



January 20, 2010

Mr. Joseph T. Edmiston, Executive Officer  
Mountains Recreation & Conservation Authority  
5810 Ramirez Canyon Road  
Malibu, California 90265

Re: Lechuza Beach Public Access Project

Dear Mr. Edmiston,

This letter confirms that the Mountains Recreation and Conservation Authority (MRCA) is in compliance with the terms and conditions of the Conservancy authorization of October 26, 2000; the grants between the Conservancy and the MRCA; and the use restrictions in favor of the Conservancy contained in the deed transferring ownership of the Lechuza Beach property to the MRCA. You asked for this verification to correct misstatements contained in recent letters from the Malibu Encinal Homeowners Association (MEHOA).

On October 26, 2000, the Coastal Conservancy authorized a grant for almost \$10 million dollars to MRCA for the Lechuza Beach Public Access Project to improve public access to Lechuza Beach in Malibu, California. In September 2000, MEHOA sent a letter to the Conservancy contending that the restrictions in favor of MEHOA over the beach lots precluded public access use. The day prior to the Conservancy's authorization, MEHOA filed suit against the then-owner of the property, Lechuza Villas West, alleging the same. However, the Coastal Conservancy approved the grant unanimously and subsequently entered into a grant agreement with MRCA (Grant Agreement #00-170) which provided funding to MRCA for the acquisition of the Lechuza Beach property and for plans and site analysis related to improving public access to this beach.

In May 2002, MRCA acquired the Lechuza Beach property. As part of that acquisition, and consistent with the terms of Grant Agreement #00-170, a deed restriction was placed on the property that restricted the use of the property for public access to the beach and for public recreation. No other uses of the property are permitted. Since taking title to the Lechuza Beach property, the MRCA has managed the property consistent with the deed restrictions on the property in satisfaction of the Coastal Conservancy's grant agreement.

Subsequently, after the acquisition was completed, the MRCA and Coastal Conservancy staffs, with the input of the MEHOA, began work on developing a plan for the long-term public access management of Lechuza Beach and for site improvements to facilitate public access to this beach. In 2005, the Coastal Conservancy entered into a second grant agreement with MRCA (#05-071) to fund studies and planning for public access at Lechuza Beach. The Conservancy grant funded many technical studies to support this public access planning, including a site survey, geotechnical analysis and disabled access analysis. The MRCA successfully met the terms of that grant and completed work under that agreement in May 2009.

1330 Broadway, 13th Floor

Oakland, California 94612-2512

510-286-1015 Fax: 510-286-0470



Since 2002, the staffs of the MRCA and Coastal Conservancy diligently have attempted to formulate a comprehensive public access management plan, including essential public access improvements. These efforts include at least ten meetings among the MRCA, Coastal Conservancy and MEHOA representatives and much written communication over management issues. Unfortunately, for many reasons, agreement over a comprehensive public access management plan and improvements could not be reached among all the parties.

So, in 2007, the MRCA submitted an application for a coastal development permit (CDP) to the City of Malibu for initial public access improvements at Lechuza Beach. In response to the City's comments on its CDP application, MRCA made changes to the CDP application over the past two years.

Currently, the MRCA's amended CDP application, submitted last week to the City of Malibu, contains MRCA's Initial Management Plan, which utilizes the work products funded under the Conservancy's grant to MRCA to promote public access to Lechuza Beach. This CDP application is consistent with the specific terms of and work plan under the Coastal Conservancy's grant agreement. Furthermore, the MRCA's CDP application for certain improvements, including disabled access, achieves the goals of the project as articulated in the Conservancy's authorization in October 2000 and its grant agreements with the MRCA.

The Coastal Conservancy remains committed to improvement of public access at Lechuza Beach. We look forward to the implementation of the public access site improvements to achieve this goal.

Sincerely,



Sam Schuchat  
Executive Officer