



Memo

Date: May 05, 2022

To: State Coastal Conservancy Board

From: Amy Hutzler, Executive Officer
Trish Chapman, Central Coast Program Manager

CC: Oversight Members

RE: Update on Efforts Related to Public Access at Hollister Ranch

Currently the Coastal Conservancy is involved in three efforts related to public access at Hollister Ranch. A brief update for each is provided below.

YMCA OTD Litigation (Pappas, et al. v. State Coastal Conservancy, et al., Santa Barbara County Superior Court, Case No. 1417388)

In 2013, the Conservancy accepted an Offer to Dedicate (OTD) public access to a portion of the Hollister Ranch coast. The OTD stemmed from an earlier Coastal Development Permit to develop a YMCA facility on land that later became part of the Hollister Ranch subdivision. Work on the facility was initiated but never completed. When the Conservancy accepted the OTD, the Hollister Ranch Owners Association (HROA) and individual landowners as class representatives sued the Conservancy challenging the validity of the OTD. After several years of litigation, in 2017, the Coastal Conservancy and Coastal Commission entered into a settlement agreement with the HROA and a settlement agreement with the class representatives. The Gaviota Coast Trail Alliance objected to the settlements and was allowed to intervene in the litigation. Recently an appellate court decision ruled that the Coastal Conservancy and Coastal Commission should have held a public hearing prior to entering into the settlement agreements. As a result of the decision, the settlement agreements are invalid. The Conservancy does not intend to hold a public hearing regarding the 2017 settlement agreements. Instead, the State and other litigants are preparing to go to trial on the OTD's validity. The trial date has not yet been set.

Hollister Ranch Coastal Access Program

The second effort is the collaboration among the Conservancy, Coastal Commission, State Lands Commission, and State Parks to develop and implement a contemporary Hollister Ranch Coastal Access Program (HRCAP). In Consent Item 3N, staff recommends authorizing additional funding for the next steps in the development of the HRCAP. These are summarized below and additional information can be found in the staff recommendation and its exhibits.

- Revisions to the draft Hollister Ranch Coastal Access Program – At the December 2021 board meeting, the Conservancy approved additional funding for consultant services to revise the draft program based on Coastal Commissioner input from an all day workshop held in November of 2021. This work is underway.
- Programmatic Environmental Impact Report – The interagency State team will be collaborating on environmental review of the revised draft program. The team anticipates preparing a Programmatic Environmental Impact Report (PEIR) which will simplify subsequent environmental review as the program is implemented over time. The Coastal Commission will be the CEQA lead agency, the State Lands Commission will oversee the consultant team, and the Conservancy is providing funding from a 2021 appropriation of General Funds specifically for public access at Hollister Ranch. The PEIR process will involve continued community engagement as the program is further refined.
- Cultural and Tribal Resource Study – The interagency team will also be working with interested Chumash tribes to prepare a cultural and tribal resource study of the beach access points. Information from this study will be used in the PEIR to assess potential impacts to these resources and identify appropriate mitigation measures. State Parks will lead the coordination with the tribes and development of the study scope.
- Appraisal of Necessary Property Rights – In order to provide public access to the public beaches along the Hollister Ranch coastline, the State must acquire property rights through the Ranch to the beaches. The State Lands Commission will be the lead for getting an appraisal of the necessary property rights and leading the negotiations with the HROA and individual landowners to acquire the necessary rights.

Voluntary Interim Public Access - Early Action Program

The Hollister Ranch Owners Association continues to express a desire to provide some level of increased voluntary public access to the Hollister Ranch beaches prior to the HRCAP implementation. To assist with developing the scope of early access, the State Agency Team and HROA recently created an Advisory Committee. The Committee members represent various user groups, such as the Guadalupe Dunes Center, Chumash tribes, the Gaviota Coast Conservancy, as well as individual Hollister Ranch owners. The main objective of the Committee is to ensure that these new voluntary access programs provide equitable access.

Separate from the Early Action Program, the Homeowners have invited Chumash tribal members to visit the Ranch beaches. Over the winter solstice, several members accepted this

invitation and conducted private ceremonial activities. It is expected that some level of Tribal use will continue.

The State team is working with the HROA to support increased voluntary access.

April 1, 2022 Deadline for Program Approval and Opening Access to Hollister Ranch Beaches

Public Resources Code Section 30610.80 (2)(C), enacted by AB 1680 (Limón, 2019), required the Coastal Conservancy to implement the first phase of the new coastal access program by April 1, 2022; and required that if that deadline could not be met, the Coastal Commission should provide a report to the legislature explaining why the deadline could not be met. The Commission submitted the report in March (see Exhibit 2, page 8 of Consent Item 3N). The report explained that the main reasons for the delay are the need to complete the environmental review process and acquire the property rights needed to implement the program.