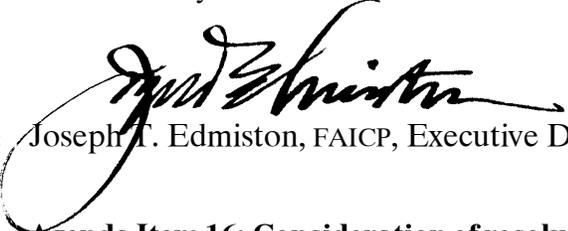


Memorandum

To : The Conservancy
The Advisory Committee

Date: August 28, 2006

From : 
Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 16: Consideration of resolution authorizing amendment of SMM-0618 for project planning and design to increase budget and amend scope, including legal services incurred to ensure compliance with the California Coastal Act, incorporated and unincorporated portions of the Malibu Coastal Zone.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing amendment of SMM-0618 for project planning and design to increase budget and amend scope, including legal services incurred to ensure compliance with the California Coastal Act, in the amount of \$385,000.

Legislative Authority: Section 33204(c) of Public Resources Code.

Background: The State of California has authorized expenditure of funds from the Water Security, Clean Drinking Water Coastal and Beach Protection Act of 2002 (Proposition 50) to the Santa Monica Mountains Conservancy, in Chapter 10, Sections 79570(c) and 79571, for purpose of protecting coastal watersheds, including but not limited to, acquisition, protection, and restoration of land and water resources and associated planning, permitting, and administrative costs, and for the acquisition and development of facilities to promote public access to and participation in the conservation of land, water, and wildlife resources.

Public Resources Code Section 33204(c): "The Conservancy may, in accordance with the priorities of the plan . . . award grants to state agencies, cities, counties, resource conservation districts, and park and recreation districts for the purpose of acquiring sites identified as necessary for park, recreation, or conservation purposes and for development of essential related public facilities."

Legal expenses incidentally but directly related to the acquisition, protection, and restoration of land and water resources and associated planning and permitting; necessary to ensure the State's ownership and use of the property are in compliance with the Coastal Act; and, incurred in defense of legal actions intended to stop public access and interfere with public benefit are permissible charges against the grant funds.

Since the initial approval of SMM-0618 for project planning and design, the scope of the project has evolved. As MRCA staff has begun development the Coastal Public Works Plan, it has become clear that the scope and budget for this grant need to be amended. The Coastal permit process can be quite complex. With the assistance of professional environmental planner, staff has identified a wide variety of outside consultants to necessary to complete the plan. The plan now also includes additional coastal canyons not identified in the original scope.

The revised scope of the grant should read “project planning and design necessary for a Coastal Development project including the Malibu Parks Public Access Enhancement Public Works Plan and Malibu LCP amendments for protection of land and water resources of Santa Monica Bay Coastal Watershed, including expansion of recreational use and trail development from Zuma/Trancas Canyon to Corral Canyon, including legal services, consultants, appraisals and including legal services for defense of legal action to close state lands.”

Below please find a budget addressing the amended and increased scope for an additional total of \$385,000.

MRCA Staff	\$ 25,000
Appraisals	\$ 10,000
Consultants to include: planning, trail design, mapping, civil engineering, geology, archaeology, traffic	\$ 200,000
Legal Services	\$ 150,000

Consideration: The augmentation to the grant to the MRCA would be in the amount of \$385,000.