

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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July 26, 2017

File Ref:

Kenneth A. Ehrlich
Elkins Kalt Weintraub Reuben Gartside LLP
2049 Century Park East, Suite 2700
Los Angeles, CA 90067

RE: Broad Beach Restoration Project and Lateral Access Easements

Mr. Ehrlich:

The California State Lands Commission ("Commission") Staff would like to reaffirm the position articulated by the Commission at its August 9, 2016, regularly held meeting. (See [Calendar Item 56](#).) Specifically, as part of the approval of the Broad Beach Restoration Project and lease, both the Broad Beach Geologic Hazard Abatement District (BBGHAD) and the Commission agreed that all Lateral Access Easements (LAEs) under the Commission's ownership would be held in abeyance for the term of the lease. Similarly, as discussed in the Public Trust Analyses of the Calendar Item, the Commission was well aware of the impacts of the Project to the existing LAEs, but on balance approved the Project in the hope that the Project will operate as intended by providing a 10 foot wide sandy beach waterward of the revetment. In the event that the Project does not operate as intended, the state will be properly compensated for all Project related impacts through the negotiated rent established in the lease. (See pages 11 and 12 of Calendar Item 56.)

Based on the foregoing, please let this letter serve as an explicit statement that the Commission will not seek to enforce the pre-existing lateral access easements, granted by individual Broad Beach revetment owners, throughout the term of the lease. If you have any questions, please don't hesitate to contact me by email, at seth.blackmon@slc.ca.gov, or by phone at (916) 574-0393.

Sincerely,



Seth E. Blackmon
Senior Staff Counsel