoid a circumstance in which all visitorship to the Monument is focused on a northern location, a primary concern of the Davenport North Coast Association.

The proffered TPL access road and parking lot opportunity could be accomplished (among other ways) by:

- (1) a minor lot line adjustment conveying TPL land to BLM; or
- (2) TPL providing an access easement to BLM’s benefit for this purpose.

Either approach would provide a superior amount of parking in a location that avoids the adverse impacts referenced above, preserves a southern access point, and provides other benefits, as noted in Attachment A. We believe all the key elements of a southern access point, including preserving the currently proposed trail system and equestrian access, providing universal access options and balancing access between the northern and southern areas of the Monument can be attained at this location. It is certainly preferable to having no southern entrance as is the result under the just-approved version of the RMPA.

TPL is also willing to explore providing interim parking at a southern entrance if safe access/egress and relevant permits can be secured. As an interim measure, this would likely be a dirt lot in the area proposed for the permanent/paved parking area at the northern end of its field, with access along the existing farm/frontage road.

We therefore propose that BLM and TPL, within the next 90 days, enter into an agreement to work together to secure funds, process permits, develop a plan as to timeframe, shared cost and long-term management of both short term and permanent parking at the proposed Yellow Bank South Gate location, and implement this alternative, with a goal of moving this effort forward with all reasonable speed to secure parking in this location.

Requested Action. We request that within 30 days of receipt of this letter, the BLM meet with the signatories to this letter to resolve the core concerns we have identified herein – either through the adoption of our proposed solution or acceptable alternative approaches that would successfully address these issues. If desired, these discussions could perhaps be facilitated by Senator Laird or Assemblymember Stone to assist in ensuring timely and productive efforts to secure an agreement and speed its implementation. Supervisor Coonerty could also be a potential facilitator, but the County’s decision-making role on this issue make this difficult. In closing, let us say again that each of the signatories to this letter are united in our desire for high-quality, timely public access in the southern portion of the Monument, and believe that the proposal outlined in this letter is the best path forward to this goal. We look forward to working

together with BLM, the resource agencies, and each other in implementation of this critical element of the RMPA.

Sincerely,
The Trust for Public Land

By: Christy Fischer, Bay Area and Central Coast Conservation Director

Santa Cruz Puma Project

By: Chris Wilmers

Friends of the North Coast

By: Jonathan Wittwer, President

Rural Bonny Doon Association

By: Kendra Turk-Kubo, authorized Director

Big Creek Lumber Company

DocuSigned by:
Janet M. Webb

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By Janet Webb, President

Santa Cruz County Farm Bureau

By Arnett Young, President
(agriculture issues only)

Sempervirens Fund

DocuSigned by:
Sara Barth

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By Sara Barth, Executive Director

Attachments: A. ADDITIONAL PROPOSAL BENEFITS

together with BLM, the resource agencies, and each other in implementation of this critical element of the RMPA.

Sincerely,
The Trust for Public Land


By: Christy Fischer, Bay Area and Central Coast Conservation Director

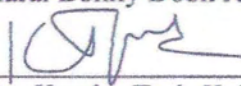
Santa Cruz Puma Project


By: Chris Wilmers

Friends of the North Coast


By: Jonathan Wittwer, President

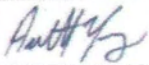
Rural Bonny Doon Association


By: Kendra Turk-Kubo, authorized Director

Big Creek Lumber Company

By Janet Webb, President

Santa Cruz County Farm Bureau


By Arnett Young, President
(agriculture issues only)

B. VISUALS

(1) Overview Map

(2) Southern Entrance visuals

- a. Yellow Bank South Gate Aerial with overlay
- b. BLM's Proposed RMPA Map of Marina Ranch Gate 2nd Terrace Parking Lot

Cc:

Karen Mouritsen, California State BLM Director
2800 Cottage Way Suite W1623
Sacramento, CA 95825
BLM_CA_Web_SO@blm.gov

Chris Heppe, District Manager
Central California District
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El Dorado Hills, CA 95762
cheppe@blm.gov

Nada Wolff Culver, Acting Director
Deputy Director of Policy and Programs
Bureau of Land Management
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Grand Junction, CO 81506
nculver@blm.gov

California Coastal Commission
Attn. Dr. Kate Huckelbridge.
Deputy Director of Energy, Ocean Resources, & Federal Consistency
Kate.Huckelbridge@coastal.ca.gov

Santa Cruz County Regional Transportation Commission
Attn. Grace Blakeslee
info@sccrtc.org

County Supervisor Ryan Coonerty
Ryan.Coonerty@santacruzcounty.us

Congresswoman Anna Eshoo
c/o karen.chapman@mail.house.gov

Senator John Laird
c/o Angela.Chesnut@sen.ca.gov

Assemblymember Mark Stone

c/o Maureen.McCarty@asm.ca.gov

State Parks District Director Chris Spohrer
chris.spohrer@parks.ca.gov

CalTrans Senior Transportation Planner John Olejnik
john.olejnik@dot.ca.gov

Davenport North Coast Association
c/o johncbarnes@comcast.net

ATTACHMENT A

ADDITIONAL PROPOSAL BENEFITS

Attachment A

ADDITIONAL PROPOSAL BENEFITS

The specifics of the Proposal and its additional benefits are summarized below.

Southern Entrance parking lot - replace Marina Ranch Gate with Yellow Bank South Gate (creation enabled by TPL). *Problems solved/benefits resulting:*

- a. provides increased parking (~75 spaces including 4 equestrian) compared to BLM's proposed Marina Gate lot (42 spaces including 4 equestrian), with blended uses between State Beach and Monument parking and potential room for future expansion if needed.
- b. avoids 2nd Terrace Parking Lot in critical fire hazard area which also adversely affects wildlife and spoils "key scenic features" of the Monument;
- c. clusters access facility near existing and proposed development along highway, at proposed BLM Trailhead;
- d. potential access to potable water/electricity for visitor serving facilities;
- e. enables overpass connectivity with rail trail facilities;
- f. enables mutual channelized intersection servicing both C-CD and Rail-Trail parking lots;
- g. avoids bisecting farm land compromising parcel's economic viability;
- h. avoids access road implicating traffic hazard at intersection with Highway 1 identified by Peer Review;
- i. avoids access road disrupting ephemeral stream; and
- j. potential for universal access via paved trail proposed by BLM from the Trailhead to the 2nd Terrace.

ATTACHMENT B(1)

Overview Map

Cotoni-Coast Dairies Overview



ATTACHMENT B(2)a

Yellow Bank South Gate Aerial with overlay



YELLOW BANK SOUTH GATE ALTERNATIVE
SIZE: 2 ACRES
MINIMUM 75 STANDARD PARKING SPACES
AND 4 EQUESTRIAN SPACES

ADA COMPLIANT, MIXED-USE TRAIL
UP TO SECOND TERRACE TRAILS
AND VISTA POINT

NEW FRONTAGE ROAD
TO ACCESS PARKING LOT

LEFT HAND TURN LANE
TO RTC PROPOSED
PANTHER BEACH PARKING LOT

LEFT HAND TURN LANE
TO PARKING LOT

PEDESTRIAN
BRIDGE OVER
HIGHWAY 1

 New Access Road

 Pedestrian Bridge

 ADA, Mixed-Use Trail

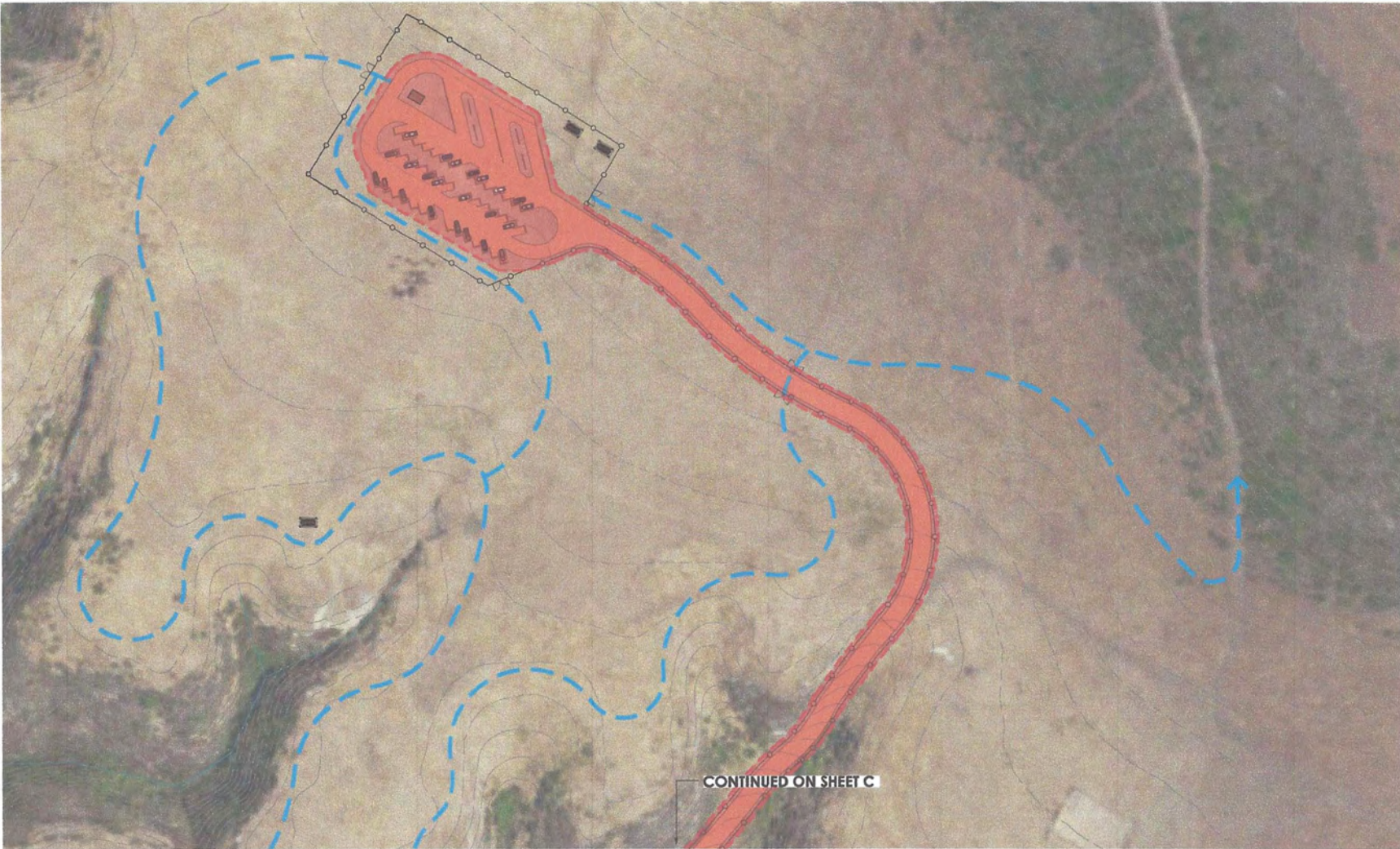
 Cal-trans Right of Way



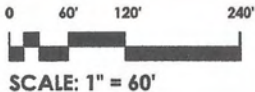
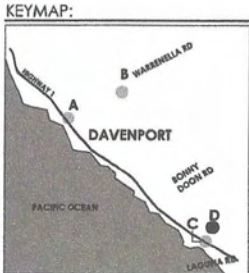
ATTACHMENT B(2)a

**BLM's Proposed RMPA Map
of Marina Ranch Gate 2nd Terrace Parking Lot**

COTONI-COAST DAIRIES DRAFT CONCEPTS



- LEGEND:**
- GRAVEL BASE
 - TRAIL OPPORTUNITY
 - RESTROOM
 - PICNIC SHELTER
 - OVERLOOK
 - CONTOUR LINES
 - CREEK ALIGNMENT
 - FENCING**
TOTAL: 4.21 ACRES (183,343 SF)
BREAKDOWN:
AGRICULTURAL ZONE: .20 AC (8,765 SF)
ROUNDABOUT TO TRAILHEAD: 1.71 AC (74,393 SF)
TRAILHEAD PARKING: 1.82 AC (79,440 SF)
 - GRADED AREA (PARKING & ENTRY DRIVE)**
4.57 ACRES (199,204 SF)
 - CONTOUR INTERVAL: 5'
 - PARKING CAPACITY:
42 STANDARD SPACES
4 EQUESTRIAN SPACES

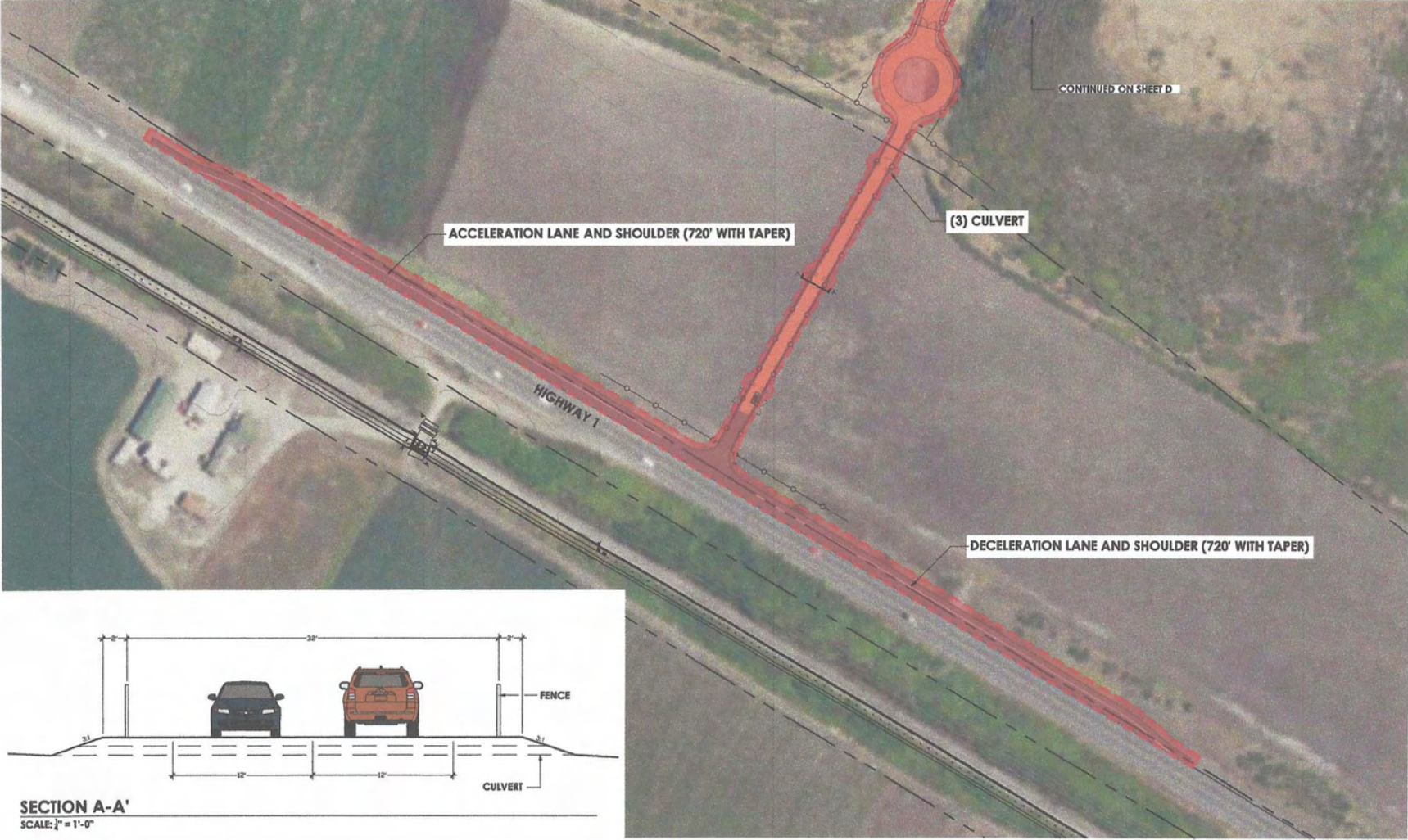


DRAFT CONCEPT: MARINA RANCH GATE
Cotoni-Coast Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

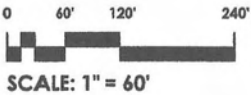
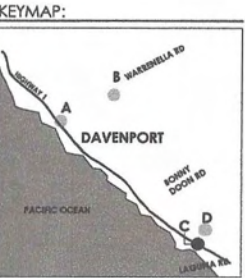
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COTONI-COAST DAIRIES DRAFT CONCEPTS



LEGEND:

- GRAVEL BASE
- ASPHALT
- TRAIL OPPORTUNITY
- RESTROOM
- PICNIC SHELTER
- OVERLOOK
- CONTOUR LINES
- CREEK ALIGNMENT
- FENCING
TOTAL: 4.21 ACRES (183,343 SF)
BREAKDOWN:
AGRICULTURAL ZONE: .20 AC (8,765 SF)
ROUNDBOUT TO TRAILHEAD: 1.71 AC (74,395 SF)
TRAILHEAD PARKING: 1.82 AC (79,440 SF)
- GRADED AREA (PARKING & ENTRY DRIVE)
4.57 ACRES (199,204 SF)
- CONTOUR INTERVAL: 5'



DRAFT CONCEPT: MARINA RANCH GATE

Cotoni-Coast Dairies Trailhead Feasibility Refinements

NOVEMBER 2019

C