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**Paul A. Morabito**

Chairman & Chief Executive Officer

Tuesday, October 24<sup>th</sup>, 2005

Bert Boeckmann  
 Malibu-Encinal Homeowners Association  
 31600 Sea Level Drive  
 Malibu, California

cc: Santa Monica Mountain Conservancy ("MRCA")  
 & Lechuza Beach Joint Management Plan

Dear Mr. Boeckmann:

Further to our conversation last week, I have reviewed my files as regards the captioned agreement that was reached during my tenure as Chairman of the California State Coastal Conservancy ("SCC"). As you know, I was originally appointed to the Board by the then President pro Tempore of the California State Senate, John Burton, and made Chairman by then Governor Gray Davis. My term as Chairman was not extended by Governor Arnold Schwarzenegger.

You have brought to my attention that the Executive Officer of MRCA, Joe Edmiston, and his agency is not acting in good faith as regards the deal that was reached to manage Lechuza Beach.

The SCC named MRCA as the contract administrator of Lechuza Beach – and during my term as Chairman, at the personal direction of then Resources Secretary Mary Nichols, and at the behest of Governor Davis, I personally attended a meeting in Malibu on Thursday, June 13<sup>th</sup>, 2002 at which members of MEHOA and representatives of MRCA, including Mr. Edmiston, were present.

The result of that meeting, and the subsequent contract between MRCA and SCC, gave specific parameters to MRCA as to the management of Lechuza Beach. The SCC has a mandate to gain access to California's coast to as many of our citizens as possible – but we also have had a clear policy, under the gubernatorial direction of Messrs. Davis and Governor Arnold Schwarzenegger, to respect private property rights whilst balancing beach access. Specifically, the high tide line access limitations were established and noted as part of the Lechuza Beach settlement.

Moreover, MRCA was made to know that the street access that was required was limited to handicap parking access for a vehicle, and that all pedestrian access was to be from the existing stairs that SCC took title to through the original acquisition from Hancy.

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