



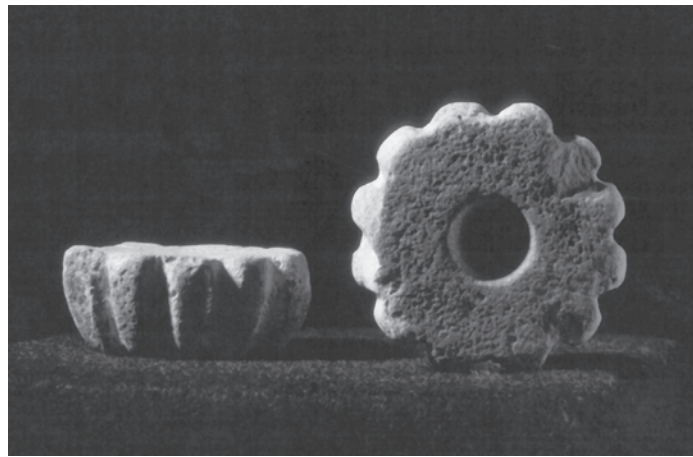
# Music from the Mesa

Newsletter 95

*Bolsa Chica Land Trust*

Spring 2008

## **Brightwater Development Hides Native American Remains at ORA-83!**



In February, the Bolsa Chica Land Trust learned that a report had been sent to the Native American Heritage Commission in Sacramento stating that 174 sets of human remains had been removed from the Brightwater development on the Bolsa Chica Mesa – an amount far greater than had previously been reported by the developer.

For years, archeologists have believed that ORA-83 – known as the Sacred Cogged Stone Site and recognized as one of the most important archeological sites in Orange County – stretched across two privately held parcels at Bolsa Chica. The first is the undeveloped D.E. Goodell property, sometimes known as the “pole yard”. The second is the Hearthside Homes property where construction is presently under way on 349 houses.

State Health and Safety Code Section 7050 requires that the discovery of human remains to be reported to the County coroner. The Land Trust contacted

the Orange County coroner and requested a report of all of the human remains found on the Bolsa Chica Mesa since 1991. The coroner had a total of 8 incidents of human remains being found on the Bolsa Chica in the last 17 years.

If activists had known the extent of the remains on the site, this information could have been brought before the Coastal Commission and might have had an impact on the extent of the permitted development. Clearly, the developer had reason to keep these discoveries quiet.

Now our attention must be focused on the remaining undeveloped property – the six acre Sacred Cogged Stone Site adjacent to the Brightwater property. Repeatedly, the owner of this parcel has indicated his desire to develop the property. The center of ORA-83 is on this parcel. It must be preserved for the Native American people for whom this is hallowed ground. . . and for future generations as well.

# THE CALIFORNIA COASTAL ACT – AND THE BOLSA CHICA DECISION – Help Protect an Important State Park!

By Paul Arms and Marc Stirdivant

On February 6<sup>th</sup>, the California Coastal Commission - with the help of 3,000 activists including the Sierra Club, Defenders of Wildlife, Endangered Habitats League, Surfrider Foundation, Audubon California, Natural Resources Defense Council, and the California State Parks Foundation - dealt a decisive blow to the Orange County Transportation Corridor Agencies' (TCA) plan to build a toll road through the heart of San Onofre State Beach, the fifth most visited state park in California and home of the world famous Trestles surfing beach.

In an historic decision, the Commission voted 8 to 2 to deny a permit to the TCA, thus stopping the toll road dead in its tracks.

As a member of the Bolsa Chica Land Trust, you can be proud of the role the Land Trust played in this historic decision. The precedent set in San Diego Superior Court in 1999 by the Land Trust's lawsuit, now known as the Bolsa Chica decision, was cited as one of the many reasons that the Toll Road could not be built through a State Park and adjacent wetlands.

In *Bolsa Chica Land Trust v. Superior Court*, the developer sought to destroy an ESHA (Environmentally Sensitive Habitat Area), build houses on the site, and mitigate the environmental damage by recreating a similar area at another location. The court held that the Coastal Act "does not permit destruction of an ESHA simply because the destruction is mitigated offsite." And in the Toll Road case, the Bolsa Chica decision was front and center of the Coastal Commission's staff report as to why the Toll Road could not legally be built in the State Park.



*Bolsa Chica Land Trust members with former Coastal Commissioner member Meg Caldwell and Sierra Club coastal activists at the rally to save San Onofre State Park. Left to right: Marinka Horack, Meg Caldwell, Merle Moshiri, Mark Massara, Robin Everett, Julian Vochelli, and Mike McMahan*

This is testament to you and all the members of the Bolsa Chica Land Trust who have formed such a powerful and lasting advocate for coastal protection. The work of the Land Trust to save Bolsa Chica has had far-reaching implications for coastal protection up and down the state.

This is a big win for the coast, for environmental protection in Orange County, and for all the members of the Bolsa Chica Land Trust.

For more information:

[www.savesanonofre.com](http://www.savesanonofre.com)  
[www.calparks.org](http://www.calparks.org)

*Paul Arms is Vice President of the Land Trust.  
Marc Stirdivant is a former Executive Director and current Board Member.*

## Parkside Report

# SPLIT DECISION IN SAN DIEGO

## Ball Back in City's Court

By Julie Bixby



After six hours of presentations, public comments, Commissioner questions, staff answers, and technical difficulties, the Coastal Commission voted to approve with modifications the Land Use Plan Amendment for the Upper Bolsa Chica Wetlands. The modifications adopted were not consistent with the staff recommendations, however.

CCC staff had recommended in their report that four areas—AP, CP, WP, and EPA—all be declared wetlands with 100 foot buffers. Staff also recommended 100 meter buffers for both Eucalyptus ESHA groves on the site. The Land Trust fully supported these recommendations, and the vast majority of public comments at the hearing were also in support of the staff report.

The developer recruited Huntington Beach Council members Keith Bohr and Cathy Green to speak on its behalf, which didn't help our cause. Shea pushed forward a variable buffer plan for the ESHA, similar to what was approved for the Hearthside project on the mesa, and continued to claim no wetlands on site other than CP and AP.

When all was said and done, the results were mixed: EPA was validated as wetlands, but WP was invalidated and Shea got their variable buffer, which was extremely bad news for the White-tailed kites and other raptors that use the site.

One concession made by the City was that the promised park would be entirely passive in nature (trails and benches only), rather than including an active (noisy) component. However, the full City Council will still need to formally accept or deny the Commission's November decision at a future meeting. Shea Homes has indicated it will ask the Council to accept the decision.

The Land Trust has spent considerable time and money fighting this harmful project and was disappointed with the Commissioners' decision. Fortunately, several additional hearings await before any concrete is poured. We will continue to pursue all avenues of environmental protection for this sensitive parcel.

### Keep Those Photos and Videos Coming!

Meanwhile, keep searching those garages and closets for photos and videos of Smoky's Stables, the bean field, and the pole yard! We know there are more photos and maybe even some videotapes out there. What might seem insignificant to you, could reveal information critical to saving the Upper Wetlands. Please call Mark Bixby at (714) 625-0876 with anything you find.

*Julie Bixby is a member of the Board of Directors and Chair of the Upper Wetlands Committee*

**President's Message**  
**By Gerald Chapman**

## WHAT MAKES THE LAND TRUST SPECIAL?

During my term as president of the Land Trust, I have been asked many times why we have been so successful in our efforts to save the entire Bolsa Chica ecosystem. There are many answers to this question.

Enforcement of the California Coastal Act has always been one of our most important principles. This is why we have taken such a strong stand on the preservation of all of Bolsa Chica, the uplands as well as the wetlands, and the historic wetlands on the Shea/Parkside property as well.

Public outreach programs like our *Miracles of the Marsh*, our Town Hall meetings, our quarterly

newsletter, our Stewards planting projects on the Mesa, our monthly guided tours of the Bolsa Chica, and our annual *Wings over Bolsa* calendar continually remind the public of the Land Trust's mission.

Of course, none of these efforts could be successful without the support of our membership. Your generous donations have funded these endeavors and your time to research and document conditions and history have directly contributed to the preservation of the entire Bolsa Chica.

After all this, the real answer to the question as to the success of the Land Trust is the selfless dedication of our membership.

### Town Hall Meeting

## It's Too Darn Hot: Climate Change, the Bolsa Chica, and You

Join us for one of our semi-annual Town Hall Meetings where guest speakers will illuminate ways to combat global warming on a local level. **Debbie Cook**, Mayor of Huntington Beach, will share what the city is doing to reduce the municipal carbon output. **Tami Bui**, from Southern California Edison, will have suggestions on how to conserve energy and reduce consumption at home. And **Kim Kolpin** and **Laura Pickett** from the Bolsa Chica Stewards will advise people on how to make a positive and beautiful change their own front yards by planting drought tolerant native plants.

Wednesday, April 30  
7 p.m.

Huntington Beach Public Library  
7111 Talbert Avenue  
Room C/D

The event is free. Light refreshments will be served. Donations are appreciated.

**Executive Director's Report  
By Flossie Horgan**

## **WE'LL SOON BE TAKING THE BRIDGE**

As you know, we have reached our goal of raising \$75,000.00 to assist in the construction of the pedestrian bridge at Bolsa Chica (over outer Bolsa Bay at Warner Ave.) However, the Land Trust continues to follow the progress of the project through the various agencies - the Department of Fish & Game (DFG) and the California Coastal Commission.

The latest communication from the Coastal Commission Staff states that Staff has received the permit request from DFG, and that the permit should be issued soon. Further, the DFG has told us that - due to the breeding season at Bolsa Chica (which runs from June until September) - the Bridge should be installed in approximately September 2008.

For those individuals who donated \$1,000 or more, we want to be sure that you are recognized for your contribution. In that regard, if you did not receive a letter from us within the last month requesting the information you would like placed on the bridge in your name, please contact Flossie at the Land Trust office at 846-1001. We want to be sure to recognize our major donors after such a significant and successful effort.

### **BCLT SUPER VOLUNTEERS!**

I want to especially thank those volunteers who assisted over the holidays, performing a huge number of tasks that needed attention. From the selling of calendars, to the entering of data into the computer, we were busier than usual. And, as always, our members stepped up. I want to especially recognize:

Patty Dayneko, Sandi Smith, Eileen Murphy, Lorraine Prinsky, Toni Gregory, Glenna Tuohey, Marge Allen, Jim Anderson, Mike McMahan, Paul Arms, Jim Anderson, and Mary Jane and Bill Wiley.

Without the help of our volunteers, the Trust would never be able to keep up with all the calls, correspondence and other things which need attention.

### **CREDIT CARD AND OTHER HELP NEEDED**

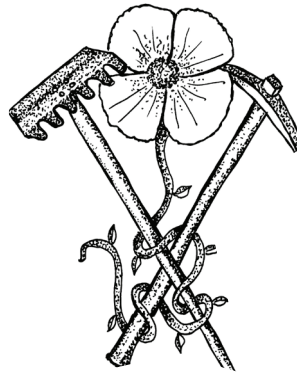
The Land Trust has been discussing ways to facilitate our members purchasing BCLT items on line. As such, we need to talk with someone who knows about credit card online ordering. If you are out there and know the ins and outs of that process, please contact the Land Trust office at 846-1001.

The Land Trust is also looking for a few good people to help with fundraising. We especially needed members with a knowledge of grantwriting. Please call the office at the above number.

### **AND A SPECIAL THANK YOU!**

A special thank you goes to Miss Olivia Bloom, who at her 7th birthday party asked for donations to the Bolsa Chica Stewards. She raised \$65 which will go towards the purchase of more plants for the Mesa. Thank you, Olivia!!!

### Grab Our Tools



## CELEBRATE EARTH DAY THE DROUGHT TOLERANT WAY!

**April 19th – 9 a.m. to Noon – PCH & Warner Reserve Parking Lot**

**By Kim Kolpin**

Thanks to a grant from the **Community Partnering Program of the Metropolitan Water District**, the Land Trust will celebrate Earth Day in a big way this year.

Led by our Restoration team, the Bolsa Chica Stewards, we are excited to be planting hundreds of native, drought tolerant California Coastal Sage Scrub plants along the Mesa trail. We also will be hosting a wonderful and artistic project created by two young ladies who will be earning their Girl Scout Silver Star awards. This surprise project will be a colorful and wonderful addition to the Land Trust's long list of exciting contributions to the Reserve.

Our theme this year is water conservation and you can not only help us plant natives on the mesa, but also find out how you can make a big difference in your own home garden. Many in the Stewards core team have a great deal of experience with natives in our own home gardens, our landscape architect Guy Stivers specializes in using natives in residential and commercial landscaping, and our Volunteer Coordinator, Laura Pickett and I are forming a unique California garden design team

for residential clients. You can ask questions, get written information and resources, and pick up free seeds and a small native plant to get you started!!

For more information please contact: Kim Kolpin, Restoration Coordinator, at [Kolpin@Stanford.edu](mailto:Kolpin@Stanford.edu) or (714) 717-6304

### **KENNEDY-KOLPIN AWARD WINNERS**

Congratulations to the 2008 recipients of the Kennedy-Kolpin Bolsa Chica Conservation Award: Connie Boardman, Jeff and Natalie Rokos and the Bloom Family (Vicki, Roger, Vanessa and Olivia). Dedicated Stewards, these recipients are all an important part of the restoration of Bolsa Chica and wonderful friends. The beautiful photography for the award plaques was graciously donated by Mr. Bob Blount.

*Kim Kolpin is a director of the Bolsa Chica Stewards, the restoration team of the Bolsa Chica land Trust. She can be reached at (714) 717-6304 or at [Kolpin@standford.edu](mailto:Kolpin@standford.edu)*

# WALL OF DEATH AT BRIGHTWATER

By Connie Boardman



*The "Wall of Death" stretches for more than 4,400 feet and is responsible for numerous bird deaths at Bolsa Chica.*

Hearthside Homes has built a 4,400-foot long plexiglass wall dubbed "The Wall of Death" at the Brightwater development adjacent to the public trail west of the project. The five-foot high panes are part of a wall that is in some places seven feet tall.

In mid November, two board members of the Land Trust discovered four dead birds along the wall in less than an hour. Members of the Trust quickly began monitoring the wall by walking along the trail daily. Over the next two weeks, more than a dozen birds were found dead along the wall. The Trust, Sea and Sage Audubon and other organizations contacted the enforcement officer for the California Coastal Commission, representatives of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the press.

Special agents from the Fish and Wildlife Service met with representatives from Hearthside Homes to discuss ways of decreasing the toll the wall was taking on the birds of Bolsa Chica. This, along with the extensive press coverage, led Hearthside to put up a chain link fence covered with green mesh behind the glass wall, and to put decals on the glass panes to make them more visible to birds. Hearthside also hired a biologist to monitor the wall three times a day and collect any dead birds. Since the biologist started work, members of the Trust have not found any additional dead birds along the wall.

What can be done to prevent more deaths remains to be seen. One thing that we find especially disturbing is on one hand the developer is using the Bolsa Chica as a selling point to attract buyers, and on the other hand erects a wall that kills the very birds that live there.

*Connie Boardman is a former Mayor of Huntington Beach and a Land Trust Board Member*

## ONE IN FIVE STATE PARKS TO CLOSE

Last month the Governor presented his budget for the upcoming year. In it there is a recommendation to close 48 state parks. The proposal also cuts back on staff at Bolsa Chica State Beach and Huntington State Beach.

With over 7 million people living in this urban setting it is totally unacceptable to be recommending closure of these important public

spaces. It is our opinion that this approach to the budget deficit ultimately harms the general public who rely on state parks for recreation and refuge.

**Please take the time today** to write to Senator Harman and Assemblyman Silva and let them know how you feel about closing 48 state parks and cutting back on staff at the Bolsa Chica State Beach.

State Senator Tom Harman  
State Capitol - Room 2052  
Sacramento, CA 95814  
Phone: 916-651-4035  
Fax: 916-445-9263

Assemblyman Jim Silva  
State Capitol - Room 3147  
Sacramento, CA 95814  
Phone: 916-319-2067  
Fax: 916-319-2167

## BOLSA CHICA LEVEE IMPROVED

The East Garden Grove-Wintersburg Flood Control Channel, which carries runoff from central and western Orange County down to the Bolsa Chica before emptying at Anaheim Bay, has undergone repair work adjacent to the Upper Bolsa Chica Wetlands. County officials made an emergency declaration to expedite the work, fearful that a major rainstorm could erode the earthen wall and flood nearby homes.

In a cruel twist of irony, Shea Homes had promised to make the improvements as part of their Parkside housing project, but only if they receive final permission to build. The County could not wait any longer, and issued the work contract to the developer's parent company, JF Shea. So rather than Shea paying to do the levee work, Shea is getting paid to do the levee work!

## OUTSTANDING ENVIRONMENTALIST TO SPEAK

Dorothy Green, founding President of Heal the Bay and 2007 winner of the President's Volunteer Service Award from the Environmental Protection Agency, will speak on "Managing Water: Avoiding Crisis in California."

Ms. Green will speak on Thursday, April 10, 2008 at 7 p.m. at Eader Elementary School, 9291 Banning Street, Huntington Beach. The event is sponsored by Residents for Responsible Desalination.



## Volunteer Voices

# MIRACLES OF THE MARSH

By Richard Valdes



*Members of the Miracles of the Marsh docents team observe the amazing birdlife at Bolsa Chica under the guidance of biologist, Connie Boardman, (far right).*

After retirement I looked for a good cause to donate some of my time. In the local newspaper I read that the Bolsa Chica Land Trust was looking for volunteers to guide tours into the wetlands. Having lived near the Bolsa Chica wetlands for several years I walked through it many times. I loved looking at the wildlife but never thought much about where the birds came from or where they were going. I wanted to learn more about all the animals and the history of this area. I also wanted to do my part in keeping developers out, so I decided to give it a try.

In March of last year, I started following the Miracles of the Marsh Tours to see if I was docent material. I joined the third graders from various elementary schools on guided tours through the wetlands. On each tour I followed a different

docent to learn about the local animals, birds, plant life, history and water. The children really enjoyed the tours as did I. I realized what I had been missing on my own walks and began learning the names and habits of the various birds and animals. Of the 200 species of birds that live at or visit the wetlands, I have learned to identify most of the major ones. I was able to go on almost every tour to the end of that season. Before long I was a docent with my own shirt and handbook.

Now I am taking out tours on my own and I know enough about the wildlife to answer most questions from the children. I enjoy it and look forward to each of the tours. Not only do I get a good healthy walk, but I help to educate children on the importance of the wildlife, keeping the wetlands clean, and out of the hands of developers.

*Richard Valdes is a first-year volunteer docent with "Miracles of the Marsh".*



Website: [www.bolsachicalandtrust.org](http://www.bolsachicalandtrust.org)  
 Email: [bclt@bolsachicalandtrust.org](mailto:bclt@bolsachicalandtrust.org)

5200 Warner Avenue, #108, Huntington Beach, CA 92649

# Bolsa Chica Land Trust

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The world is not dangerous because of those who do harm, but because of those who look at it without doing anything.  
 Albert Einstein

**Celebrate Earth Day  
 at Bolsa Chica  
 April 19!**

Membership Renewal/ Application to  
 Bolsa Chica Land Trust  
 5200 Warner Avenue, #108  
 Huntington Beach, CA 92649  
 I want to join the Bolsa Chica Land Trust and help  
 preserve the whole Bolsa Chica Ecosystem.  
 Annual dues are tax deductible  
 Members: Renewal date shown on your mailing label

This is a  Membership Renewal

\_\_\_\_\_ \$50.00 + Honor Roll  
 \_\_\_\_\_ \$20.00 Family  
 \_\_\_\_\_ \$15.00 Individual  
 \_\_\_\_\_ \$10 Senior/Student

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 E-Mail \_\_\_\_\_

**Regular Land Trust Events**

BCLT Board Meetings  
 2nd Thursday of each month. 7PM  
 Call 714-846-1001 for location

BCLT Wetlands Table & Wetlands-Mesa Tour  
 3rd Sunday of each month. 9AM-3PM  
 Free Guided Tour 10AM-12noon  
 PCH Parking at BC Wetlands  
 For info & to help call 714-964-8170

Bolsa Chica Stewards  
 1st Sunday and 3rd Saturday of each month.  
 9AM-12noon. Meet in parking lot at PCH &  
 Warner. Habitat restoration, trail maintenance,  
 etc. For information, call 562-920-4215

**Directory**

Bolsa Chica Land Trust  
 Exec. Director Flossie Horgan 714-846-1001  
 Educ. Program Linda Wolfe 714-846-4588  
 BC Stewards Kim Kolpin 714-717-6304

All Bolsa Chica Land Trust gift items available at Land Trust  
 Office: Office Hours: 9:30AM to 3:30PM, Monday-Friday