

Music from the Mesa

Bolsa Chica Land Trust

Newsletter 101

Cogged Stone Site Declared Eligible for National Registry of Historic Places!

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Last month officials with the Department of the Interior concurred with the State Office of Historic Preservation that the Cogged Stone site at Bolsa Chica is important enough to be eligible for listing on the National Registry of Historic Places. This designation is something the Bolsa Chica Land Trust has been working on for more than ten years. The Land Trust has collaborated with archeologist Dr. Patricia Martz whose documentation and hard work contributed greatly to make this listing possible.

The application process was very complex and required the input of many different officials along the way. Here is what Senior State Parks Archeologist, Richard T. Fitzgerald, had to say about the site at Bolsa Chica:

“What made all this possible is that these early people with simple tools such as these (milling slab) were able to subsist rather well on a mixture of plants, shellfish, fish, birds, and apparently to much lesser degree large mammals such as deer, antelope, and elk. This truly unique adaptation that relied upon foraging and some degree of residential mobility was non-gender specific in which both men and women actively participated in a group effort.”

“The advantages of this type of existence at this very early period of prehistory are underscored by these (the cogged stones) beautiful albeit somewhat enigmatic artifacts. As such the Cogged Stone site represents in many ways the height of achievement and complexity of these early coastal cultures and serves as a constant reminder of the ingenuity



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THE BOLSA CHICA DECISION: A Legal Legacy of Coastal Protection

© Mark Campbell



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In 1999 the state appellate court issued the famous “Bolsa Chica Decision” (Bolsa Chica Land Trust v. Superior Court 71 Cal. Ap.4. th. 493, 507), which ruled that “The Coastal Act does not permit destruction of an environmentally sensitive habitat area [ESHA] simply because the destruction is mitigated offsite.”

Because this case was filed by the Bolsa Chica Land Trust, we asked Mark Massara, director of the Sierra Clubs Coastal Programs - as well several other coastal advocates - to offer their opinions on the importance of the Bolsa Chica Decision. Here is what they had to say.

The legal impact of the Bolsa Chica decision cannot be overestimated. It was one of the most important achievements in environmental law in the United States and may be the most significant Coastal Act decision ever. It resolved critical outstanding questions with respect to residential development

of wetlands and the use of bogus “offsite” mitigation for destruction of environmentally sensitive habitat areas (ESHA). These resource protection policies are the heart and soul of the Coastal Act, and the defining features which make the California Coastal Act the nation’s premiere environmental law.

By clarifying the mandate to avoid Environmentally Sensitive Habitat Areas, the Bolsa Chica Decision has had huge ripple effects. For example, it was one of the main reasons the proposed Foothill Toll Road through San Onofre State Beach was found inconsistent with the Coastal Act.

Dan Silver, Chief Executive Officer, Endangered Habitats League

However, by the time of the 1999 Bolsa Chica decision, we had lost over 90% of California's coastal wetlands in part to developer sponsored schemes to encroach and build houses on artificial fill placed in and around wetlands. At Bolsa Chica the developers proposed a comical gimmick: In exchange for chopping down raptor nesting trees above the wetlands they would erect poles as new fake homes for the birds in the hope the birds would move elsewhere. The court made note of the fact that the trees nearby the wetland and open space foraging areas were all part of a critical habitat area. You can't just protect the water portion of the wetland

alone. For a healthy ecosystem it has to be whole, and necessarily includes the nesting trees and the open space upland foraging areas.

The appellate court in the Bolsa Chica Land Trust case challenging the decision of the Coastal Commission that would have allowed the destruction of an environmentally sensitive habitat area and permitted residential development in a coastal wetland had statewide importance for several reasons. The court made it clear that under no circumstances should residences be built in a coast wetland and that the law limiting development in an ESHA actually meant what it said.

Mel Nutter, former Chairman of the Coastal Commission and member, Amigos de Bolsa Chica

Of course these lame mitigation proposals don't work and never did. But that didn't slow the number of scientists willing to tout these schemes for big bucks from real estate speculators. And the result was the Coastal Commission approved the development

plan and many others like it up and down the state.

The Bolsa Chica appeals court decision is the most significant Coastal Act decision in the past two decades. The ruling clarified what ecologists and scientists understood all along - you can't "move" a habitat. The ruling resulted in preserving many, many hundreds, if not thousands of acres of coastal natural rare and sensitive habitats throughout the state. . . There can not be enough gratitude expressed to those who pursued this important litigation.

Marcia Hanscome, Managing Director CLEAN - Coastal Law Enforcement Action Network & Co-Director, Ballona Institute

The Bolsa Chica decision is a testament to the dedication of the organizations that fought for decades for the proposition that the natural environment itself should be protected, not some fake environmental Disneyland located offsite and often inland of the valuable coastal zone. Now it is beyond legal debate that ESHA and wetlands in the coastal zone must be protected where they lay, along with sufficient buffer areas, and that environmental mitigation is a disingenuous and bankrupt concept for coastal protection purposes.

By Mark Massara

Mark Massara is a public interest environmental attorney and professor who works with nonprofit organizations and activists in California to educate decision makers and elected officials about the economic, national security and quality of life benefits associated with natural resource protection.



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“WINGS OVER BOLSA” 2010 Calendars Available Now!



© Vince Thomas

Bolsa Chica has many devoted fans and among the most dedicated are the photographers of Bolsa Chica. Few people spend more time or fortune there than they do. They are often seen at the footbridge with their heavy, long-lens cameras. In fact, there is an informal photographers' sunrise group that meets there at dawn on a regular basis. Birds are very active at daybreak and the bright dawn light highlights their feeding activity. Photographers often get their best images at that time.

Our annual “Wings Over Bolsa” calendar lets you see what the photographers see through their lenses. The calendar has been made possible by the creative

talents of these photographic artists. We thank them for their generosity and participation in the 2009 calendar: Mark Bixby, Robert Blount, Ken Hamada, Robin Hoyland, Sam Hung, Larry Kaufman, Daniel Kee, Les Kelly, Richard Mittleman, Glenn Price, Marie Read, Steve Smith, Eric Stogner, Vince Thomas, Muntzi Verga, Jeff Wear, and Paul Wenzel.

These spectacular calendars will arrive soon and, once again, they are more breath-taking than ever before. Every photo – just like the one above – has been taken at Bolsa Chica. You won't want to miss the opportunity to purchase several of these wonderful calendars as holiday gifts for

family, friends, and co-workers.

The price this year is \$11 each or five for \$44. They can be purchased by phone at (714) 846-1001, by email at bclt@bolsachicalandtrust.org, or by using the Order Form enclosed with this newsletter.

Cash or checks are preferred, but Visa and MasterCard are welcome. There is an additional charge for shipping or they can be picked up in person at the Land Trust office at 5200 Warner Avenue, Suite 108, Huntington Beach, near the corner of Warner Avenue and Bolsa Chica Road. Free parking is available behind the building.

Make sure you have plenty for the holidays!

MIRACLES OF THE MARSH



© Daniel Kee

Judy Todd with one of the Leupold binoculars which she donated to the Land Trust's Miracle of the Marsh tour program.

Judy Todd BCLT Volunteer & Donor

The Bolsa Chica Land Trust owes much of its success to the generosity of its members. Judy Todd is a great example. When Judy retired from teaching at Cal State University Dominguez Hills, she started volunteering for the Land Trust. An enthusiastic bird-watcher, she joined our "Miracles of the Marsh" docent team which conducts school tours from January through May. She also leads our tours on the third Sunday of every month.

Because Judy recognized that a good pair of binoculars makes the bird-watching experience much more rewarding, she has generously donated more than two dozen pairs of binoculars to the BCLT tour program.

These high quality binoculars are lightweight and easy to focus, yet they have a very good optics. They are made by the Leupold & Stevens company of Beaverton, Oregon, which offered a considerable discount. The tour students enjoy seeing birds up close, and their tour experience is enhanced.

The Land Trust thanks Judy Todd (and Leupold) for her wonderful gift to our tour program!

Cogged Stone Site...continued

and creativity of human behavior no matter what the time period and what the level of technology at hand. It is for this reason that the Cogged Stone site should be preserved for future generations of Californians to learn from and appreciate."

Much of the Cogged Stone site that is left is on private property that is currently going through an

annexation and zoning process by the City of Huntington Beach. City staff currently is stating that no Environmental Impact Report needs to be done for this site prior to development. The Trust does not agree with this determination, and is hopeful that this new designation will offer more protection to the site.

By Paul Arms

Paul Arms is President of the Bolsa Chica Land Trust



Eileen Murphy Champion of Bolsa Chica

Eileen is a founding member of the Bolsa Chica Land Trust and has worked for the past 17 years to bring the Land Trust vision to reality. She served on the Board of Directors from 1992 until 2007 and was one of those early members who stood out every Thursday morning from 7 a.m. - 8 a.m. for two years with our Burma Shave signs and Land Trust banner at the corner of Warner and Coast Highway.

She chaired the acquisition committee's Major Gift/Pledge Project, was a docent for the Land Trust's education program, "Miracles of the Marsh," and chaired the Land Trust committee that cleans the beach during the winter months. Currently, Eileen is on the Calendar Committee that produces our yearly "Wings Over Bolsa" calendar. She hasn't missed a Land Trust mailing party in 17 years and every Wednesday you will find her volunteering her time at the Land Trust office.

Eileen is also a member of the Ocean Outfall Group(OOG) which was successful in

having the County of Orange Sanitation District vote to go to full secondary treatment for County sewage disposal. She also serves on the Board of the (R4RD) Residents 4 Responsible Desalination.

On March 13, 2001, Eileen was honored at the state Capitol by then Assemblyman Tom Harman as "Woman of the Year." In 2004, she was awarded Activist of the Year by Orange County League of Conservation Voters. She was recognized by the City Environmental Board with an award for Outstanding Efforts to Preserve, Conserve and Protect the Environment.

But for all of these accolades, Eileen remains humble and always ready to pitch in. She never talks about herself and always is working on a project to help the larger community.

We salute Eileen and thank her for her continued dedication to help preserve the Bolsa Chica. She is one of Bolsa Chica's true heroes.

Hearthside Homes Submits Plans for “Ridge Project”

Hearthside Homes, developer of the Brightwater project on the upper Bolsa Chica mesa, has submitted plans to the City of Huntington Beach for 22 houses on the northern edge of the Bolsa Chica. These 5 acres border the Sacred Cogged Stone Site (Goodell) to the north and the Upper Wetlands (Shea) to the west, forming another piece of the Bolsa Chica puzzle. This land is currently designated Open Space Parks in the City’s approved Land Use Plan; the developer wants to make it be entirely low-density Residential, even though the City is in need of more parkland.

The City is preparing a Negative Declaration for the proposed project, meaning they don’t think any significant environmental impacts would be created by the development, even though it is close to the Upper Wetlands ESHA area. The NegDec should be available for public comment within the next few months.

Julie Bixby is Vice President of the Land Trust, and Chair of the Upper Bolsa Chica Wetlands Committee

Update on the Pedestrian Bridge

There is great news regarding the long-awaited pedestrian bridge!!

The engineers are scheduled to arrive on September 28th to begin work on the pedestrian bridge.

It is expected to be completed by end of November.

There will be a dedication ceremony- so stay tuned!



Bolsa Chica Land Trust

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Please recycle this newsletter or share it with others.

*Sometimes I do get to places just when
God's ready to have somebody click the
shutter.
Ansel Adams*

Scheduled 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 714-717-6304

Directory Bolsa Chica Land Trust

Executive Director Flossie Horgan 714-846-1001

Education Program Linda Wolfe 714-846-4588

BC Stewards Kim Kolpin 714-717-6304

Bolsa Chica Land Trust gift items are available at the Land Trust Office

Office Hours: 9:30AM to 3:30PM, Monday-Friday

www.bolsachicalandtrust.org

© Steve Smith

Membership Renewal/Application

I want to join the Bolsa Chica Land Trust and help preserve the whole Bolsa Chica Ecosystem.

This is a renewal membership.

Annual dues are tax deductible
Members: Renewal date shown on your mailing label

_____ \$50.00 + Honor Roll
_____ \$15.00 Individual

_____ \$20.00 Family
_____ \$10.00 Senior/Student

Name

Address

City _____ State _____ Zip _____

Telephone

E-Mail

Mail Your Completed Membership Application to:

Bolsa Chica Land Trust

5200 Warner Avenue, #108

Huntington Beach, CA 92649