

LWD
10-23-96

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200



TH 12

October 16, 1996

TO: Commissioners and Interested Parties

FROM: Tami Grove, Deputy Director
Lee Otter, District Chief Planner
Steve Guiney, Coastal Planner

SUBJECT: Condition Compliance Review for Special Condition No. 5, Interim Management Program, of Coastal Development Permit A-3-SLO-95-70; Caltrans, Piedras Blancas Highway 1 Realignment (for Commission Meeting of 10/8-11/1996)

Recommendation

Staff recommends that the Commission **approve** the Interim Management Program as submitted by Caltrans, for the reasons given below.

Background

On April 11, 1996, the Commission, on appeal, approved Caltrans' proposal to realign a 1.7 mile section of Highway One in northern San Luis Obispo County including straightening portions of the highway and relocating portions up to 250 inland from the present alignment, providing two new public access areas, fencing the right-of-way, and abandoning the existing highway segment which currently provides informal beach and blufftop access opportunities. On July 11, 1996, the Commission approved the revised findings for the proposal.

Special Condition No. 5 of the permit requires Caltrans, either before start of construction or within 120 days of project approval whichever came first, to develop an Interim Management Program (IMP) for managing public access and marine mammal interaction at the project site. On August 9, 1996, 120 days since project approval, an informational memo was made available to the Commission and interested parties about the general nature of Caltrans' compliance with Special Condition No. 5, since the IMP had not then been completed. The IMP has now been completed by Caltrans and forwarded to Commission staff.

General meetings to develop the Interim Management Program (IMP) were held in May, July, and August of 1996. Several other more specialized meetings were held, addressing interpretive signing, a proposed elephant seal docent program, long-term management of the land and elephant seals, and funding for management and interpretive programs.

Adopted Condition

Special Condition 5 of permit A-3-SLO-95-70 is reproduced below in its entirety.

5. INTERIM MANAGEMENT PROGRAM

PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WITHIN 120 DAYS OF PROJECT APPROVAL, WHICHEVER COMES FIRST, the permittee in consultation with the County and appropriate State and Federal agencies, shall submit to the Coastal Commission for review and approval an interim program for managing public access and marine mammal interaction at the project site. The interim program shall include written and graphical information as necessary for the following:

- a. a description of the seasonal use of the beaches along the project length by the public and by the elephant seals, including the location of existing parking use and approximate vehicle capacity, foot trails, and recorded maximum seasonal seal densities;
- b. interpretive signing language describing the proposed project, and providing information about elephant seals, including, but not limited to: the nature of their use of the beaches, their protected legal status, and the potential for human injury from elephant seal bites and crushing;
- c. proposed location of an interpretive sign in each of the two existing formalized access/vista points just south of the proposed realignment as well as in each of the two new access points required under this permit, and other signage along appropriate areas of the road where seals are visible, directing people to the interpretive signs;
- d. a summary of measures proposed to keep elephant seals off the highway during and post-construction (including K-rail at Twin Creeks or other structural measures to be shown on revised final plans) during those periods when the seals occupy the beach; such measures shall be designed to not interfere with public access during those periods when the beaches are not occupied by the elephant seals, and to minimize impacts to scenic views from Highway 1 to and along the shoreline; and,
- e. location and text of any additional, temporary or changeable signage needed at public access points and along the realignment section on a seasonal basis, depending on the nature of the use of the beaches by elephant seals. Such signage may, if demonstrated to be necessary, prohibit parking on the highway shoulders during pupping season.

The Interim Management Program shall be formulated in consultation with the interagency group members listed in Exhibit 9, attached, and shall be implemented concurrently with construction of the realignment and shall remain in place until the management responsibilities for the new public access facilities are transferred to another agency for the long term. Until such time, permittee shall be responsible for the maintenance of these public access facilities and implementation of the Interim Management Program.

Condition Compliance Analysis

Each of the parts of the Interim Management Program (IMP) is analyzed individually according to the corresponding subsection of the condition:

- a. *a description of the seasonal use of the beaches along the project length by the public and by the elephant seals, including the location of existing parking use and approximate vehicle capacity, foot trails, and recorded maximum seasonal seal densities;*

The Interim Management Program (IMP) gives fairly detailed information about elephant seal activity and densities along the project length, focusing on the Twin Creeks area, which is the area most heavily used by elephant seals along the project length. The IMP does not give

detailed information about elephant seal use of other beaches to the north of the Twin Creeks area; this is appropriate since the condition requires information relative to elephant seal beach use along the project length. While it is true that elephant seals are visible on another beach to the north of the project, Caltrans was not required to provide information about that area since there was no proposal for development there. Public use of the beaches along the project length is also adequately described, as are the existing parking and vehicle capacity along the project length. The only area seriously lacking is a description of foot trails. However, this deficiency will not preclude condition compliance. Foot trails are obvious on site and on aerial photographs of the area extending along the bluffs through and to the north and south of the project site. The previously submitted aerial photographs, received at the Commission's hearing of April 11, 1996, will serve to adequately document the existing pattern of foot trails.

- b. interpretive signing language describing the proposed project, and providing information about elephant seals, including, but not limited to: the nature of their use of the beaches, their protected legal status, and the potential for human injury from elephant seal bites and crushing;*

Because of the time and money involved to produce high quality professional interpretive signs, Caltrans has proposed a two-phase interpretive signing program that would allow for basic informational material to be placed at Vista Points 1 and 2 and at Twin Creeks (the site of future Vista Point 3) coincident with the realignment construction. More detailed, permanent exhibits would be placed at Twin Creeks and Vista Point 2 after the realignment project is completed. Much of the information is proposed to come from various published material and would include general elephant seal behavior and life cycle, specific information about the Piedras Blancas area and the local elephant seal population, legal status of the elephant seals, and human-elephant seal interaction safety issues. The information will be reviewed by the National Marine Fisheries Service and acknowledged elephant seal experts for accuracy.

The land surrounding the vista points is privately owned by the Hearst Corporation, which in 1972 filed a Notice of Permissive Use pursuant to Civil Code Section 813, allowing the public to pass over its land while at the same time potentially precluding a claim of prescriptive rights based on that public use of the land. Caltrans proposes to place a note on the interpretive signs stating "Adjoining these vista points, which have been dedicated to the public, is private property. The public's right to pass through the privately owned portions is permissive, and subject to the control of the property owner; please respect both the public and private lands." This is similar to the language found on signs the Hearst Corporation has placed at various locations on its property. Staff recommends that the Commission approve the addition of this "note" to the interpretive signs. Public access along the bluffs upcoast and downcoast of the vista points will not be affected by the note; it will simply place that language on the interpretive signs rather than having it on yet other signs.

- c. *proposed location of an interpretive sign in each of the two existing formalized access/vista points just south of the proposed realignment as well as in each of the two new access points required under this permit, and other signage along appropriate areas of the road where seals are visible, directing people to the interpretive signs;*

According to Caltrans, because of time and money involved, it may be difficult to develop and place high quality professional interpretive signs, such as might be found in units of the State Park System, at the Vista Points coincident with the realignment. Therefore, Caltrans is proposing to place temporary interpretive signage at existing Vista Points 1 and 2, and at Twin Creeks coincident with the realignment. These would take two somewhat different forms. At Twin Creeks there is no formal parking, and the parking and traffic situation can be hazardous, so Caltrans is proposing to simply attach information to existing sign posts, fences, and the concrete k-rail barrier there until the site is developed as Vista Point 3 as part of the realignment project. Until the realignment project is completed, including the development of Vista Point 3, Vista Point 2 will be the major interpretive site and signs will be placed a mile to the north and a mile to the south of Vista Point 2 directing travelers to the interpretive information there. Interpretive information at Vista Point 1 and Twin Creeks will be available for those who stop there, but there will be no specific direction to those areas. Vista Point 4, at the northern end of the project, will also contain interpretive information, but that vista point will not be developed until mid-1998 via a separate construction contract. With the development and opening of Vista Points 3 and 4, Vista Point 1 will be abandoned, pursuant to permit Special Condition No. 4.

- d. *a summary of measures proposed to keep elephant seals off the highway during and post-construction (including K-rail at Twin Creeks or other structural measures to be shown on revised final plans) during those periods when the seals occupy the beach; such measures shall be designed to not interfere with public access during those periods when the beaches are not occupied by the elephant seals, and to minimize impacts to scenic views from Highway 1 to and along the shoreline;*

Caltrans proposes to keep the present measures in place during the construction of the realignment. The present measures include k-rail barriers and mesh fencing to keep elephant seals off the highway. If necessary, additional k-rail could be placed along the top of the low bluff at Twin Creeks. Due to the location of the realigned highway, it is anticipated that only Vista Point 3 (the present area at Twin Creeks) will be susceptible to elephant seal intrusion. Caltrans is proposing to enclose the parking area there with wire mesh fencing. The fencing will have a gate at either end to allow for public access to the beach and bluffs. At the northerly end, the area of the proposed vista point most vulnerable to elephant seal intrusion, Caltrans proposes to place boulders 12 inches apart just outside of the fence and gate. Caltrans has consulted with various elephant seal experts who believe that the combination of the boulders spaced 12 inches apart and the wire mesh fence and gate should preclude elephant seals from getting into the parking lot and onto the highway.

This particular combination of elephant seal haul-out area, popular beach access, and an immediately adjacent highway is unique. In as much as this location is one which is currently used by people to pull off the highway and walk right on to the beach down a low bluff and dune and to launch small boats, it may be necessary after some time to modify parts of the proposed barrier/access point if experience shows there are problems with it. For example, it may be that the placement of the boulders will inhibit getting small boats from the parking area onto the

beach. Vista Point 4, at the north end of the project area, is proposed to be developed in mid-1998, approximately a year after completion of the realignment project. That would be an opportune time to revisit the issue of the functionality of the barrier/access point at Vista Point 3. Caltrans has already agreed to revisit the issue of the type of fencing for Vista Point 3 at that time since some members of the IMP working group felt other fence types, such as split-rail, are preferable for a portion or all of the fencing around the parking area.

- e. *location and text of any additional, temporary or changeable signage needed at public access points and along the realignment section on a seasonal basis, depending on the nature of the use of the beaches by elephant seals. Such signage may, if demonstrated to be necessary, prohibit parking on the highway shoulders during pupping season.*

Caltrans is not proposing any temporary or changeable signs for seasonal use. Earlier versions of the IMP proposed that permanent "No Parking" signs be posted ". . . along the right-of-way fence, at a maximum spacing of 500-feet. They will be posted in a manner so as not to be higher than the fence, and will be oriented parallel to the travelled way." The Commission's intent in this regard is clear: signs needed on a seasonal basis could include signs prohibiting parking on the shoulders of the highway only if a need for them was demonstrated. Only seasonal (not permanent) signs were contemplated. No need for either permanent or seasonal "no parking" signs has been demonstrated, so it is appropriate that Caltrans has not proposed any such signs in the final IMP.

The Interim Management Program shall be formulated in consultation with the interagency group members listed in Exhibit 9, attached, and shall be implemented concurrently with construction of the realignment and shall remain in place until the management responsibilities for the new public access facilities are transferred to another agency for the long term. Until such time, permittee shall be responsible for the maintenance of these public access facilities and implementation of the Interim Management Program.

Caltrans is proposing to create temporary and permanent interpretive exhibits and information and will develop two new vista points: Vista Point 3 concurrently with the realignment and Vista Point 4 approximately one year later. Caltrans is also actively working with non-profit land conservation organizations, and local, state, and federal agencies to implement a permanent management strategy for the vista points and beach and for the elephant seals, as well as a permanent interpretive strategy.

As reported to the Commission in August, participants in the IMP working group included all of those listed in Exhibit 9 of the permit, excepting the Coastal Conservancy. The participants have included interested members of the community; the appellants; the Hearst Corporation (surrounding and underlying property owner); the Land Conservancy of San Luis Obispo County; representatives of Bay Net, a non-profit docent program of the Center for Marine Conservation and Friends of the Sea Otter; and staff of San Luis Obispo County, Caltrans, Coastal Commission, Department of Parks and Recreation, Department of Fish and Game, the Resources Agency, California Highway Patrol, Assemblyman Bordonaro, State Senator O'Connell, National Biological Service, National Marine Fisheries Service, and the Monterey Bay National Marine Sanctuary.

Conclusion

Caltrans has been diligent in its pursuit of satisfying Special Condition No. 5 of permit A-3-SLO-95-70, which requires the creation of an Interim Management Program for managing public access and marine mammal interaction at the project site from beginning of construction until such time that management responsibilities are transferred to another agency for the long term. Accordingly, this Interim Management Program, as submitted, fully complies with Special Condition No. 5 of permit A-3-SLO-95-70.

PROJECT LOCATION

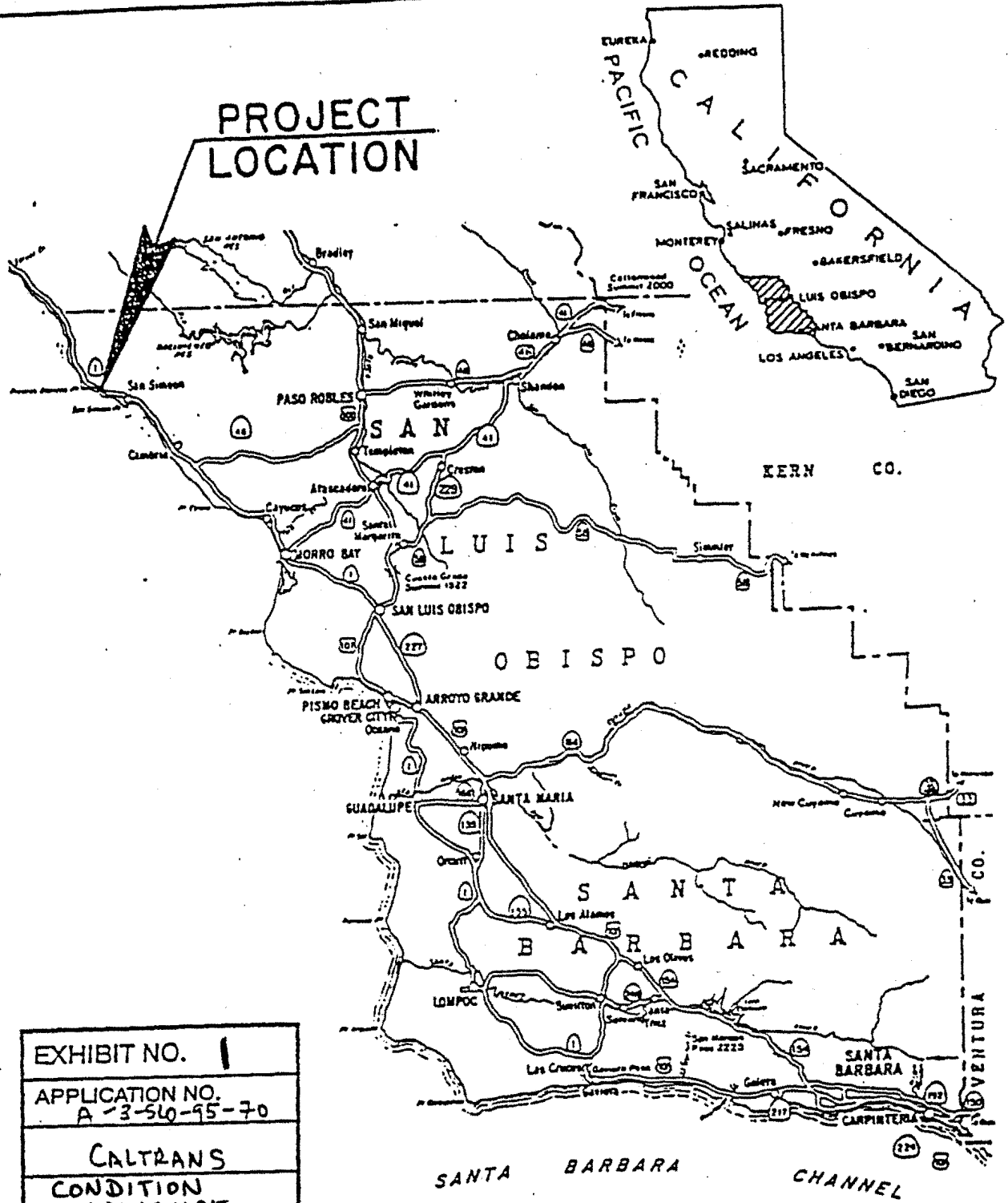


EXHIBIT NO.	1
APPLICATION NO.	A-3-56-95-70
CALTRANS	
CONDITION COMPLIANCE	

DISTRICT 5
 SLO-1-R61.3/63.0
 NEAR SAN SIMEON
 FROM 1.4 MILES TO 3.1 MILES
 NORTH OF ARROYO LAGUNA CREEK BRIDGE
VICINITY MAP



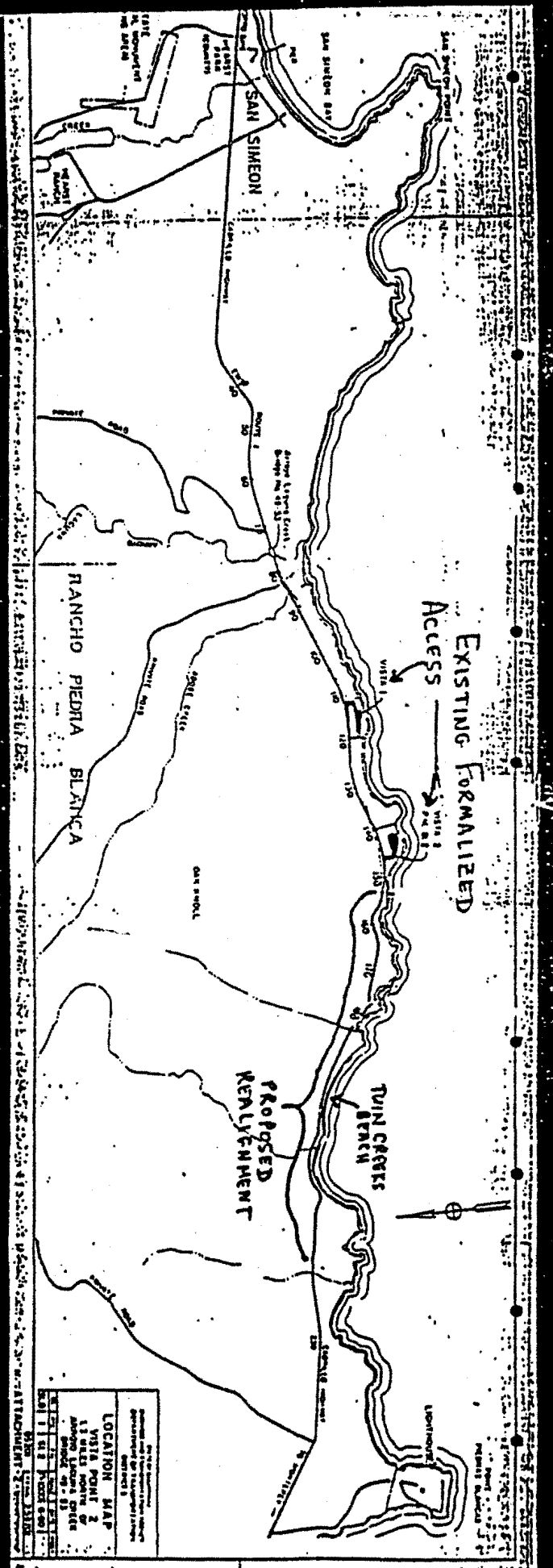


EXHIBIT 2
A-3-SLO-95-7

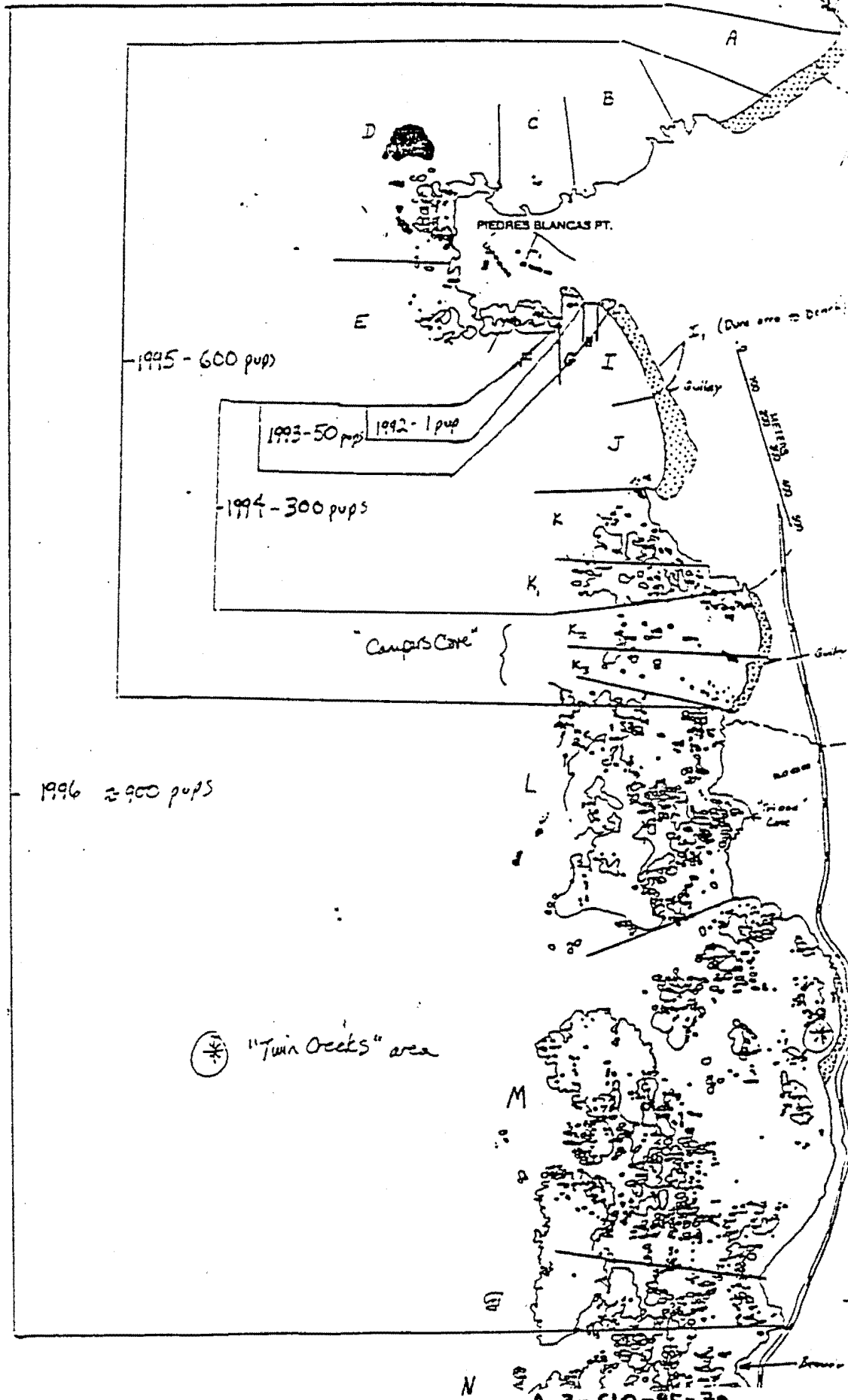
CONDITION COMPLIANCE

Expansion of NES pupping range
and numbers (rounded to nearest 50) Piedras Blancas
Northern Elephant Seals

Year	High Counts*	
	Spring	Fall
1990		150
1991	400	650
1992	1,350	1,150
1993	2,650	1,300
1994	3,050	1,550
1995	3,850	2,150
1996	4,000	

* rounded to nearest 50
High counts in May (Spring)
Nov/Dec (Fall)

pups born late Dec → late Jan



R. Jameson and B. Hatfield, NBS unpublished data
As provided by Norm Scott 2/9/16

A-3-SLO-95-70
CONDITION COMPLIANCE
EXHIBIT A

Notes on development of elephant-seal colony at Piedras Blancas

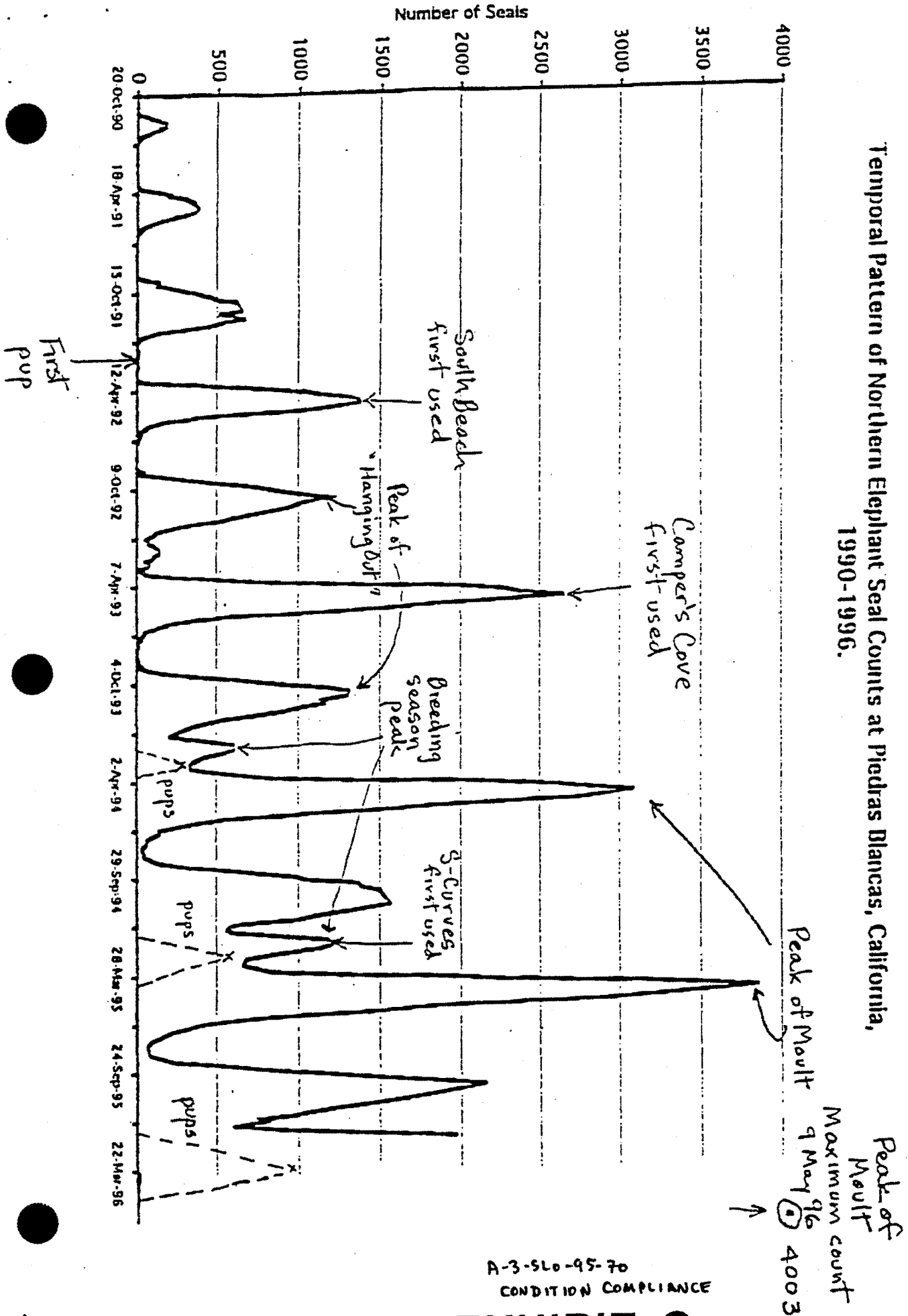
- A few individuals have used the beaches around the light station since we occupied site in fall 1977.
- November 1990 numbers began to increase in Launch Cove, and the spring count was 380.
- First pup was born in Launch Cove in February 1992. The spring total count in 1992 was 1367. This was also first year that South Beach was colonized in large numbers.
- The growth in population at Piedras Blancas is from animals recruited from all other rookeries, but especially San Miguel and San Nicolas islands.
- In Spring 1993, elephant-seals began to use Campers' Cove (ca. 150).
- By Spring 1995 numbers using Campers' Cove exceeded 1600 independent animals (out of a total count of ca. 3800 independent animals). The total pup count for 1995 was 605.
- The distribution during the spring of 1995 was from about 0.5 km north of Pt. Piedras Blancas to about 2 km south.
- Beginning in winter 1994, 1-2 animals were seen on the S-curves beaches. During winter 1995 up to 19 elephant-seals used this area.
- In March 1995, a yearling elephant-seal was removed from the highway next to the sand dunes on the S-curves. It was possibly run over on the rear flippers by a car.
- The maximum spring count in 1995 was 3,873 independent elephant-seals, and 582 live and 23 dead dependent pups born during January and February (including 14 pups born on the beach north of Pt. Piedras Blancas).
- The number of pups born during January and the first half of February 1996 was ca. 989.
- In January 1996, several elephant-seals approached State Highway 1 at the S-curves, prompting CalTrans to install field fencing and K-barriers along the edge of the highway above the beach.
- Dates of first births: 1992=25/26 Feb; 1993=3 Jan; 1994=24-30 Dec; 1995=23 Dec; 1996=15-17 Dec.
- Several pups crossed the dunes in the area of the "s-curves" in March 1996 and reached Highway 1.
- The maximum spring count for 1996 was 4,003 independent elephant-seals. Animals began to haul out on the "s-curve" beaches March, but they soon left; all molting animals concentrated on beaches north of the "s-curves." The greatest density of animals in April and May 1996 was on Campers' Cove beach.

16 May 1996; user\winword\admin\e-seals3.doc

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CONDITION COMPLIANCE

EXHIBIT B

Temporal Pattern of Northern Elephant Seal Counts at Piedras Blancas, California, 1990-1996.



A-3-510-95-70
CONDITION COMPLIANCE

EXHIBIT C

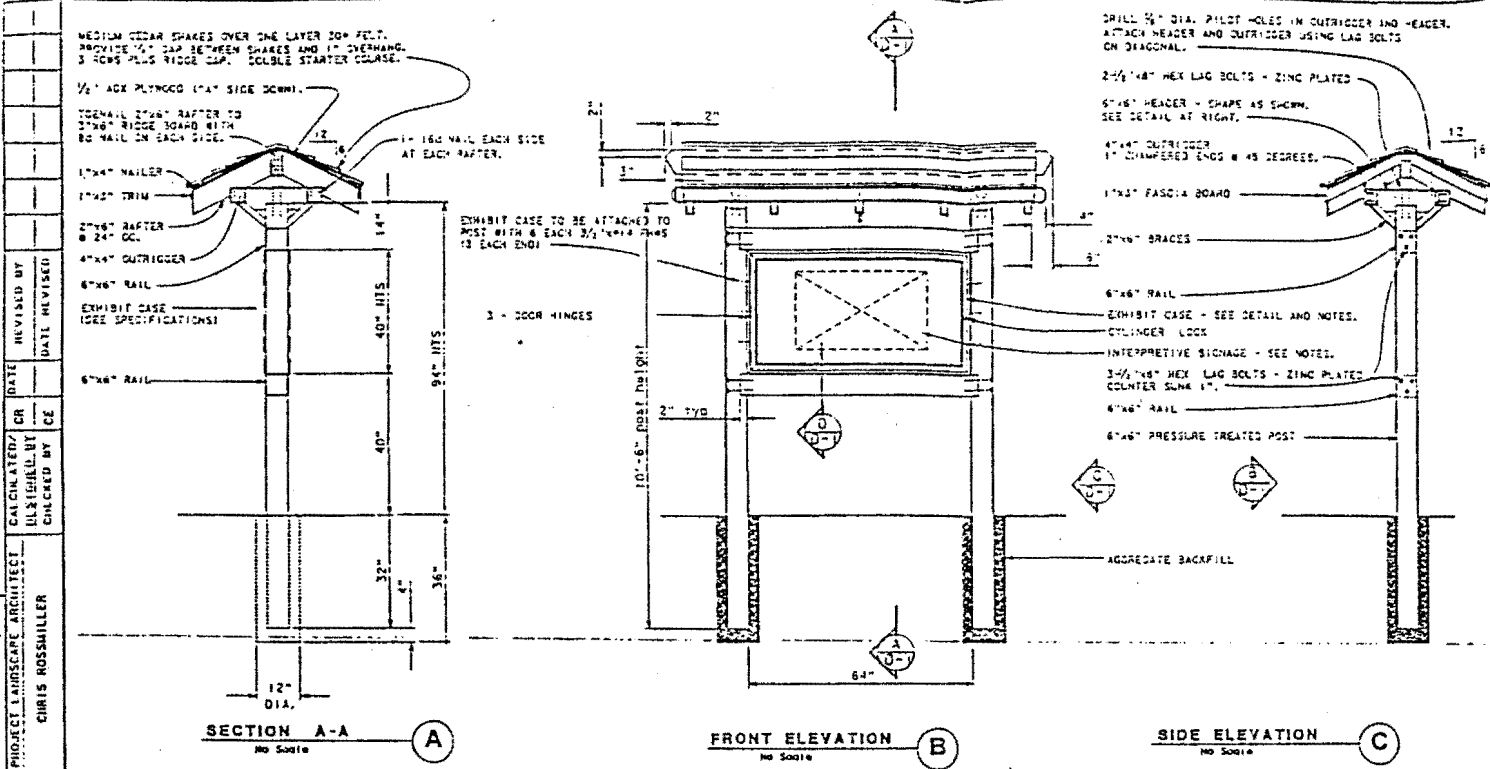
+8259273303

TWIN CREEKS BEACH USE

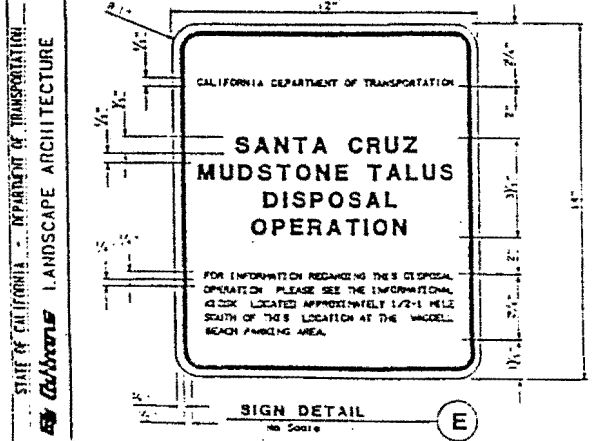
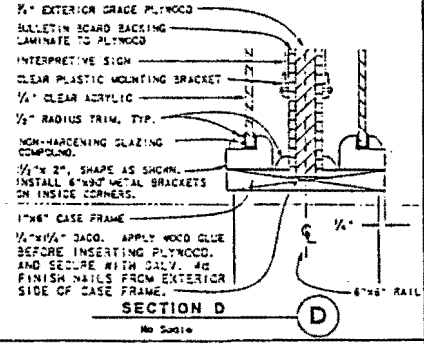
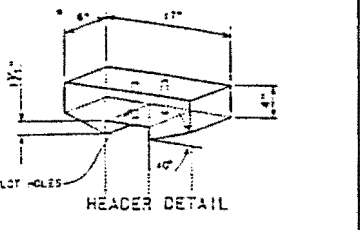
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<i>HUMAN ACTIVITY</i>												
Diving	xxx	x	x	x	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx
Fishing	xx	xx	xx	xx	xx	xxx	xxx	xxx	xx	xx	xx	xx
Windsurfing			xxx	xxx	xxx	xxx	xxx	xxx	xxx	xxx		
Small boats/kayaking	x	x	x	xx	xxx	xxx	xxx	xxx	xxx	xxx	xxx	xx
Tourist traffic	x	x	x	x	xx	xxx	xxx	xxx	xx	xx	xx	x
<i>ELEPHANT SEALS ACTIVITY</i>												
Pupping & breeding	xxx	xxx										xxx
Moulting			xxx	xxx	xxx	xx	x					
Hangin Out								xx	xx	xx	xxx	

key: x indicates relative levels of use where x = lower volume and xxx = higher volume

A-3-SLO-95-70
 CONDITION COMPLIANCE
EXHIBIT D



DIST. COUNTY ROUTE 1000
 CA SCP 1 36.4/27.6 2 2
 LICENSED LANDSCAPE ARCHITECT
 6-24-88
 PLANS APPROVAL DATE
 THE SIGN OF CERTIFICATION OF THE ARCHITECT OF RECORD
 AND NOT BE REPRODUCED OR IN ANY MANNER
 OR OTHERWISE OF ANY OTHER KIND OF THE SIGN.



SIGNAGE NOTES:

1. COLORS: BORDER AND LEGEND - WHITE (NON-REFLECTIVE) BACKGROUND - BROWN
2. SIGNS SHALL BE PLACED AT THE APPROXIMATE LOCATIONS SHOWN IN THE VICINITY MAP ON THE TITLE SHEET. EXACT LOCATIONS SHALL BE DETERMINED BY THE ENGINEER.
3. FABRICATION OF THE SIGN PANELS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. SEE SPECIFICATIONS.
4. SIGNS SHALL BE MOUNTED ON 4\"/>

KIOSK NOTES:

1. KIOSK SHALL BE STAINED DARK BROWN.
2. KIOSK SHALL BE LOCATED AS SHOWN ON THE SITE PLAN. (SEE TITLE SHEETS).
3. THE EXHIBIT CASE SHALL BE STAINED DARK BROWN TO MATCH THE KIOSK. THE EXHIBIT CASE SHALL BE INSTALLED AS SHOWN ON THE PLANS. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION.
4. THE INTERPRETIVE SIGN SHALL BE CENTERED IN THE EXHIBIT CASE ON THE NORTH FACING SIDE OF THE KIOSK. ATTACH TO EXHIBIT CASE USING 3 - CLEAR PLASTIC MIRROR MOUNTING BRACKETS TOP AND BOTTOM. SEE SPECIFICATIONS FOR MATERIALS AND METHOD OF FABRICATION.

EXAMPLE ONLY
KIOSK AND SIGN DETAILS
 D-1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Gilbert
 PROJECT DEVELOPMENT
 PROJECT ENGINEER
 L. R. DUZZO
 CALCULATED/ DESIGNED BY
 CHECKED BY
 DATE REVISIONS BY
 12/93
 1/93 DATE REVISED

NOTE:
 FOR COMPLETE RIGHT OF WAY DATA,
 SEE RIGHT OF WAY RECORD MAPS AT
 DISTRICT OFFICE.

Curve	Radius	Length	Tangent
3	11,000'	16° 43' 53"	293.02' : 147.05'

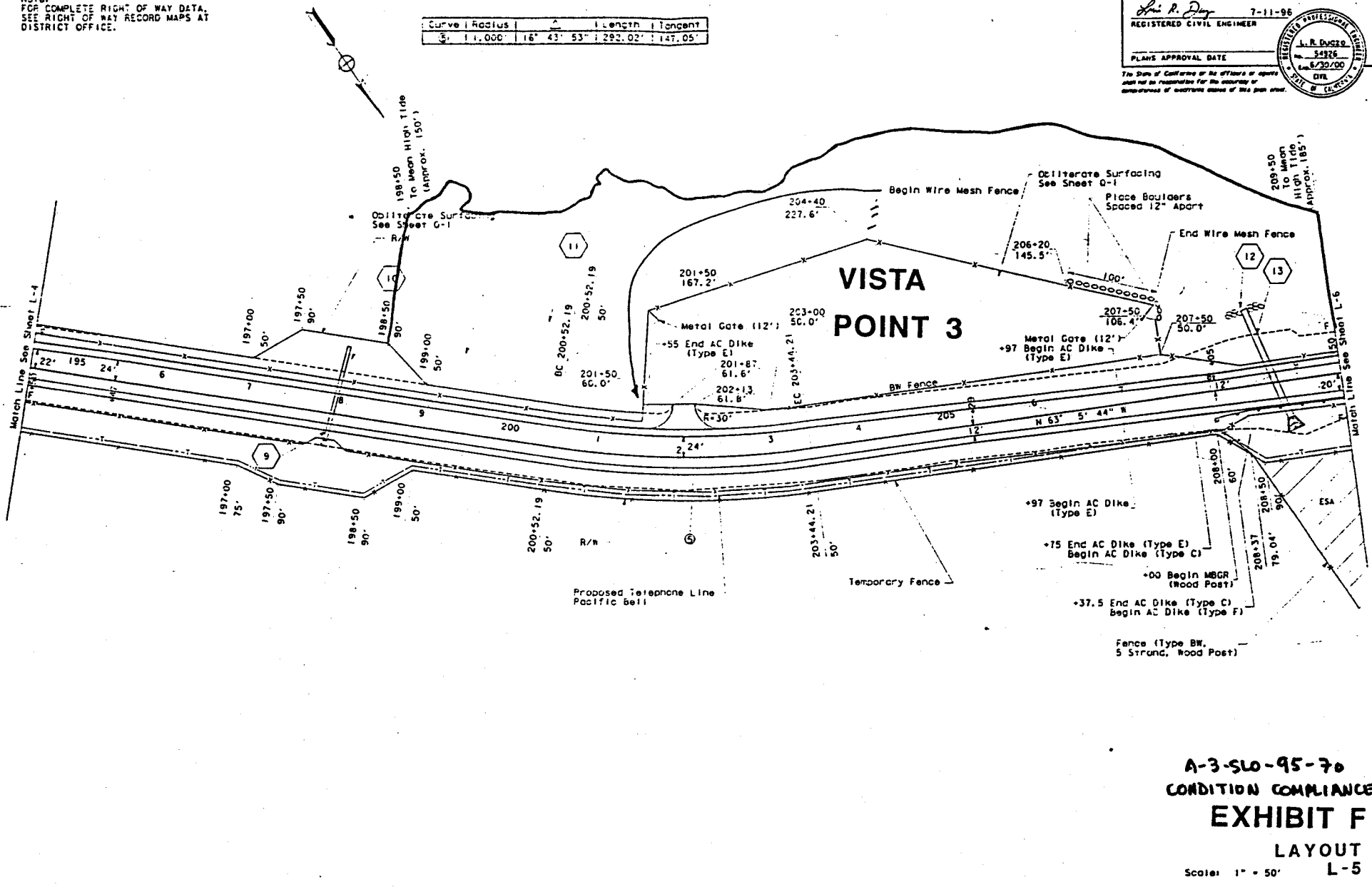
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO. OF SHEETS
05	SLO	1	R61.3/63.0	10 82

L. R. Duzzo 7-11-96
 REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

L. R. Duzzo
 54976
 Exp. 5/30/00
 C.E.R.

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of drawings made of this plan after.



A-3-SLO-95-70
 CONDITION COMPLIANCE
EXHIBIT F
 LAYOUT
 L-5
 Scale: 1" = 50'

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ROY TORRES
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CC WINDSURFING ASSOC
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CONDITION COMPLIANCE

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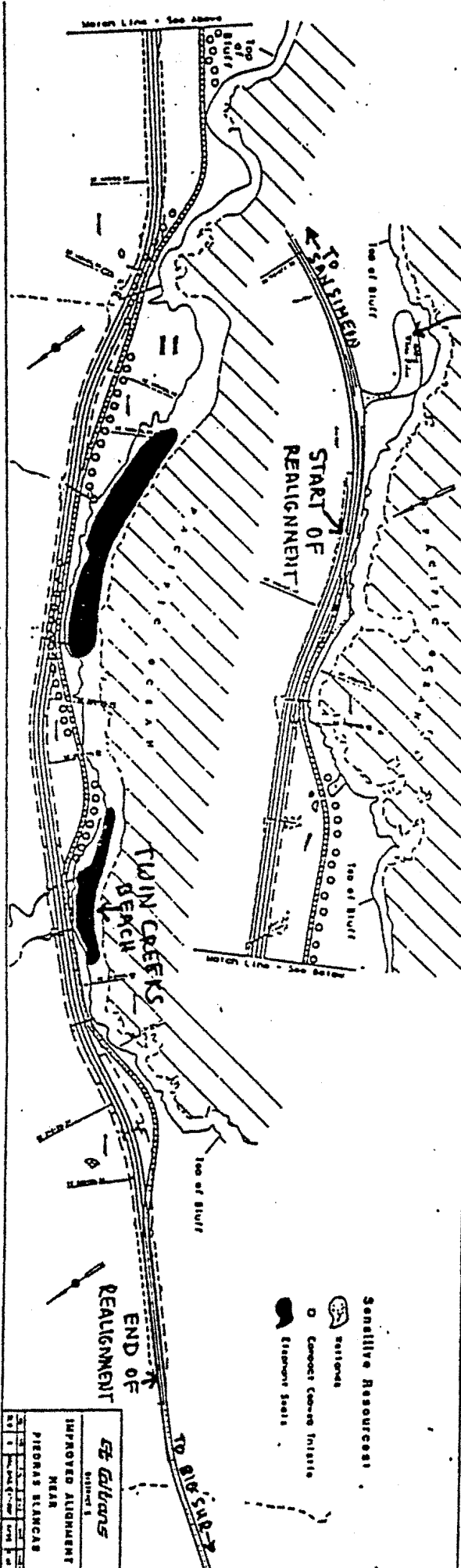
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MOSS LANDING, CA 95039

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NATURE'S DESIGN
P.O. BOX 255
DAVENPORT, CA 95017
(408) 426-8205 FAX: 426-1623



NORTH EXISTING
FORMALIZED ACCESS

EXHIBIT NO. B
APPLICATION NO. A-3-56-95-70
CALTRANS
CONDITION COMPLIANCE

ST. CALTRANS
IMPROVED ALIGNMENT
NEAR
PIEDRAS BLANCAS

- Sensitive Resources:**
- Wetlands
 - Compact Canoe Intake
 - Ephemeral Soils

Southernmost Existing VP
Acre: 4.77 Acres

PACIFIC

COUNTY-APPROVED
Twin Creeks VP
Acre: 5.43 Acres

OCEAN

EXHIBIT NO. 4
APPLICATION NO. A-3-SLO-95-70
CALTRANS CONDITION COMPLIANCE

S. COUNTY-APPROVED
S. of Lighthouse VP
Acre: 2.21 Acres

Vista Point

TWIN CREEKS
← BENCH →

HIGHWAY ONE

-TO
SANTA
SIMON

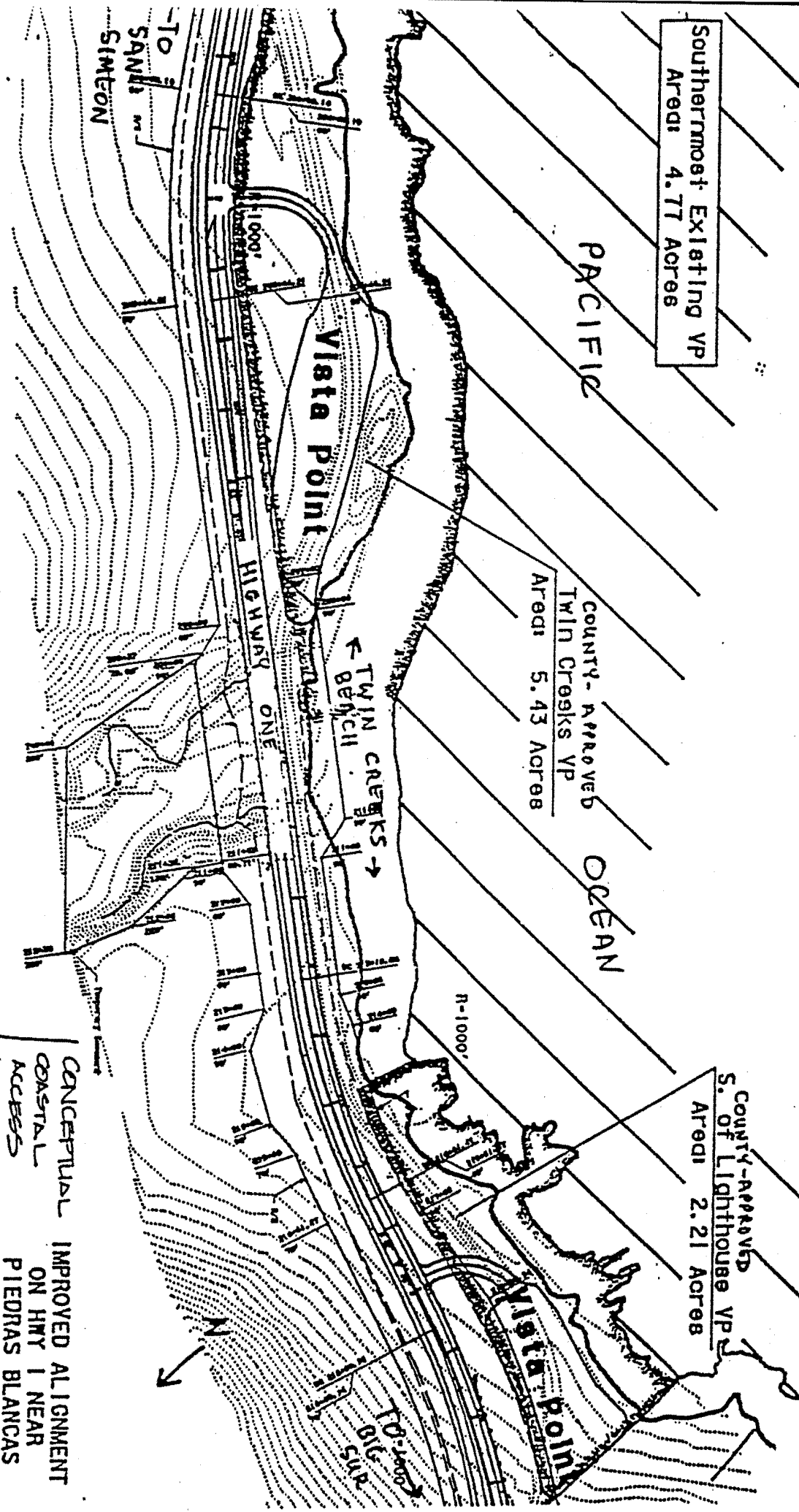
N-1000'

VISTA POINT

TOP
DIG
SUR.

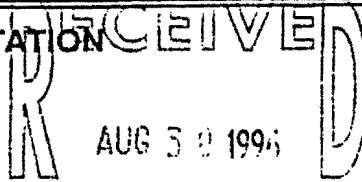
DETAIL

CONCEPTUAL IMPROVED ALIGNMENT
COASTAL ON HWY 1 NEAR
ACCESS PIEDRAS BLANCAS
LOCATIONS
APPROVED 8/5/19



DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 TELEPHONE: (805) 549-3111
 (805) 549-3259
 INTERNET <http://www.dot.ca.gov/dist05/>



CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

August 26, 1996

Interagency/Community working group
 Interim Management for Elephant Seals--Piedras Blancas

Attached is the *final version* of the Interim Management Program (IMP), developed in compliance with the coastal development permit to realign a 1.7-mile section of Highway 1 near Piedras Blancas. The final revisions were made in response to the August 2 wrap-up meeting of the working group. This version has been forwarded to the California Coastal Commission for their review and approval.

You will see that the document has not changed substantially from the last version. It does reflect the discussion on fence-type at VP3, including the commitment to re-evaluate it during project planning for VP4. One suggestion for installing an emergency phone at VP3, however, has not been adopted as part of this plan. While we are unable to provide phone service, we can facilitate the installation through the encroachment permit process. And although the San Luis Obispo Council of Governments is considering a callbox program for state highways in the county, routes other than Highway 1 are designated as higher priority locations. Phone service will need to be initiated by another party.

Please note: The handouts from our August 2 meeting depicting the Vista Points (labeled Layouts L-5 and L-6) contained an error identifying the acreages. The acreage commitment of approximately 7.64 acres combined for the two new vista points (VP3 and VP4) remains. Please disregard the acreage notes on the August 2 handouts. The approximate boundary of VP3 is accurately depicted on Exhibit F of the IMP; the final acreages will meet the commitment made before the Coastal Commission.

A good part of our wrap-up meeting was spent discussing the real possibilities of initiating a docent program through Bay Net, a program associated with the Monterey Bay National Marine Sanctuary. A small-scale pilot program is being planned for the upcoming breeding season (December-February). The County of San Luis Obispo is coordinating this effort. Meanwhile, the Land Conservancy of San Luis Obispo County is prepared to initiate a fund raising effort if sufficient support is demonstrated (through letters to the Land Conservancy's Board).

Thank you for your time and energy participating in this effort. Please contact me at (805) 549-3103 should you have any questions or issues you'd like to discuss further.

Sincerely,

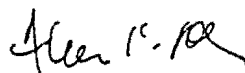

 Aileen K. Loe
 Senior Environmental Planner

EXHIBIT NO. 5
APPLICATION NO. A-2-SLO-95-70
CALTRANS
CONDITION COMPLIANCE

INTERIM MANAGEMENT PROGRAM
Condition Compliance--Highway One Realignment
August 21, 1996

I. Interim Management Program -- reference below is to Special Condition 5 of the CA Coastal Commission staff report, approved on appeal on 4/11/96 (A-3-SLO-95-70).

A. Description of the seasonal use of the beach along the project length by the public and the elephant seals; existing parking use, vehicle capacity, foot trails, recorded maximum seal densities.

Elephant seals have been observed near Point Piedras Blancas since 1977. Numbers began to increase in 1990, and in 1992, the first pup was born on a beach nearby. Since then, numbers have continued to increase and the peak count in spring of 1996 was 4,000. (See Exhibits A & B). In 1995, seals hauling out on a beach known as Camper's Cove were visible from Highway 1. In 1996, seals began hauling out at the beach known as Twin Creeks, which is also popular to people for recreational activities, such as boating, diving, fishing and windsurfing. The Twin Creeks area is adjacent to the limits of the proposed realignment of 1.7-miles of Highway 1.

The patterns of the elephant seals on the beach follows a series of seasonal activities of breeding, pupping, molting and "hanging out" (rest period prior to breeding season). For the Piedras Blancas area, the highest numbers of seals have been observed on the beach in early May during the peak of the molt, when they shed a layer of skin with their fur coats. The second highest numbers are found in the fall (peak in November), when they are "hanging out" prior to the onset of the breeding and pupping season, which generally is underway December through February. (See Exhibit C). Seals can be found on the beach at any time of the year, but are generally fewer in late spring through early fall (numbers taper slowly after early May, are fewest in early July and begin to build up slowly again in August).

The unique orientation of this cove at Twin Creeks makes it very popular for people. Many activities involve access to the water and the configuration of sand dunes adjacent to Highway 1 has also provided a natural ramp of sorts to hand carry small craft and equipment down to the beach. Water sport activities occur year-round but do follow some patterns. Although the natural conditions making this location ideal for various sports change throughout the year, the concentration of activity is generally between the months of March through October/November. (see Exhibit D). Passive recreational uses, such as walking, tidepooling and bird watching also occur year-round.

Ex 5, p. 2

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With the arrival of the elephant seals on this beach with its proximity to Highway 1, the area has seen even greater use by people. Hundreds of people stop along the road to view the seals; many get out of their cars and walk down to the beach and among the seals. The highest volume of tourist traffic along this stretch of coast is in the summer months, though anytime seals are visible from the highway, motorists park along the road shoulders. In the informal turnouts within the project limits, the capacity for parking is estimated to be about 100 vehicles. Off-highway parking is available at the vista points south of the project limits.

B. Interpretive signing language

Because of the time investment needed to provide high quality professional interpretive panels, it may be difficult to produce them in time to install with the realignment project. To provide information both in a timely manner and to ensure longevity of the display, two phases are proposed. Initially, a temporary display would be provided with information posted in a small scale kiosk. Later, a more permanent display can be developed. Developing a permanent display is proposed with a future contract for implementing Vista Point 4 (timeline for its completion is July 1998).

- Phase 1--a small kiosk with posters behind plexiglass (see Exhibit E for example)
- Phase 2--a series of permanent interpretive panels with photos/illustrations and text (to be completed on timeline with Vista Point 4, July 1998); a plaque identifying may also be included via the Monterey Bay National Marine Sanctuary

Since much good information is available through publications, specific language will likely be reprinted from various sources, pending permission from the publishers. At a minimum, topics would include:

- annual patterns--breeding/pupping, molting, etc
- feeding habits
- behavior of males, females and pups
- health & safety issues for people and seals
- brief population history w/ local info for Piedras Blancas
- law protecting the seals; convey definition of harassment
- identify the area as part of the Monterey Bay National Marine Sanctuary

Information should emphasize the sensitivity of the pupping and breeding season. One suggestion included posting additional signs during this period of time. Educating the

Interim Management Program

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Public seems to be the best solution to curtailing harassment; knowing the consequences of their actions would, in most cases, deter people from trying to interact with the seals.

Accuracy of posted information is also a concern. Borrowing from published sources would alleviate many of these concerns. The proposed text will be reviewed by the National Marine Fisheries Service and known mammal experts (such as scientists from the National Biological Service and UC Santa Cruz).

Considering the neighboring property is privately owned, a note acknowledging this fact would be included. The note will state: "adjoining these vista points, which have been dedicated to the public, is private property. The public's right to pass through the privately owned portions is permissive, and subject to the control of the property owner; please respect both the public and private lands."

Since many travellers along the coast are from other countries, consideration is being given to reproducing the text in different languages. Suggestions for other languages include Spanish, French, German and Japanese. Some of the graphic or photo illustrations used on the displays may also be able to communicate messages without translation of text. Therefore, it may not be necessary to translate all text.

- C. Proposed location of interpretive signs and other signage along areas where seals are visible from the roadway, directing people to the information.

Information is proposed to be displayed in a temporary format at Vista Points 1 & 2 and at Twin Creeks (future location of Vista Point 3). The consensus from the working group was that a display at Twin Creeks is needed since people will congregate there regardless of where they are formally directed. Southbound travellers are most likely to stop en route since the seals are visible from the highway in this direction. Northbound travellers may stop at either Vista Point 1 or 2 on their way to north before reaching the Twin Creeks area. A permanent display of information will be provided with interpretive panels at Vista Points 3 and 4.

Vista Point 2 is the existing formalized access closest to Twin Creeks. Within a mile of either side of Vista Point 2, signs on the highway will be posted (one southbound, one northbound) directing people to the Vista Point 2 for information on the elephant seals and parking; additional signing may be warranted with the completion of Vista Points 3 and 4. Although people will not be formally directed to the Twin Creeks area before it is established as Vista Point 3, some information will be displayed there in an attempt to manage people and prevent harassment of the seals hauling out on the beach at Twin Creeks. However, there is a concern that any large signs posted at Vista Point 3

could themselves attract attention and exacerbate the existing conditions prior to the start of construction in this location. Information would be posted less conspicuously, such as attaching information to existing sign posts (those displayed by the NMFS warning people against harassment), fences and barriers.

Another way to make information available would be to provide pamphlets at nearby stopovers such as Hearst Castle. In a controlled situation, pamphlets could be an effective way of providing information without leading to a potential litter problem (as they may at an unsupervised vista point).

D. Summary of measures to keep elephant seals off the highway during and post construction.

Measures currently in place to keep elephant seals off the highway will remain in place during construction. If necessary, additional sections of temporary k-rail (concrete barrier) can be placed. After construction, the one area that would remain vulnerable to elephant seals would be Vista Point 3. At that location, a combination of fencing and boulders is proposed as a barrier (See Exhibit F).

A dual role of the fencing is to manage people. Aesthetics are also an important consideration in the fence type. Although the barbed wire fence depicted on the current plans is consistent with fencing in the vicinity, there is some concern that it may not be ideal for delineating a vista point. A preference by some is for a split-rail type fence. Consensus was reached to go ahead with the fence as shown in Exhibit F for the upcoming construction of VP3 only with the understanding that the fence type would be reconsidered when the project to construct VP4 is developed.

E. Location and text of temporary or changeable signage needed on a seasonal basis, such as prohibiting parking along the roadway seasonally.

No temporary or changeable signs are proposed for seasonal use.

II. Long Term Issues

Although long-term management of the area is not the responsibility of Caltrans, the interagency/community group is actively looking at solutions that go beyond the short term. Topics for a successful long range plan include: education/information programs, funding sources, management authority and maintenance responsibilities. The National

Oceanic and Atmospheric Administration (NOAA) has the primary responsibility for management of marine mammals, including elephant seals. The State Resources Agency is cooperating with NOAA on a long-term management plan for pinnipeds. Work on this problem by these agencies has been stimulated in part by the situation with the elephant seals at Piedras Blancas.

There is great interest at the local level, however, to manage a program at the Piedras Blancas area. While Caltrans agrees to manage and maintain the vista points along this area in the interim, a primary objective of the long-term plan is to identify an entity to take over these responsibilities.

The concept for Vista Point 4 was specifically envisioned as a location to conduct docent-led tours and provide information about the elephant seals. Further designing the permanent display of interpretive information will be a key element in the project to develop Vista Point 4. It is important to note that Vista Point 4 is planned to be constructed by Caltrans through a separate construction contract; the timing for this effort would be to complete construction no later than July 1998.

A. Education/information

The concept of a docent program seems to have broad support, but is well understood to require a high level of organization and responsibility for it to be successful. The County of San Luis Obispo is currently facilitating the effort to initiate a docent program, borrowing on the expertise from established programs.

Bay Net, a program of the Center for Marine Conservation, in association with Friends of the Sea Otter, has been contacted by San Luis Obispo County and has expressed interest in developing a pilot docent program for the area at Piedras Blancas. Bay Net is a citizen based organization that places trained docent educators in the field to provide information to people visiting the Monterey Bay National Marine Sanctuary. Discussions are ongoing to establish a pilot program prior to project construction (in place for the upcoming breeding season) with the hopes of establishing a lasting program.

B. Funding sources

Caltrans has agreed to fund the construction of Vista Point 3, including left-turn channelization with the current realignment project. Caltrans will also provide for the construction of Vista Point 4 through a subsequent contract; widening for a future left-turn into this vista point is included with the current construction project. Maintenance

Ex 5, p 6

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Interim Management Program

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costs of the vista points will be borne by Caltrans until another entity takes over the longer term responsibilities.

Although funding has not yet been secured for an interpretive program, the Land Conservancy of San Luis Obispo has indicated they may be available to actively pursue funds. The County of San Luis Obispo (Parks Department) is also looking into potential sources of funding for long-term management of the area. Public and private foundation grant sources are being investigated.

C. Management Issues

There are a number of agencies that could accept a long-term management role. As noted earlier, NOAA (particularly the NMFS with support from the Monterey Bay National Marine Sanctuary) is the federal agency with jurisdiction over marine mammals. However, long-term management of the vista points is more suited for a land management agency. Public agencies which manage similar lands include local governments, State Dept of Parks and Recreation or a land conservancy.

Issues that need to be addressed include whether seasonal closures of the vista points would be needed to balance resource protection and public access. The current proposal is to begin by managing people through education (posted information and future docent program). If marine mammal harassment continues with such programs in place, seasonal closures may then need to be considered.

Managing multiple uses in the area makes enforcement a key issue. The management authority would need to provide adequate levels of enforcement to ensure that conflicting uses did not result in harassment of the elephant seals. It is the primary responsibility of NMFS to enforce the Marine Mammal Protection Act. However, depending on which agency accepts the management role of the vista points, others such as the Dept of Fish & Game, county Sheriff or State Parks may also play an enforcement role. The CHP would also have an enforcement role at the vista points as long as they are managed by a public entity.

Ex5, p7

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CONDITION COMPLIANCE

Piedras Blancas
DRAFT OUTLINE
Long-term Management Strategy
Elephant Seals

I. Need for a Plan

The growing elephant seal population has resulted in their southward migration along our coast. Seeking sandy beaches for haul out areas, the seals have taken to the Piedras Blancas area in recent years. Where the seals are visible from Highway 1, there is an increasing potential for conflict between public safety, resource protection and access to public lands (over private property). In an effort to minimize conflicts, it is necessary to develop a plan that would provide for public safety while protecting the resources held in the public trust.

A proposal to realign a 1.3-mile section of Highway 1 in the vicinity of the coastline where seals are hauling out has brought even more focus on the issue. Direct access over private property from the highway to a beach popular with recreationists, has now also become popular with the elephant seals. Physical conditions for people accessing this beach, known as "Twin Creeks" would change slightly with the realignment project. During consideration of the coastal development permit for the project, much discussion ensued on whether the realignment project should include formalizing this access through public dedication. Due in large part to the heavy use of this beach by the elephant seals, it is inappropriate to site a public access point absent any plan to provide for long-term management and protection of these marine mammals and for public safety.

II. Purpose of the Plan

The purpose of the plan is to minimize conflicts between public safety, protection of marine mammals and other sensitive coastal resources and public access. The plan would seek a balance, giving the highest regard to public safety and protection of the sensitive coastal resources, in particular, the marine mammals.

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CALTRANS

III. Elements of the Plan

A. Short term Some short term strategies could be implemented with the realignment project, some are independent:

- Place fencing or other appropriate physical barrier, only where demonstrated as necessary, to prevent elephant seals from getting onto the roadway, reducing an obvious hazard to themselves and the travelling public
- Directional signing on the road where seals are visible, leading people to the nearest established (existing) vista point
- Enhancements to an existing vista point, which may include interpretive signing and information about the elephant seals

B. Long term Elements would be developed as a cooperative effort with the public agencies (federal, state and local), community groups and property owner, but would include:

- proper (basic) protection for the marine mammals,
- educational and interpretive information,
- development of educational activity (such as a docent led program),
- integration of recreational activities (type, intensity, duration, seasonality),
- protection for sensitive coastal resources (including sensitive plants and cultural resources)
- respect for private property
- allow continued safe maintenance and operation of Highway 1

IV. Suggested Participants--Roles and Responsibilities The effort to develop a plan would require dedicated participation by an interagency group working closely with the local government, community, interested groups and organizations in close coordination with the property owner. Participation by the following agencies and groups is suggested:

National Marine Sanctuary	CA Resources Agency
National Marine Fisheries Service	CA Coastal Commission
National Biological Service	CA Coastal Conservancy
	CA Dept of Fish & Game
County of San Luis Obispo	CA Dept of Parks & Recreation
Community members/Recreationists	CA Dept of Transportation
Hearst Corporation (property owner)	CA Highway Patrol

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p2

Caltrans' role is to initiate the first phase of discussion toward developing a long-term management plan. After this initial coordination, it is expected that an agency with appropriate jurisdiction and authority will take the lead to fully develop and carry out the management plan. Caltrans will continue to participate in the process consistent with its role as a transportation agency and work to facilitate improvements related to the safe operation of Highway 1.

Similarly, other agencies' roles would be established consistent with their respective legislated responsibilities and authority.

V. Timeframe Ultimately, the timeframe would be developed by the working group. The group would need to establish a schedule for its work sessions. A possible scenario would involve 4-6 months to establish respective roles and responsibilities in developing the plan and to actually develop its scope. Necessary following development of the plan is an implementation strategy. Throughout these steps, the subject of funding the various efforts must also be considered (no specific funding sources have been identified).

EXHIBIT 9

A-3-510-95-70

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