

California State Senate

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NOREEN EVANS
SECOND SENATE DISTRICT



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SACRAMENTO, CA 95814
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1040 MAIN STREET
SUITE 205
NAPA, CA 94559
(707) 224-1990

401 AMADOR STREET
VALLEJO, CA 94590
(707) 648-5312

December 4, 2012

Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Re: Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities Development Project

Dear Chairman Bosco:

I am writing to express my strong support for the grant request for the Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities Development Project (Project) which has been submitted by the Wildlands Conservancy for funding consideration by the Coastal Conservancy. The proposed Project will have multiple benefits including:

- Benefit to agricultural lands management by enhancing drainage with functional infrastructure.
- Improvement access for emergency repair and maintenance of drainage channel for the Cutoff Slough tide gates
- Enhanced public access of Project for recreation and outdoor education.

Further, this Project is needed to insure the preservation of existing levels of access necessary to comply with the Williamson Act contract for the property and the drainage easements with adjacent property owners.

I am pleased to have this opportunity to extend my support for this Project. I appreciate the Conservancy Board's consideration of this and urge your approval.

Sincerely,

NOREEN EVANS
Senator, 2nd District

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DEC 07 2012
COASTAL CONSERVANCY
OAKLAND, CALIF.

COMMITTEES

NATURAL RESOURCES, CHAIR
SELECT COMMITTEE ON DISABILITIES, CHAIR
SELECT COMMITTEE ON WINE, CHAIR
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BUDGET SUBCOMMITTEE #1
JOINT LEGISLATIVE BUDGET
ENVIRONMENTAL SAFETY AND
TOXIC MATERIALS
GOVERNMENTAL ORGANIZATION

**Assembly
California Legislature**



WESLEY CHESBRO
ASSEMBLYMEMBER, FIRST DISTRICT

STATE CAPITOL
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UKIAH, CA 95482
(707) 463-5770
FAX (707) 463-5773

December 18, 2012

Doug Bosco, Chair
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dear Chairman Bosco:

I write to express my support for the application made by the Wildlands Conservancy for grant funding of the Eel River Estuary Preserve Drainage Enhancement and Public use Facilities Development Project. Successful completion of this project will have many benefits making it worthy of the Coastal Conservancy's support.

Management of agricultural lands stands to benefit by improving and enhancing drainage. Access will be improved allowing for emergency repair and maintenance of the drainage channel and will provide the surrounding community with recreational and education opportunities. And finally, the project will insure preservation of existing levels of access necessary to comply with the Williamson Act contract related to the properties and the drainage easements with adjacent property owners.

I urge your support of this most worthwhile project. If you have any questions, please feel free to contact my office.

Thank you for your consideration.

Respectfully,

WESLEY CHESBRO
Assemblyman, 2nd District

WC:tw:mh

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JAN 16 2013

**COASTAL CONSERVANCY
OAKLAND, CALIF.**





O'Neill Wetsuits, LLC

A 1071 41st Avenue | Santa Cruz, CA 95062 | USA | w oneill.com

Doug Bosco, Chair
California Coastal Conservancy
1330 Broadway
Oakland, CA 94612

January 7, 2013

RE: Support for The Wildlands Conservancy
Eel River Estuary Preserve (Connick Ranch)

Hon. Doug Bosco & Conservancy Commissioners:

I write on behalf of Jack O'Neill and O'Neill Wetsuits LLC to express our support for The Wildlands Conservancy planning efforts at the Eel River Estuary Preserve ("EREP"). We urge that you support and assist with their efforts.

O'Neill Wetsuits is a leading California surf company, having over 60 years experience in the design and manufacturing of wetsuits and surfing equipment. Our passion for coastal protection goes beyond our desire to go surfing; it has resulted in an appreciation that our coastline is the foundation of California's trillion dollar coastal tourism & recreation economy, which provides millions of jobs and beach access for hundreds of millions of visitors annually.

We note that the mission of The Wildlands Conservancy, "to preserve the beauty and biodiversity of the earth, and provide programs so that our children may know the wonder and joy of nature," parallels your own agencies' purpose to "protect, restore and enhance California's coastal resources."

No place deserves our attention more than the pristine and spectacular coastal wilderness and open spaces of the EREP, and we are confident that with your support and partnership, the efforts of TWC at EREP will be a great success, for our economy, our coast, and our families and future generations.

Thank you for your consideration of our support of TWC.

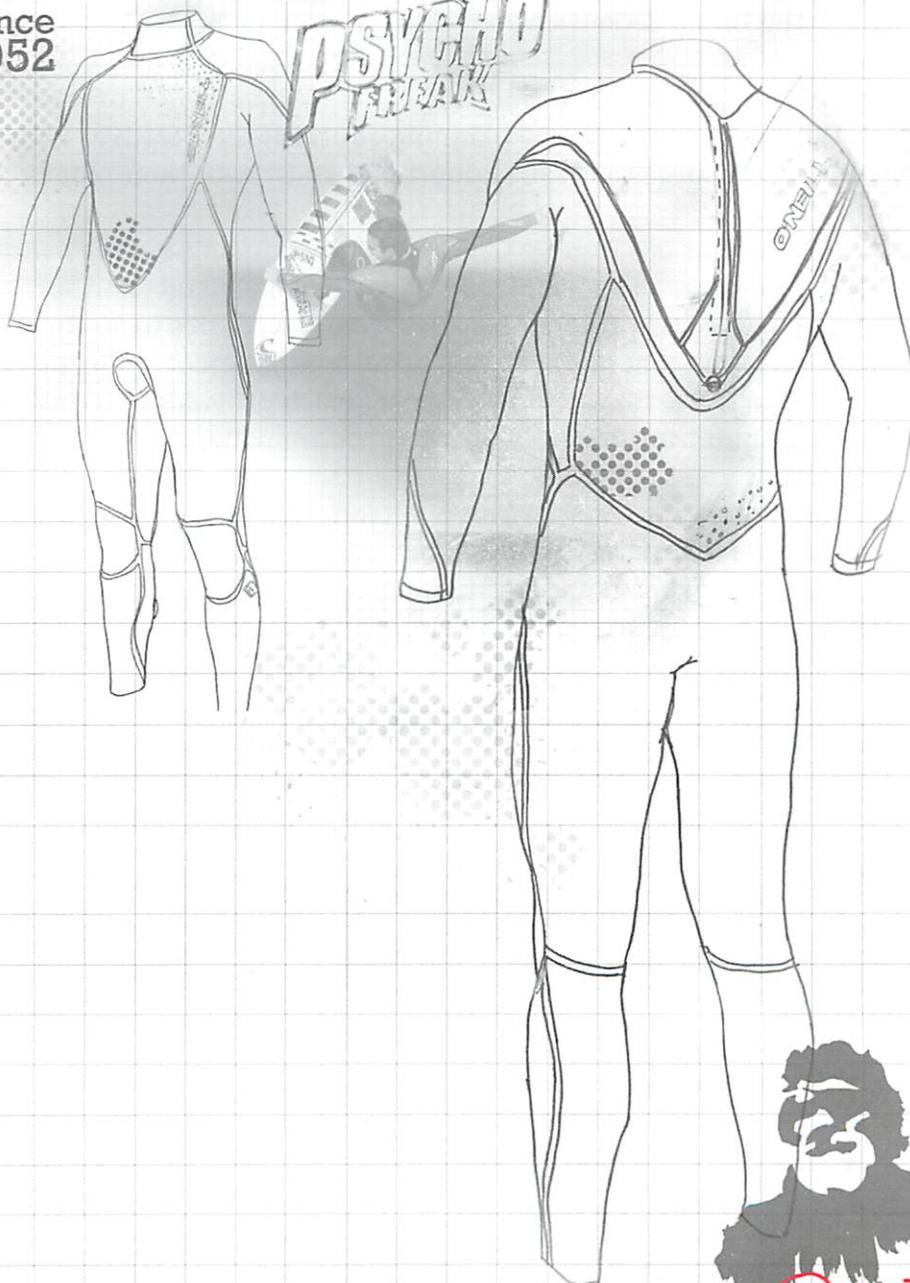
Sincerely

A handwritten signature in black ink, appearing to read "Mark A. Massara".

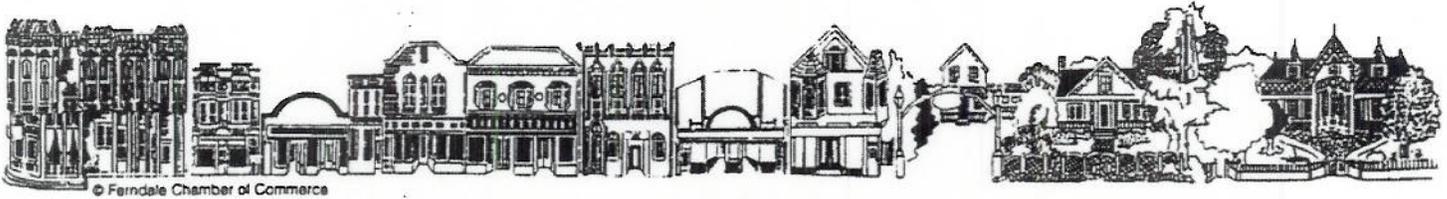
Mark A. Massara
General Counsel & Vice President of Social Responsibility
O'Neill Wetsuits, LLC

since
1952

PSYCHO
BREAK



East Weill



The Victorian Village™ ~ Ferndale Chamber of Commerce

September 9, 2012

To whom it may concern,

The Ferndale Chamber of Commerce is excited about The Wildlands Conservancy's plans to expand public access to the Eel River Estuary Preserve (known locally as the Connick Ranch).

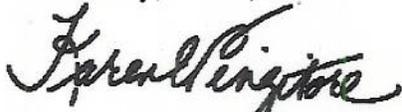
Expanded access for beachcombers, hikers, kayakers and mountain bikers is a tremendous opportunity, not only for the visitor industry that fuels our historic Main Street shopping district, but also for locals who appreciate the beauty in our back yard. To achieve this in a controlled area administered by an organization dedicated to preserving our pristine coastline is a dream come true.

We appreciate the steps that the Conservancy has taken so far to ensure that portions of the ranch remain in agricultural use, while restoring the former sloughs and wetlands so crucial to the Pacific flyway migration. Farmers and ranchers are as essential to Ferndale's economy as the bird lovers who flock to the Lost Coast every year.

We love our coastline, and we appreciate that The Wildlands Conservancy is responsive to the local community. They consult with us, and I can't overstate the importance of that. They have become trusted partners, winning over the skeptics with their efforts to restore and share this great local resource, while preserving its agricultural heritage.

We endorse The Wildlands Conservancy's application because they treat the Eel River estuary with the respect it deserves. Some beautiful places suffer because people love them to death. The Conservancy guarantees that this one will be here for us to love for generations to come.

Sincerely,


Karen Pingitore President

P.O. Box 325 • Ferndale, CA 95536-0325 • (707) 786-4477



To: State Coastal Conservancy

From: Miranda Dairy, Tim Miranda and Robert Miranda

Date: February 10, 2013

As third generation dairymen in Humboldt County would like to express our support for public access to the Eel River Estuary Preserve. In 1994 we took over the family dairy from our father and formed our partnership Miranda Dairy. We have always been out of the box thinkers and around 1999 we began looking for some kind of niche market for our milk. We didn't know what that would be at the time until we came across the organic milk market. We were the first dairy in the Ferndale Valley to transition organic which we completed in 2001. Loving what we do we decided a better fit for marketing our milk would be a company called Horizon Organic, number one in sales in the nation. We began selling our milk to them in 2005 and it has been a wonderful relationship. Horizon values the work of their dairymen and they have worked hard to promote the organic label. It was through the relationship we developed with Horizon that they offered us the opportunity to expand and grow with them into the state of Texas. In 2010 we started an organic dairy in Texas and became their first organic dairy in that state. As the American way of life moves further and further away from a rural lifestyle we see the importance of educating and providing access to our way of life and the agricultural industry.

Having been in organics, operating under the NOP guidelines for many years, we have seen how managing our pastures and the soil have benefited our livestock and business. We have practiced rotational grazing for many years and have seen the benefits year after year of healthier pastures and an enhanced ecosystem. Using rotational grazing practices, the livestock pasture on a concentrated space which utilizes all of the pasture and keeps the weeds down as the livestock graze on grasses, while they are young and tender, and then the livestock are moved to a new pasture. Managing this way allows greatest control of the weeds and eliminates any need for spraying which is prohibited in organic. Best practices are to keep the pastures at 2-6 inches in height and repeating this practice promotes more abundance of native grasses that the animals thrive on. When pastures are maintained it promotes a healthy environment for waterfowl that thrive on tender feed. If pastures are allowed to get too mature and then grazed, the recovery time is longer than if pastures are grazed frequently at the opportune time.

We feel that allowing public access to the Eel River Estuary Preserve would benefit both educationally as well as economically the Humboldt County area. The access would be a fenced walking path that would allow the public to walk the property and observe the livestock grazing

and the ducks and other waterfowl in their natural habitat. We do not see that this activity would have a negative impact on our grazing operation nor do we see any public safety issues with the design of the walking path or bridges proposed for instillation. We believe this would create an opportunity unlike any other in our area where the public can have an experience such as this. Some may have opportunities to visit a dairy or a bird sanctuary, but to be able to do both in the same locale is unique and will enhance the natural beauty of the North Coast. It would open doors to educate the local community and visitors on how organic milk is produced and stimulate conversations about how that product ends up on the consumer's kitchen table as organic milk, butter, and yogurt. Economically this has the potential to bring people to our local area to observe the uniqueness and openness of the North Coast. The Victorian Village of Ferndale is a historic tourist attraction and has received many awards including being named by *Forbes, America's Prettiest Towns*. Located about 3 miles west of Ferndale this would give visitors another reason to come, stay over and enjoy the natural beauty of the Eel River Estuary Preserve. If you would like to have more information about the local area and its attractions please visit <http://www.victorianferndale.com/>.



Humboldt County Farm Bureau
5601 So. Broadway, Eureka, CA 95503
Serving Agriculture Since 1913

April 1, 2013

California Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

Re: Eel River Estuary Preserve, Humboldt County Project # 12-025-01

Dear Chairman Bosco and Members of the Conservancy:

The Humboldt County Farm Bureau is writing in opposition to the proposed authorization to disburse up to \$250,000 to the Wildlands Conservancy to implement public access improvements and resource enhancements at the Eel River Estuary Preserve, Humboldt County.

It is noted that we have no objection to the resource enhancement component of the project. Our objection is to the public access improvements proposed in this location.

Farm Bureau is very familiar with this particular property and the surrounding area which has been in Agricultural Production for over 100 years.

The insertion of a significant public access corridor down the middle of around 2 miles of agricultural lands will clearly result in substantial and negative effects on the adjoining lands.

The public access plan as submitted by Wildlands is inadequate and lacks serious analysis of the effects of installing and operating an access way in this proposed location.

There is no consideration to project alternatives that include the improvement to existing public access locations and facilities in the area. The locations and facilities include public access located at Centerville Beach along the Eel River at a couple of locations and the lands recently acquired by the Department of Fish and Wildlife (known as Riverside Ranch).

The proposed access location is not found on the County adopted and Coastal Commission certified listing/mapping of existing and proposed access locations. This listing came as a result of substantial efforts of many people and agencies locally. The addition of a new access location/facilities will require a Coastal Plan/ Implementation Plan amendment in order to be consistent with the Access document.

The project will require permits through the County of Humboldt as well as the State and Federal Agencies. This includes the work that has already been performed by Wildlands without the benefit of any required permits. This has included modification to an existing building from agriculture use to a "Ranger Station". It also included a designated parking area. In addition a public access program has already been initiated without any county or state approvals as required by law.

To proceed now on spending public funds on a public access program without the required permits could clearly result in a waste of public resources.

We request that you not authorize the disbursements as requested at this time. Thank you for the opportunity to participate in this process.

Sincerely,

Greg Dale

Greg Dale

President

Humboldt County Farm Bureau

Cc: Humboldt County Board of Supervisors
Steve Werner, County of Humboldt Planning Department

CENTENNIAL LIVESTOCK
652 W. Cromwell, #103
Fresno, CA 93711-5715

Doug Bosco, Chair
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dear Mr. Bosco;

This is a letter of recommendation for The Wildlands Conservancy-Wind Wolves Preserve acknowledging their contributions to conserving our resources of land, water and open space.

Our company, Centennial Livestock, a cattle operation, has had a 10 year working relationship with Wind Wolves management and staff that we look upon as a win-win. The conservancy has developed and executed a land management plan that successfully allows public access for the purpose of introducing inter-city children to an outdoor experience and access for the general public to enjoy the wonders of nature.

An important part of their over-all plan is to lease the grass resource to responsible ranchers to graze livestock. Wind Wolves has worked with us to protect the sensitive habitat on the San Emigdio Ranch for animals, water, plants and people. What is important to us as ranchers is that the management of Wind Wolves sees the benefits of using bovine intervention to help sensitive habitats that nurture all kinds of plants and wildlife. We have worked together as partners to improve the property, grazing livestock, while at the same time providing the trails and outdoor education which is very much appreciated by the community and the livestock industry. In truth we have adapted our operation to work with public access and visitors. We believe that those who have the opportunity to visit the preserve see the best of the California viewscape, productive land that preserves historic livestock grazing and protects sensitive habitat at the same time.

In closing, The Wildlands Conservancy-Wind Wolves Preserve is a very professional organization that manages public access, provides educational experiences, and maintains open space around agriculture to the benefit of all.

Sincerely,

John Lacey

John Lacey
Partner, Centennial Livestock

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APR 08 2013
COASTAL CONSERVANCY
OAKLAND, CALIF.

HUMBOLDT-DEL NORTE CATTLEMEN'S ASSOCIATION
HEADQUARTERS OFFICE
Humboldt County Agricultural Extension Center Building
5630 S. Broadway at Spruce Point
Eureka, California 95503, Telephone: 445-7351

Dear Chairman Bosco,

The Humboldt Del-Norte Cattlemen's Association (HDNCA) is writing to request the denial of The Wildlands Conservancy's (TWC) Eel River Public Access Implementation Proposal (Project No. 12-025-01). The HDNCA is an association of over 100 members who are committed to protecting and enhancing agricultural lands in Humboldt County.

The development and introduction of public access on what has been historically some of the most productive agricultural lands in Humboldt County as well as the State of California will not only remove these lands from agricultural use, but will also have negative and detrimental impacts to the neighboring agricultural landowners.

Introduction of public access through and over established agricultural operations inherently brings with it conflict between the visiting public and the private landowners. These conflicts take many forms and include things such as; trespass, garbage, traffic, liability and more. Additional impacts are hard to quantify but include issues such as; disruptions in access for existing uses, disruption of grazing and farming routines, disruptions of work schedules and impacts to the environment.

In addition, there are special procedures that need to be followed in order to allow for public access over land zoned for agricultural production. These procedures to date have not followed. These include a consistent determination from the County of Humboldt to insure both the Zoning and the Local Coastal Plan are being followed and development of an environmental document that would outline project impacts, mitigations and alternatives.

Also, there are multiple existing public access points that have the necessary infrastructure already developed that could be utilized and expanded upon to better serve the public. Two of these points are Centerville Beach and the newly acquired Riverside Ranch. These properties are on the southern and northern borders of TWC's property. They could possibly be incorporated into TWC's property in order to allow for public access that would have less environmental impact on the land and less impact to the neighbors as well.

Currently Humboldt County is already blessed with thousands of acres of land, mostly prime agricultural land that has been converted from productive agricultural use to recreation and wildlife use. This includes: the Fish & Wildlife properties, Fish & Game properties, as well as Bureau of Land Management

properties. These properties are managed for multiple uses with public access being a prime component. They also share very similar qualities to TWC's property. All are coastally located and are reclaimed tidal lands. They are inhabited by similar wildlife as well. The additional conversion of prime agricultural land developed for public access is unnecessary at this time.

Sincerely,

Lou Mora



President, HDNCA

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APR 05 2013

COASTAL CONSERVANCY
OAKLAND, CALIF.

Jack Russ

Shaw Creek Ranch

3592 Centerville Road
Ferndale, CA 95536

Doug Bosco, chairman
California State Coastal Conservancy
1530 Broadway, 13th Floor
Oakland, CA 94612

April 2, 2013

RE: Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities
Development Project

Dear Chairman Bosco,

We are residents of 3592 Centerville road and have been since 1972; since that time we have witnessed a drastic expansion of public coastal access an associated impacts west of our residence. Currently, there are four public access points: Guthrie Creek, Fleener Creek, The Lost Coast Headlands and Centerville County Park all using Centerville road as the access road. As residents we have noticed an increase in high speed traffic, trespass and property crimes; as well as two suicides at those locations in 2012.

We strongly oppose funding that would create additional coastal access off of Centerville road. We operate a livestock ranch that fronts Centerville road for 1.5 miles. On a daily basis we haul livestock on the road which is not wide enough for two passing commercial vehicles. Without additional law enforcement presence, and road upgrades we and the public are at great risk of accident and or loss.

Google Earth (see attachment) reveals that there are many existing access points to the coast and Eel River estuary. Humboldt County Crab Park is on the estuary at mouth of the Eel River, Pedrazzini Park is access to the estuary. On the south side of the Eel River there is Fern Bridge, Fulmore Road, Camp Weott Road, California Fish& Wildlife's Riverside Ranch, the recent Coastal Conservancy funded acquisition, Toste property; all

Jack Russ

Shaw Creek Ranch

3592 Centerville Road
Ferndale, CA 95536

give access to the Eel River and its estuary. We see no need to add additional access with unmitigated impacts to adjacent coastal agriculture.

The Wildlands Conservancy has existing coastal access to the Connick Ranch and their Sounding Seas Preserve through Centerville County Park, this access has been used for years. We would prefer to see Public funds spent on enhancement of existing public access, infrastructure and law enforcement. Please respect our local knowledge in your consideration of funding this grant request.

Sincerely,

Jack Russ Linda Russ

Jack and Linda Russ

Cc: 1st District Supervisor Bohn

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APR 05 2012

COASTAL CONSERVANCY
OAKLAND, CALIF.





Doug Bosco, chairman
California State Coastal Conservancy
1530 Broadway, 13th Floor
Oakland, CA 94612

March 28, 2013

RE: Eel River Preserve Drainage Enhancement and Public Use Facilities Development Project

Dear Chairman Bosco,

In 2008, the Wildlands Conservancy purchased a historic coastal agricultural property "Connick Ranch", which is interwoven in access, drainage, and management with other neighboring agricultural properties, comprising the core of a significant contiguous Humboldt County agricultural district.

The Wildlands Conservancy is proposing a major change of use, from Agricultural Exclusive to Public Recreation. This proposed change of use is not consistent with neighboring agricultural ownership and businesses. There are many inherent conflicts associated with introducing the recreating public into the core of an agricultural district.

The Russ Family had been grazing cattle and farming on the lands now owned by Wildlands Conservancy since the 1860's. We still occupy the lands adjacent to the Wildlands Conservancy; our livelihood continues to be solely based on coastal dependent agriculture, converting lush coastal grasses into meat and dairy products. Our great great grand father chose to settle here because of the cool humid marine climate and fertile alluvial soils.

My grazing business shares 1.4 miles of fence with Wildlands Conservancy on their southern border. To maximize the grazing resources on my ranch I utilize very high animal density/ short duration grazing. During the growing season my paddocks can hold hundreds of grazing animals for a 12 to 24 hour period. My business economics rely on these grazing animals to gain 3 to 4 pounds per day.

We depend on our neighbors in many ways, first, not to impact our agricultural operations with disruptive activities along our property lines or access routes. Creating a walking or cycling path across the fence from my grazing animals will be a significant disruption to my agricultural business, cattle are by nature curious and will be distracted from grazing as people walk or ride past, disrupting their normal grazing routine.

As per the California Coastal Conservancy's Charter: **To protect agricultural lands and support coastal agriculture.** In consideration of this Public Access Grant request please consider what is being proposed as a drastic change of appropriate use from highly productive grazing to public recreation. Ask yourselves how will this proposed development benefit coastal agriculture?

Thank you for your thoughtful consideration,



Jay Russ

Cc: 1st District Supervisor Bohn

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APR 05 2012

COASTAL CONSERVANCY
OAKLAND, CALIF.

April 4, 2013

Writer's Direct Contact

415.268.7246

CCarr@mofo.com

Via UPS Overnight Delivery

Douglas Bosco, Board Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

Re: The Wildlands Conservancy Eel River Preserve Public Access Implementation
Proposal; Project 12-025-01

Dear Chairman Bosco:

We represent Renee Jackson and Kathy Christiansen who are the owners of a parcel of real property adjoining The Wildlands Conservancy's Eel River Preserve. We are informed that your board will soon be considering a grant application submitted by The Wildlands Conservancy for a project involving the development of public access to the Eel River Preserve. We understand that the primary proposed access route to the Preserve would utilize a non-exclusive private easement that crosses over and burdens our clients' property. It is our opinion that using this easement for public access would be beyond the scope of the easement. The Wildlands Conservancy is aware of our clients' claims regarding use of the easement for public access, and presently a dispute between the parties remains unresolved. If our clients are unable to resolve this dispute through a negotiated settlement, they intend to initiate an action against The Wildlands Conservancy seeking injunctive relief and other remedies.

We urge you to deny the pending application because any public access utilizing this easement is beyond its scope and the subject of an unresolved dispute. Commitment of Coastal Conservancy funds for the development of public access using the subject easement is premature. No funds should be devoted to the pending proposal until such time as proper use of the easement is resolved, through either litigation or a negotiated settlement.

The subject easement was created by a grant deed dated May 9, 1941. The easement is described in that deed as, "A right of way for road uses..." The deed was an inter-family conveyance between parties that were all primarily involved in ranching businesses. Until acquisition by The Wildlands Conservancy, the road within the easement, a single lane gravel road, has been used

Douglas Bosco, Board Chairman
April 4, 2013
Page Two

solely for private agricultural purposes. When an easement is created by a grant in general terms, as is the case here, the permissible use is determined first by the intention of the parties and the purpose of the grant. Once the easement has been used for a reasonable time, the extent of its use is established by the past use. Thereafter, the easement owner cannot make changes in that use that would substantially modify or increase the burden. The easements here are over seventy years old and have never been used for public access. These are private easements intended for access for the landowners for agricultural purposes. Clearly, public access over these easements was not something contemplated in 1941, and public access over these private ranchlands will result in an unreasonable burden on our clients' lands. The increased burdens will include increased traffic, a change in the character of people and vehicles using the easement along with the inherent conflicts that arise whenever the public is exposed to commercial agricultural operations.

Again, we urge you to postpone any decision on the pending application until proper use of the easement is determined. After review of the facts and applicable law, we are confident that if an action becomes necessary, our clients are likely to prevail. If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Christopher J. Carr

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APR 05 2012

COASTAL CONSERVANCY
OAKLAND, CALIF.

LAW OFFICES OF
MORRISON & MORRISON
3005 G STREET
EUREKA, CALIFORNIA 95501
TELEPHONE: (707) 443-8012
FACSIMILE: (707) 443-0889

MARC F. MORRISON (1925-1945)
ELIZABETH J. MORRISON (1925-1985)
JAMES K. MORRISON

April 4, 2013

Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dear Chairman Bosco:

This letter is written on behalf of the Bertha Russ Lytel Foundation and the L.D. O'Rourke Foundation.

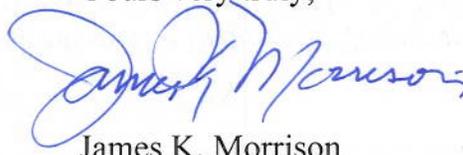
We wish to express our opposition to The Wildlands Conservancy's Eel River Preserve Public Access Implementation Proposal (Project No. 12-025-01). We own one of the adjacent properties to The Wildlands Conservancy's Eel River Preserve.

The L. D. O'Rourke Foundation offered a revocable license agreement to The Wildlands Conservancy for use of a part of our property for parking near their headquarters. This agreement was offered to allow parking and a turn around area for their employees. This revocable license was not made to facilitate public access or a public parking area on our property.

We strongly feel there has not been sufficient research or discussion with surrounding neighbors to proceed with the proposal. We would appreciate your declining or tabling this matter until the issue of public access is resolved with all the neighbors.

Thank you for considering our request.

Yours very truly,



James K. Morrison

JKM/lsm
cc: Don Hindley

RECEIVED

APR 08 2013
COASTAL CONSERVANCY
OAKLAND, CALIF.

**Russ Ranch and Timber Company
Fern Cottage Corporation
Emil Feribend
Lane Russ
Jay Russ**

**L. D. O'Rourke Foundation
Kathy Christiansen
Renee Jackson
Gary Belli**

March 29, 2012

Doug Bosco, Chair
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Re: Opposition to The Wildlands Conservancy's Eel River Preserve Public Access
Implementation Proposal

Dear Chairman Bosco:

We wish to express our opposition to The Wildlands Conservancy's Eel River Preserve Public Access Implementation Proposal (Project No. 12-025-01). We collectively represent all of the adjacent and surrounding neighbors of The Wildlands Conservancy's (TWC) Eel River Preserve, previously known as the Connick Ranch. A map depicting our ownerships in relation to TWC's Eel River Preserve is enclosed.

Our opposition is based on several issues. First, the impacts caused by creating a public access route through neighboring lands that are dedicated to and actively managed as ongoing agricultural operations creates inherent conflicts that negatively impact our businesses, our property values, as well as our quiet enjoyment of our real property.

In 2008, when TWC purchased the Connick Ranch property, it had been in agricultural production for over 100 years, like all of the surrounding properties. Grazing and crop production have been and continue to be the primary agricultural activities on

these properties. The proposed public access route will pass through the middle of multiple landowners who, on a daily basis, utilize the one lane gravel road that is being proposed for the public access. Our use of the road includes vehicular traffic, hauling feed, farm supplies, and farm equipment, as well as moving groups of livestock. In the past, there has been no public access through this area. Introducing public access will result in disruption of our businesses and create risks and liabilities that do not now exist.

Second, the Public Access Plan submitted by TWC is inadequate and lacks serious analysis of both the implementation of public access and the daily need to manage the public. Introducing public access and recreational use over such a broad expanse with little or no supervision will create problems for the neighbors. From experience we know that public access near agricultural operations often leads to trespass, uncontrolled pets, increased fire risks, etc. It is more than two miles from TWC headquarters, where the proposed public parking lot is located, to the beach access and Cutoff Slough. Much of the public access corridor is unfenced and immediately adjacent to a neighboring landowner, the L. D. O'Rourke Foundation. There is no buffer zone between the neighboring landowner's livestock area and the proposed public access corridor, no proposed signage, no proposed restrooms, no proposed method for garbage disposal anywhere along this route. TWC currently has one staff person on site which is not sufficient to manage the public over such a large area.

TWC did not make any of the neighboring landowners aware of the fact that TWC intended to file the current grant application. None of the neighboring landowners were

included in any aspect of the development of the grant proposal. The Staff Report alleges that the neighboring landowners were contacted to “explore access options,” however, all such contact occurred long after the grant application had been filed. We only received a copy of the Staff Report in late January, 2013, after it had been submitted and the matter was on the agenda for your February meeting. We repeatedly requested a copy of the grant application and just received it on March 29, 2013. Since then, there has not been any outreach by TWC to the neighboring landowners to address any of our concerns or to incorporate them into their grant application.

Third, the environmental effects of the proposed public access and the consideration of alternatives have not been adequately assessed through an appropriate environmental review process. Two examples of inadequate analysis are:

- 1) The installation of a new bridge over the unnamed drainage ditch at the southwestern edge of the property will require construction of a new road that necessarily will pass through wetlands. There is an existing road access that is already in place that would eliminate the need for the installation of the new bridge and would result in fewer disturbances to the wetland area; and
- 2) There will be no public access benefit from the replacement bridge being proposed over Russ Creek. There is no public access being proposed that would utilize the replacement bridge. Its only purpose is for private access and management of TWC’s property.

Fourth, the existing county road accessing the area is not sufficient to accommodate the increased traffic that will result from the proposed public access. It is a narrow one lane road mostly graveled with no shoulders. Any change in use will require substantial upgrades, and until TWC initiates some action with the County to improve the road, it is premature to be building bridges.

Finally, there are multiple, existing public access points to both the lower Eel River estuary as well as the coastal beach areas. These include Crab Park, Pedrazzini Boat Launch, Camp Weott Road, Riverside Ranch, the South Spit and Centerville Beach Park. Two of these access points, Centerville Beach on the South and Riverside Ranch, to the North are located on the border of TWC's property. Both of these public access points could be used by TWC eliminating negative impacts from public access on the neighboring landowners. These public access points already have existing County Road access and some developed facilities. A better use of the Coastal Conservancy's funds would be to upgrade the existing facilities at these locations, allowing for more utilization by the public and serving TWC's interest in developing public access for their property.

In closing, we request the California State Coastal Conservancy decline awarding this grant proposal until such time as TWC has developed a public access plan that adequately considers the physical and social impacts and the concerns of neighboring landowners.

Thank you for your consideration.

Enclosure

CC: Steve Werner, Senior Planner, County of Humboldt
Rex Bohn, First District Supervisor

RECEIVED
APR 05 2012
COASTAL CONSERVANCY
OAKLAND, CALIF.

Date: March 31, 2013

Russ Ranch and Timber Company

By: Joseph Russ
Joseph Russ

By: Jack Russ
Jack Russ

Date: March 31, 2013

Fern Cottage Corporation

By: Jack McBride
Jack McBride, Chairman

Date: March 31, 2013

L. D. O'Rourke Foundation

By: Don Hindley
Don Hindley, Executive Director

Date: March 30, 2013

Gary Belli
Gary Belli

Date: March 31, 2013

Emil Feribend
Emil Feribend

Date: March 29, 2013

Renee Jackson
Renee Jackson

Date: March 31, 2013

Lane Russ
Lane Russ

Date: March 31, 2013

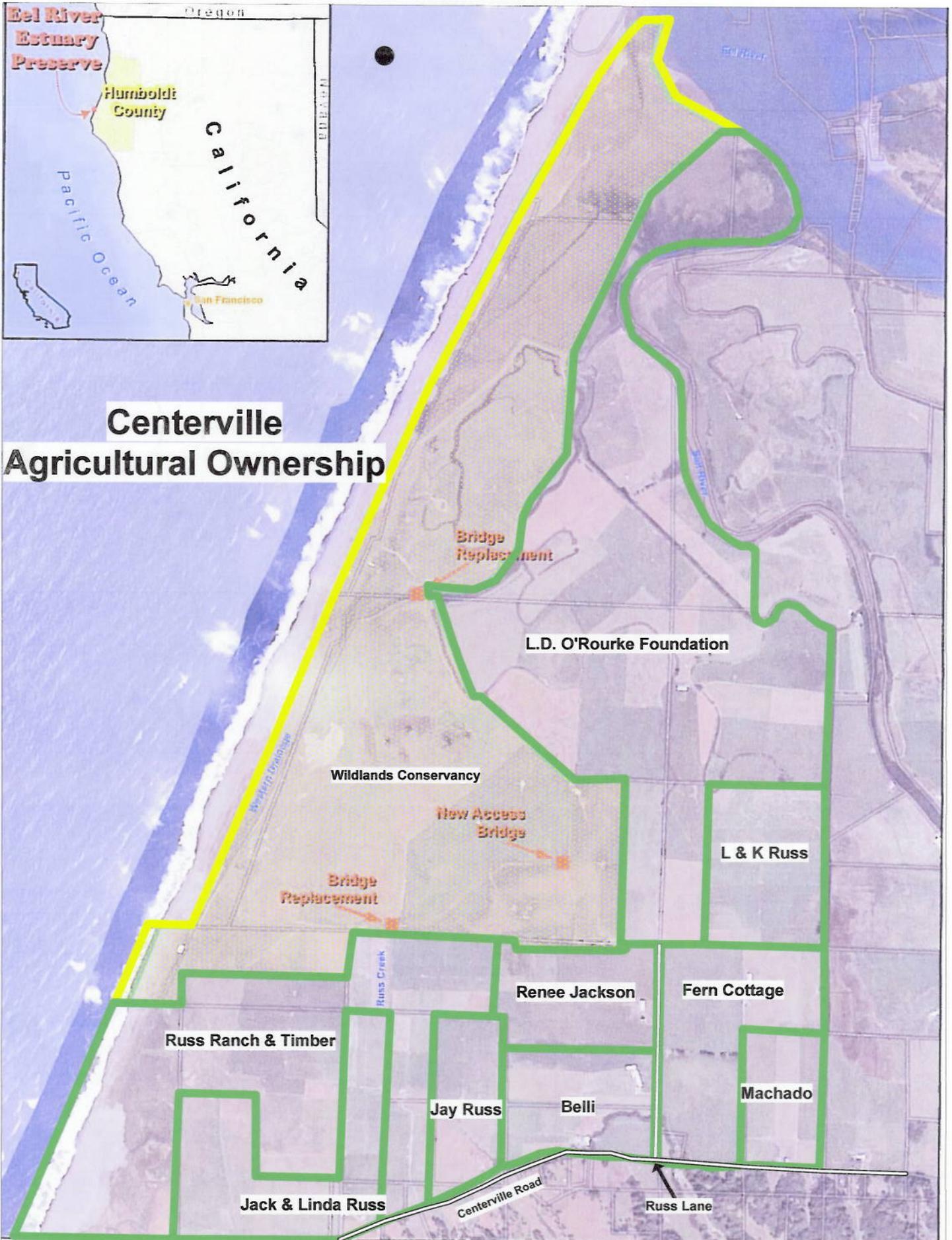
Kathy Christiansen
Kathy Christiansen

Date: March 31, 2013

Jay Russ
Jay Russ



Centerville Agricultural Ownership



LAW OFFICES OF
THOMAS BECKER

721 SEVENTH STREET, SUITE A
EUREKA, CALIFORNIA 95501

TELEPHONE (707) 441-9171

TELEFAX (707) 441-9172

E-MAIL: gator@humboldt1.com

April 15, 2013

Mr. Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway
13th Floor
Oakland, CA 94612

Re: Eel River Estuary Preserve: Public Access and Resource
Enhancement Implementation: Project No. 12-025-01
Project Manager: Michael Bowen
Hearing: April 18, 2013

Dear Chairman Bosco:

I am writing this letter in support of the above application of The Wildlands Conservancy ("Wildlands"). I am local counsel for Wildlands. Certain legal issues have been raised in recent letters of opposition encouraged by the Russ family and Russ Ranch and Timber Company which I believe require response. I refer to the letters from attorney Christopher Carr of Morrison/Foerster dated April 4, 2013, from Morrison & Morrison dated April 4, 2013, from the Humboldt County Farm Bureau dated April 1, 2013, and the letter from Russ Ranch and Timber Company and other associated landowners dated March 29, 2012. These letters argue that the use of Russ Lane leading from Centerville Beach Road to the land owned by Wildlands will increase the burden on adjoining property owners and that Russ Lane is private and historically limited to agricultural use. The second argument in those letters is that public access near agricultural operations "create risks and liabilities that do not now exist".

To address the first point, Wildlands' use of Russ Lane cannot increase the burden on the land owners abutting Russ Lane. Russ Lane is not two miles in length; it is one-half mile in length. The first four-tenths of a mile leaving Centerville Beach Road is a County owned and maintained public road and is so specifically designated in County records as Road 2G020. The last 500 feet is not maintained by the County, but is, in my opinion, a public road. There may be those who dispute my opinion as to this last 500 feet. That difference aside, Wildlands also has a deeded 26 foot easement over the last 500 feet of Russ Lane encumbering Rene Jackson's AP No. 100-142-002 created through the Bertha Russ Lytel deed of 1941 to Wildlands' predecessors in title (Book 253 of

Mr. Doug Bosco, Chairman
California State Coastal Conservancy
Page 2
April 15, 2013

Deeds, page 186). The road width of Russ Lane from Centerville Beach Road is 26 feet and lies westerly of the section line. All of this is confirmed in a 1990 parcel map for Fern Cottage, Inc. recorded in Book 24 of Parcel Maps, Page 127, which also shows Russ Lane as a public road 26 feet in width.

After one-half mile, Russ Lane ends at Wildlands' 66 foot easement encumbering the northerly 66 feet of AP No. 100-142-002. This 66 foot easement is also about 500 feet long. It is a deeded easement to Wildlands created in the above 1941 deed from Bertha Russ Lytel to Wildlands' predecessors in title.

Thus, at most, there is only 1,000 feet of right of way used by Wildlands' invitees as access from Centerville Beach Road which is not a County road. All of that right of way is on AP No. 100-142-002. That right of way is fenced from the cattle grazed on AP No. 100-142-002. Cattle are not on that land at all times. There is no residential structure adjacent to or accessed from this 1,000 feet of road. There are two structures adjacent to the County Road portion of Russ Lane; one is owned by Belli and one is occupied by Ms. Jackson's tenant, Mr. Feribend.

The law is quite clear that where, as here, a private easement is unrestricted in its terms, it is available for any reasonable purpose whatsoever (*Laux v. Freed* (1960) 53 Cal.2d 512, 525). Public use of the deeded private easement in question is perfectly permissible. The only issue is whether or not public use of Wildlands' 1000 feet of private easement increases the burden upon Ms. Jackson's AP No. 100-142-002. That is hard to imagine. There are hundreds if not thousands of miles of roads in California with high traffic counts which abut fenced cattle operations with no significant burden being observed.

Right now, current dairy grazing of the Wildlands' property by Miranda Dairy generates approximately seven round trips per week on Russ Lane. Between October and February the Duck Club, which has for generations operated on the property now owned by Wildlands, generates about 30 round trips per week on Russ Lane during that period of time. These trips are by hunters who were encouraged by the Russ family to develop the Duck Club. There have been no known complaints of disruption of cattle operations by these hunters. The public access encouraged by Wildlands generates approximately 30 round trips per week on Russ Lane, including the ranger who supervises each visit. Public access is expected to be less in the winter months when the Duck Club is in use.

Mr. Doug Bosco, Chairman
California State Coastal Conservancy
Page 3
April 15, 2013

Wildlands' grant application will be conditioned upon permits from the Corps of Engineers, County of Humboldt, and possibly the Coastal Commission for construction of the three bridges and two toilets. If there is shown to be some burden upon Ms. Jackson's grazing operations along the private road section of access, then those matters can be addressed in the process of further permits.

As to the second point, the Russ supporters claim that their experience is that public access near ranch land encourages private property damage. This is an odd claim coming from the Russ Ranch and Timber Company. Russ Ranch and Timber owns Humboldt County Assessor Parcel Nos. 100-143-003 and 008. This land lies south of the Wildlands' property and extends to the ocean waters. When Wildlands acquired its property in 2008, it then prohibited ATVs from access onto the beach and the sand dunes because of the damage those vehicles caused. As a result of these efforts, there has been significant dune improvement. On the other hand, Russ Ranch and Timber Company has freely allowed ATVs on its property, with well-known results. It is telling that Russ Land and Timber Company now complains about a fenced nature trail totally within Wildlands' property. While it may be true that uncontrolled public access to beaches and marshland may lead to problems, that is not an issue on Wildlands' trail. All use of trails under the programs of Wildlands is supervised by trained professionals.

Very truly yours,

LAW OFFICES OF THOMAS BECKER



Thomas Becker

TB/mad
Enc.
cc The Wildlands Conservancy

April 12, 2013

California Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612-2530



Re: Eel River Estuary Preserve, Humboldt County Project # 12-025-01

Dear Chairman Bosco and members of the Coastal Conservancy:

The Buckeye **opposes** the proposed authorization to disburse up to \$250,000 to Wildlands Conservancy to implement public access at the Eel River Estuary Preserve in Humboldt County.

The Buckeye is a 501 c3 organization of family farm, ranch, timberland owners and resource professionals dedicated to maintaining the working landscapes on California's North Coast. We are very familiar with this property which has been in agricultural production for more than 100 years.

We do not think the public access plan as submitted by Wildlands Conservancy is acceptable and lacks serious analysis of the potential cumulative negative impacts on private productive agricultural land.

There is absolutely no basis for inserting 2 miles of public access through private property. Instead, consideration should be given to project alternatives including improvements to existing public access locations and facilities in the area which will readily access the Eel River Estuary.

The proposed access location is not found on Humboldt County's adopted and Coastal Commission certified list/mapping of existing and proposed access locations. The certified list/mapping was a result of substantial collaboration by many local agencies and individuals. The Wildlands Conservancy has already initiated other work on this project without the benefit of required permits.

Spending public funds on this unnecessary and unpermitted access would undoubtedly result in a waste of public resources.

The Buckeye respectfully requests that you **do not authorize the \$250,000** disbursement as requested by the Wildlands Conservancy.

Sincerely,

Johanna Rodoni

Johanna Rodoni
Executive Director
The Buckeye

Cc: Humboldt County Board of Supervisors
Steve Werner, County of Humboldt Planning Department
Martha McClure, Supervisor, Del Norte County & Coastal Commission member
Humboldt County Farm Bureau

P.O. Box 5607 Eureka, CA 95502
Tel 707.725.8847
e-mail: buckeye@humboldt1.com
www.buckeyeconservancy.org

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APR 16 2013
COASTAL CONSERVANCY
OAKLAND, CALIF.



April 12, 2013

Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

RE: Eel River Estuary Preserve Resource Enhancement Implementation Project

Dear Chairman Bosco,

I am writing in support of the grant request for the Eel River Estuary Preserve Resource Enhancement Implementation Project (Project) which has been submitted to the Coastal Conservancy by The Wildlands Conservancy (TWC) for funding consideration at your April 18th meeting. As you may be aware, the Eel River is clearly one of the most important resources in our region, providing many ecological benefits, jobs, and recreational opportunities to residents and visitors to the region. CalTrout is very supportive of projects such as this one that provide multiple benefits, both to natural resources such as enhancing coastal ecosystems, tidal marshes, and estuaries, as well as contributing to better agricultural operations by improving drainage systems, safer access for landowners, and more reliable infrastructure. These infrastructure modifications will benefit current conditions as well as next phases of natural resource and agricultural enhancements.

CalTrout is a strong proponent of the ongoing collaborative efforts to understand the different perspectives offered by the partners involved, and we will strive to continue to work together to find areas of common interest.

I am pleased to have this opportunity to extend my support for this Drainage Enhancement Project. I appreciate the Conservancy Board's consideration of this, and urge your approval.

Sincerely,

A handwritten signature in black ink, appearing to read "DM", with a stylized flourish extending to the right.

Darren Mierau
California Trout

COASTAL CONSERVANCY COMMENTS

April 18, 2013

Denver Nelson

EEL RIVER ESTUARY PRESERVE: PUBLIC ACCESS AND RESOURCE ENHANCEMENT IMPLEMENTATION

Project Number 12-025-01.

I strongly object to the use of public funds from the Coastal Conservancy to build bridges and outhouses on this private property.

I first became aware of the Wildlands Conservancy at a meeting of environmental organizations in Redway years ago. I was there at the invitation of Friends of the Eel River. The essence of the Wildlands Conservancy proposition was that they wanted to acquire private lands on the Eel River so that it would be possible to canoe the length of the Eel River and have places to stay overnight. They also pointed out they wanted to continue agricultural activities on the lands they acquired and be treated as private owners of the land instead of converting the land into government ownership. They assured the County would not be deprived of tax revenues. They also pointed out they wanted to take inner-city poor children to their lands for a camping experience. All of this appealed to me. The Wildlands Conservancy has not followed through on any of these promises.

It is unrealistic and impossible to canoe the main Eel River except at very high flows in the middle of the winter. I have spent many hours fishing the Eel in my drift boat and explored much of the inaccessible portions of the Eel in my hovercraft. It is not realistic to canoe entire Eel River.

There are many disadvantaged youth in Humboldt County. Since their acquisition of the Connick ranch, the Wildlands Conservancy has not had any disadvantaged youth to the property. My daughter has been on the Ferndale school board for several years and neither she nor the superintendent of the Ferndale schools are aware of any outreach activities done for youth as claimed by the Wildlands Conservancy.

The Wildlands Conservancy has focused their efforts on decreasing their tax burden by keeping their land in Williamson contract. There is some

mystery as to the purchase price of this land. From Humboldt County assessor Williamson calculator it appears they paid at least \$3,954,106. I have also heard a purchase price of \$7.5 million quoted. The non-Williamson property taxes would be \$40,000-\$75,000 per year. Their Williamson property taxes are difficult to calculate but would be approximately \$3000 per year according to the Humboldt County assessors online tax calculator.

My wife, daughter, son-in-law and I own an organic dairy in the Ferndale bottoms. We intermittently lease lands near the Wildlands Conservancy properties to graze heifers during the spring when the grass in that area is abundant. We would not want unsupervised public access to our grazing heifers both for the safety of the public and the safety of our heifers.

I read with interest the Miranda's endorsement of this project. They point out that they utilize this property as part of their dairy operation and are pleased to have the public observe this. Their actual dairy is on Waddington Road and easily observable for anyone driving down this county road. For the last several years they have had a great deal of difficulty with their manure management system. Their containment building has fallen down allowing all their manure for the last three years to go directly into the Eel River. This is especially aggravating to me as I spent five years and several hundred thousand dollars building a state-of-the-art manure management and fertilization system for our dairy. Public observation of the Miranda disaster certainly does not enhance the public's positive view of organic dairies.

The previous lessor of the Connick ranch states that of the thousand acres only about 450 acres are viable pasture and will support grazing for only a few months of the year. The Miranda's have around 750 heifers on this property at times and most would consider this overgrazing and poor management of pasture.

There is excellent public access to the Eel River beaches and estuary from Centerville Beach which is near the Wildlands Conservancy property. If the Wildlands Conservancy wants to have another public access through their property they certainly can do this but it should not be done with public funds.

I have been a member of the Salt River Watershed Council and the Humboldt County Planning Commission for several years. I am well aware of the difficulties associated with doing a project in this area and the need for obtaining multiple permits from every conceivable government agency including Fish and Wildlife, Coastal Commission, Corps of Engineers and the Humboldt County planning Department. It appears the Wildlands Conservancy is attempting to bypass this long and arduous permit process.

I am a great believer in private property rights. The Wildlands Conservancy has made a private property purchase at a value far in excess of its agricultural use. Now they are attempting to have this property treated as if it were public lands and use public money to improve it. They have not kept any of their promises made when they first purchased the land.

If they want to improve a road, build bridges and build toilets they should pay for it themselves and go through the permitting process as any private landowner must do. I object strongly to the Coastal Conservancy giving public money for these improvements on this land.



April 9, 2013

Mr. Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Re: Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities Development Project

Dear Chairman Bosco:

This letter is to show my strong support, as a third generation commercial farmer, for the grant request for the Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities Development Project. I lease Southern California's largest historic apple ranch, Los Rios Rancho, from The Wildlands Conservancy in Oak Glen, California.

The Wildlands Conservancy has made a remarkable commitment to habitat restoration and agriculture by saving historic Los Rios Rancho from residential subdivision. Many thought Los Rios Rancho's heyday had passed since the farm's infrastructure had been neglected for over twenty years. The Wildlands Conservancy made major agricultural capital improvements: converting hundreds of acres to drip irrigation systems, building new fencing, improving water delivery systems and wells, and restoring historic farm buildings.

Perhaps no property in Southern California showcases the compatibility of habitat protection and farming to the visiting public than Los Rios Rancho. We accommodate tens of thousands of visitors on the Los Rios property including weekday student field trips as well as public customers to our store, bakery and u-pick orchards. All public access has been structured so as to not inconvenience or be a nuisance to the community. Instead, Los Rios has become a great example of allowing the visiting public measured access to an otherwise previously secluded yet neglected scenic property. As a family farmer, I believe the future of farming is educating the public about the challenges that face California's farmers today. I believe the Eel River Estuary Preserve will preserve important habitat while showcasing Humboldt County's organic dairy industry on the Preserve's agricultural lands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Devon Riley", is written over a faint circular stamp.

Devon Riley, Proprietor

39611 Oak Glen Rd. Yucaipa, CA 92399
(909) 797-1005 (909) 797-2207 - FAX
www.losriosrancho.com info@rileysatlosrios.com

Wednesday, April 10, 2013

Chairman Douglas Bosco,
State Coastal Conservancy,
1330 Broadway, 13th Floor,
Oakland CA 94612

Dear Chairman Bosco:

I am writing to express the Redwood Community Action Agency's strong support for the Eel River Estuary Preserve: Public Access and Resource Enhancement Implementation Project. We also support the proposed grant to California Trout, Inc. to develop a resource enhancement strategy for the Preserve.

RCAA is uniquely qualified to speak to the compatibility of public access projects and agricultural operations. We have helped develop numerous access projects, often in concert with the Coastal Conservancy. Some of these interface with agricultural operations. Perhaps the best example of this is Freshwater Farms, where the Northcoast Regional Land Trust and RCAA have worked together to launch a marsh restoration, agricultural preservation and public access project on a 70-acre parcel near Eureka. The acquisition of that property was funded by the Coastal Conservancy.

The Wildlands Conservancy has developed a concept plan for the former Connick Ranch that will restore estuary function, enhance fish and wildlife habitat, provide public access, and retain agriculture on the majority of the property. This type of mixed use project benefits fish and wildlife while providing public access and preserving agricultural land in the Coastal Zone. It is therefore a comprehensive benefit for the community, and for the County of Humboldt. I urge you to approve funding for these projects.

Farmers and ranchers are as essential to Ferndale's economy, just as are the bird lovers who flock to the Eel Estuary and Lost Coast each year. Thus, we appreciate the steps that the Conservancy has taken so far to ensure that most of the ranch remains in agricultural use, while also planning for compatible restoration of former sloughs and wetlands that are so crucial to the Pacific flyway migration.

Don Allan,

Director,
Natural Resources Services Division,
Redwood Community Action Agency,

CA Licensed Landscape Contractor #518874

Eureka Livestock LLC

7805 Calloway Drive
Bakersfield, California
93314

P.O. BOX 540
Eureka, NV 89316

Doug Bosco, Chair
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dear Mr. Bosco,

This is a letter of recommendation for The Wildlands Conservancy-Wind Wolves Preserve recognizing their actions in preserving the beauty and biodiversity of the earth, and providing programs so that our children may know the wonder and joy of nature.

Our company, Eureka Livestock has been in business for seventy six years with a cattle and sheep operation. We have had a five year working relationship with Wind Wolves and this year we started a partnership with The Wildlands Conservancy in raising organic beef; our feeling is that there is a bright future ahead. A land management plan has been developed by the conservancy and us that allows public access and our sheep operation to co-habitat in order to keep the integrity of the ranch, so that the children and general public can enjoy and further educate themselves on the importance of preserving our beautiful state.

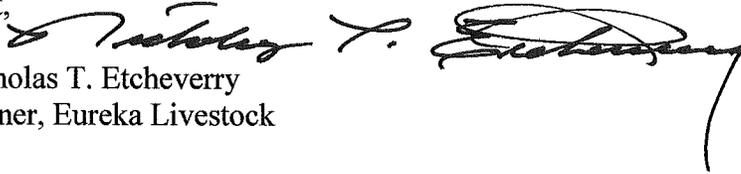
We deal with many different organizations including The Bureau of Land Management, United States Forest Service, United States Fish and Game, various oil companies, and private leases. The Wildlands Conservancy is the most understanding and easiest to deal with in our opinion. If there is something that needs to be addressed it is consistently done in a timely order, unlike the other agencies that take months and years to complete tasks and solve pressing issues.

A big part of their plan is to lease native grass to responsible ranchers in order to graze livestock. Wind Wolves and ourselves have worked very hard together to promote and to protect the preserve for the animals, endangered species, riparians, plants, and for the public. Our sheep, sheep herders, and our working dogs interact with the children and public on a day to day basis. There has never been an issue with the interaction between the two; only positive. We also graze cattle and it is important to understand that the interaction between humans and cattle create a more docile and trusting animal. This is a trait that is most desired by cattle feeders so calves placed in feedlots acclimate

themselves to the close proximity to humans quickly. We believe that those who have the opportunity to visit the preserve see the best of the California view, productive land that preserves historic livestock grazing and protects sensitive habitat at the same time.

In conclusion, The Wildlands Conservancy-Wind Wolves Preserve is highly organized with an incredible drive in allowing access to the public and educating the children about the future of the preservation for California by way of agriculture and livestock. Their staff encompasses their mission statement and to benefit the greater good.

Best,

A handwritten signature in black ink, appearing to read "Nicholas T. Etcheverry". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Nicholas T. Etcheverry
Partner, Eureka Livestock

April 17, 2013

Writer's Direct Contact
415.268.6743
CCarr@mofocom

Via Electronic Mail and U.S. Mail

Douglas Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612-2530

**Re: Coastal Conservancy Public Meeting – April 18, 2013 – Agenda Item No. 10:
Consideration and possible Conservancy authorization to disburse up to
\$250,000 to The Wildlands Conservancy to implement public access
improvements at the Eel River Estuary Preserve, Humboldt County**

Dear Chairman Bosco:

This letter is submitted on behalf of Renee Jackson and Kathy Christiansen, owners of a parcel of real property adjoining The Wildlands Conservancy's (TWC) Eel River Estuary Preserve. This office submitted a letter dated April 4, 2013, to the California State Coastal Conservancy (SCC) on behalf of Ms. Jackson and Ms. Christiansen with respect to the proposed grant of up to two hundred fifty thousand dollars (\$250,000) to implement public access improvements and coastal resource enhancements at TWC's Eel River Estuary Preserve (Project). This further letter addresses the consideration of TWC's request for the SCC to authorize the Project, as set forth in the staff report accompanying the SCC's agenda for its April 18, 2013, meeting.

For numerous reasons, my clients urge the SCC to decline to approve the request at this time. The Project involves the expansion of a private easement to allow for public access to the Eel River Estuary Preserve, which will result in a substantial increase of the use of the easement and cause significant environmental impacts. The expansion of the easement will greatly affect my clients' enjoyment and use of their own property, and will result in more cars and people using the easement, increasing air quality, traffic and noise impacts. These significant environmental impacts have not been adequately addressed under CEQA. We urge the SCC to decline to consider the Project until these issues are addressed and the potential environmental impacts are fully and properly analyzed.

The SCC Must Comply with CEQA Before Approving Any Funding for the Project

State Coastal Conservancy
April 17, 2013
Page Two

As noted above, the Project proposes the expansion of an access easement for public use, which will increase traffic and noise, and affect air quality. This is not merely the replacement of an existing structure, but rather a radical expansion of what was a limited access easement for use by all members of the public. Accordingly, contrary to the "compliance with CEQA" analysis of the staff report (at pages 12-13), there is no exemption under CEQA that would be appropriate in these circumstances and the SCC cannot rely on any exemption for its approval of the Project.

Authorizing funding of the Project would irreversibly commit the SCC to expansion of the easement and the attendant environmental impacts without any project CEQA review. The SCC must fully study the Project and ensure that all effects are identified, analyzed and mitigated *before* it makes any commitment to the Project. As such analysis has not been carried out and provided, it would be premature and inappropriate for the SCC to approve the Project at this time with so many outstanding and unresolved issues.

Please do contact me if you would like to discuss these matters in further detail, or if further information may be helpful to the SCC.

Sincerely,



Christopher J. Carr

RECEIVED

APR 18 2013

COASTAL CONSERVANCY
OAKLAND, CALIF.

REDWOOD REGION AUDUBON SOCIETY

P.O. BOX 1054, EUREKA, CALIFORNIA 95502



Chairman Douglas Bosco
State Coastal Conservancy
1330 Broadway, 13th Floor,
Oakland CA 94612

Dear Chariman Bosco:

Redwood Region Audubon Society would like to support the projects and public access to Eel River Estuary Reserve. We think public access on the Conservancy property would take pressure off landowners such as the Russ property where unauthorized access often occurs.

The off channel waterways support a great variety of waterfowl and shorebirds throughout the wet season and would provide a lot of viewing opportunities. The area supports over 38 species of shorebirds and numerous waterfowl species found in the Eel River delta area. The Humboldt Bay Complex within Western Hemisphere Shorebird Reserve Network (WHSRN) was designated in 1998 as an area of International importance area to shorebirds because it supports peaks of 100,000 to 200,000 shorebirds annually during migration. In 2004 the Humboldt Bay Important Bird Area was designated for its importance to the international population of Black Brant, Long-billed Curlews, and Marbled Murrelets, also mentioned are Grasshopper Sparrows, Snowy Plovers.

Here is a description from the IBA:

Mixed public and private lands, this area includes Humboldt Bay, partially protected as the Humboldt Bay National Wildlife Refuge. Eel River Wildlife Area, Elk River Wildlife Refuge and Elk River Wildlife Area, Fay Slough Wildlife Area, Mad River Slough Wildlife Area, Little River State Park, Lanphere Dunes, Manilla Dunes Preserve, and Mal'el Dunes Preserve, historically flooding wet pastures and dairy farms along the Eel River, the Eel River Wildlife Area.

<http://www.whsrn.org/site-profile/humboldt-bay-complex>

<http://www.visitredwoodcoast.com/content/humboldt-bay-important-bird-area/nco10C15ABCA491419DD>

Sincerely,

Chet Ogan
ConservationChair

RECEIVED

APR 18 2013

COASTAL CONSERVANCY
OAKLAND, CALIF.

A MEMBER OF THE NATIONAL AUDUBON SOCIETY



THE WILDLANDS CONSERVANCY

Mr. Doug Bosco, Chairman
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, California 94612

**Re: Support for Eel River Estuary Preserve Drainage Enhancement and Public Use Facilities
Development Project (The Project)**

Dear Chairman Bosco:

The Wildlands Conservancy (TWC) owns and operates California's largest nonprofit preserve system, and excels in land restoration and stewardship, and managing passive public visitation. TWC is also California's leader in providing free outdoor education programs to school children. TWC spent significant private funds on the acquisition of this land because the Eel River Estuary Preserve has tremendous outdoor education and habitat restoration potential that the proposed Project will advance. The Coastal Conservancy has received letters of support for the Project from agricultural lessees on several of our preserves to address the Russ family's opposition. These letters are from highly respected cattlemen, apple farmers and organic milk producers. It is important to offer the Conservancy a brief background on the Russ family's opposition to the subject project.

In acquiring our Eel River Estuary Preserve, we contemplated our greatest challenge was going to be our compatibility with the neighboring Russ family's land use practices. We noted how the coastal portion of Jay and Jack Russ's properties were overrun by off-road vehicles dispersing from Centerville Beach. We noted the litter on their property and the graffiti on their barn, evidence of uncontrolled trespassers. We noted how the beach grass, essential to stabilize the coastal dunes and protect inland agricultural lands, had been impacted by large volumes of marauding off-road vehicles. The adjoining Connick property, which became our Eel River Estuary Preserve, was managed by Russ family members who also turned a blind eye to the off-road vehicle trespassers on the dunes. Dealing with this trespass, allowed by the Russ family, was our greatest challenge when we acquired the Eel River Estuary Preserve.

When we closed escrow on the Eel River Estuary Preserve, we hired two ranger/biologists and, after getting permission from the Coastal Commission, we closed the dunes on Eel River Estuary Preserve to vehicle use. We encouraged the Russ family to do the same. Under Jay Russ's outspoken sympathy for the off-road vehicle users, they declined to post signs and close the dunes on their ranch. Over a few short years, we noted how the continual destruction of beach grass on the adjacent Russ property by off-road vehicles had destabilized the dunes, causing the dune system and the Russ barn to wash away. This breach destroyed scores of acres of prime agricultural lands.

The Wildlands Conservancy's approach was the opposite of the Russ's approach. We stopped the vehicle trespass on the dune ecosystem that was destroying the endangered Beach Layia (*Layia carnosus*). Beach grass has now filled in the scores of off-road vehicle trails and has stabilized most of the dunes on our preserve. We removed trash that accumulated and was neglected over dozens of years; we placed the agricultural lands in the Williamson Act as a commitment to agriculture; and we fenced out wetlands that were subject to water quality violations when we acquired the property.



Letters generated by the Russ family refer to the conflicts of trespass, trash and liability. These issues cause ongoing problems for the Russ family because they keep their dune lands open to off-road vehicles. These concerns have been extinguished under the diligence of TWC's rangers on our Eel River Estuary Preserve. **We assure the Russ family that TWC will not allow the trespass, trash, graffiti and liability that they allowed on their property to occur on our preserve.** Our trail is a passive invitation to walk, or perhaps ride a horse or a bicycle, to the beach. This trail runs along an existing dirt road, through our wetlands within a fenced enclosure, and is 100 percent on TWC property. Trail use will not impact any adjacent landowner.

It is important to put into the public record that the Russ family's opposition to funding two of the bridges is in conflict with our mutual benefit Flood Gate and Drainage Ditch Agreements, executed by both TWC and the Russ family members. One bridge replaces a collapsed culvert neglected by the Russ Family for many years. Failure to replace this culvert with the required bridge makes it nearly impossible to clean debris from the flood gates in storm events that could cause significant damage to both TWC and the Russ property. The second bridge is also needed for TWC to access repairs to the drainage ditch, which is also subject to an agreement between the Russ family and TWC. The existing bridge was undermined by unpermitted excavation of Russ Creek on the adjacent Russ property. Preventing TWC from fixing this bridge, which was destroyed and undermined by the Russ family's unpermitted excavation, will also negatively impact our mutual Drainage Ditch Agreement; it also creates great risk to TWC property.

I should say that I am befuddled as to why the Russ family opposes two bridges that are important to our mutually executed agreements. But I am not. The Russ family told us they would not oppose the subject grant if we gave them \$100,000.00 to not oppose use of a road for which we have a legal deeded easement. We thought the Russ family would simply take our money and use surrogates to oppose this grant. The opposition they've mustered proves our concerns may have been correct.

Please focus on the issue before you: access and restoration of our magnificent California Coast belonging to all Californians.

Sincerely,

A handwritten signature in black ink that reads "David Myers". The signature is written in a cursive, flowing style.

David Myers
Executive Director

THOMAS CONNICK

5404 Shallows Place West
Santa Rosa, California 95409
(707) 538-4245

April 25, 2013

Chairman Bosco,

As former owners of Connick Ranch, now the Eel River Estuary Preserve, my wife, Patty, and I support the State Coastal Conservancy's grant to The Wildlands Conservancy for drainage enhancements and public access improvements.

We have noted that the board voted to amend the staff recommendation to include a facilitated discussion with those who oppose a plan for public visitation to the property. Let me state during the Russ lease of the property under Connick ownership, the Russes allowed and tolerated public access across the property as witnessed during my numerous stays on the ranch. This included not only access to the sand dunes, but also the loading and unloading, of horses in the potato barn/corral area as a starting point for rides through the ranch, in the same general areas that Wildlands has proposed for their access to the north end of the property. Further Russ Lane is ungated not only to this ranch but to other properties as well. There is a gate at the end of the Russ Lane easement (the start of the what is now the Eel River Estuary Preserve) that has historically remained open and unlocked except during livestock operations. The White Dairy (Renee Jackson and Kathy Christiansen property) and Fern Cottage land abuts Russ Lane and this easement. I am unaware of any conflicts caused by "public access" to either livestock operation.

My wife and I would like the board to know that we made a deliberate decision to sell the ranch to The Wildlands Conservancy because of their demonstrated ability to manage agricultural uses with public access. This type of stewardship is what we are all striving for – enhancement of the environment while preserving agriculture. Both are beneficial while not being mutually exclusive. To put this concern about public access in perspective, we had ample opportunity to sell this property to other groups whose main objective was to then resell to a state or federal agency. These agencies do not have the resources, management or inclination to undertake the Wildlands projects. Managed public access was one of our many considerations and concerns. Uncontrolled public access was unacceptable.

This "concern about the impact to agriculture from public access" is overstated. The question that should be asked is who among those raising these concerns has taken the time to visit any of Wildlands other preserves? This is about controlled and supervised access not uncontrolled public access as is the case with Centerville Beach.

We agree with counsel Tom Becker. We believed then and still do, that when we sold the property the road easement grant deeds state for non-exclusive use and are therefore adequate to allow this type of "public access". This easement has functioned as an

unimpeded extension of Russ Lane for years. Russ Lane is a public road and fenced on both sides, and likewise the road easement portion from the pavement to the potato barn/corral area has always been fenced and separated from grazing operations and adjacent landowners. The "new" line fences between the White Dairy, the road easement and Eel River Estuary Preserve reflect this. The Russes, when lessee, were aware of Wildlands objectives and intent when the ranch was sold and had ample opportunity to raise objections and concerns at that time over public access, but did not. There now appears to be perhaps another agenda.

One of our goals in selling to TWC was to create a legacy for our family. Public access was a big part of that so that visitors might come and enjoy nature, and stroll along a spectacular stretch of California Coast.

TWC staff patrols the preserve during hours of visitation. They have already stopped illegal off-road vehicle trespass that had been eroding sensitive dune habitat and exposing the property to ocean intrusion for years prior to the sale.

Traditional agricultural uses will remain and be improved by the dollars that TWC is bringing to re-engineer and enhance existing drainage structures. These proposed improvements would be beneficial not only to this ranch, but also those properties the dikes, sloughs and floodgates currently protect.

It seems to us that everybody wins: agriculture, the public, and the shops, inns and storefronts of Ferndale. Economic diversity is good for everyone.

Thank you for your continued consideration and support of this worthy project.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Connick", with a stylized flourish above the name.

Tom Connick