

From: Clark, Douglas B. [mailto:DClark@foley.com]
Sent: Thursday, November 06, 2008 10:23 AM
To: Steve Santacruz
Cc: Johnson, Darrin M; Egtvedt, Gregory W
Subject: Half Moon Bay Restoration - Preliminary approval and comments

Hello Mr. Santacruz:

The Half Moon Bay Association's most recently submitted restoration plan is generally acceptable to WRPCo, but will need to be revised before the final version is submitted for WRPCo's final review and approval. The revisions are necessary to address unauthorized encroachments that have occurred since the Association submitted the restoration plan. They are discussed below. I advise you to include in the revised version the explanation you sent to me regarding the unauthorized beach grooming that was carried out by your pier removal contractor.

Also, as I mentioned on the phone, I advise the Association to submit a draft self-monitoring and enforcement plan for WRPCo's review prior to December 1.

Comments on New Encroachments

Condo owners are disposing of yard waste on the Shoreline Commons Area (SCA). Debris from pruned shrubs was disposed of on the SCA. Also noted at the condos were additional trees that were cut in the spring that WRPCo had not noticed earlier. Since these small trees were not noted in the original default, WRPCo is OK with replacing them with the trees that the Association has already agreed to plant adjacent to the condos.

The mowing has continued at Lot 2 Block 2. The area was surveyed prior to WRPCo's meeting with the Association's board. The property marker stakes are clearly visible and WRPCo specifically identified the markers and the problem to the Board on the day of that meeting. Also WRPCo found garden waste (weeds) dumped upon the SCA at this same Lot. Finally when the unauthorized dock was removed, it was rolled over one of the 3-4 foot trees that WRPCO planted this spring as a response to a FERC violation letter. This is unfortunate as it appears to show a general disregard of WRPCo's property. At this time, it appears that the tree will recover, but care must be taken to ensure that this tree is not further damaged when the docks moved in the future.

It appears that the mowing at Lot 3 Block 2 has stopped, but a portion of the SCA has been treated with pesticides adjacent to this lot. The flags marking the sprayed area placed by the contractor doing the spraying are still located on the

SCA. No pesticides or fertilizer application is permitted on WRPCO property without prior written approval.

The beach adjacent to the clubhouse was recently groomed with an ATV and pull behind drag. The drag is still located adjacent to the beach. When Darrin Johnson met with the Association board to discuss each encroachment on WRPCO property, he explained that the Vegetation Management Plan (VMP) does not permit any motorized vehicles on the SCA without WRPCo's prior written approval.

On the SCA adjacent to lot 7, Block 1, the cut up and split firewood was removed from the SCA. Also noted on the SCA adjacent to this lot is a new tree that was cut up and removed from the SCA. Trees may only be salvaged for firewood and removed from the SCA with an approved VMP application. No approval was given for this activity. Also evident adjacent to this lot is the remains of a campfire. No open fires are permitted outside of approved fire pits. There are no approved fire pits in this location.

Please contact me if you have any questions. The discussion of the new encroachment follows.

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