

CALIFORNIA STATE COASTAL CONSERVANCY

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September 27, 1991

Mr. Mark Massara
The Surfrider Foundation
1222 Hopkins Gulch
Boulder Creek, CA 95006

Dear Mark:

Congratulations! Not only did you win your case but Surfriders is getting widespread publicity as well. Great picture in the *SF Bay Guardian*.

I am writing to follow up on the many projects and potential projects we are doing together. There is no news regarding the "Mintz" or Escondido Beach Accessway (I'm still waiting for a better name) other than what I told you and David a few weeks ago regarding the homeowner's attorney's request for a copy of your insurance policy. Have they called you? The Commission is still preparing the referral to the Attorney General and it should be sent shortly.

I also would like to inquire about the "Chiate/Wildman" (the parking easement across from Escondido Beach) deal. I know that when we last spoke you were concerned about the extra liability that the parking area and the walkway may pose. If you have any questions or concerns, please let me know. My new area code is 510.

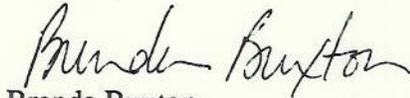
The third issue I wanted to discuss is the Geffen easement along Carbon Beach in Malibu. I do not know if you are familiar with this beach but Carbon Beach is an approximately three mile stretch of wide sandy beach with one accessway only at the extreme end, the "Zonker Harris" accessway. The easement is blocked by a fence and has some sort of air conditioning equipment in the middle of it. I reported this as a violation to the Coastal Commission over a year ago and I recently received a response. The Commission staff person I spoke with, Susan Friend, said that the Commission is not able to do too much about these structures. The Offer-to-Dedicate merely requires the permit applicant to dedicate land, which he did, but the document does not say anything about keeping the land clear of obstructions. The entity that accepts the easement can request that the landowner remove these structures since they interfere with public access and the easement-holder's interest in the property. If things go smoothly, the property owner will cooperate but there is always the possibility, especially in Malibu, that such cooperation will not be forthcoming and legal action by the easement-holder will be required.

I am currently working with the Commission to see if they can revise their stance. Until then, my question for the Surfrider Foundation is that, despite the possibility of litigation, would Surfriders still be interested in accepting this easement? We, of course, would like to have the Escondido Beach or "Mintz" easement open for a while before tackle the next one but I think this question is worth pursuing now. Please let me know if Surfrider is interested in pursuing this easement.

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I will call to follow up on this question. If Surfriders is interested maybe we can meet with the Commission to come up with a strategy for tackling these sorts of violations and discuss the role Surfriders could play.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Buxton".

Brenda Buxton
Project Manger

cc: David Saltman, Executive Officer
Robert Caughlan, President