

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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| Continued | 9/12/01 |

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION

Application number A-3-SLO-01-061

Applicant California Department of Parks and Recreation (DPR)

Appellant Nell Langford

Project location Pier Avenue, Oceano, San Luis Obispo County (APNs 060-381-010, 060-381-011, 060-381-002, 060-382-003, 061-091-020, 075-111-001, 075-111-002, 092-391-013, 092-391-017, 092-391-018, 092-391-031)

Project description Maintain existing sand ramp by grading accumulated windblown sand and moving excess sand to the adjacent beach area.

Local approval Minor Use Permit/ Coastal Development Permit D960168P was approved by the San Luis Obispo County Board of Supervisors on May 15, 2001.

File documents San Luis Obispo County certified Local Coastal Program; documents and materials used by San Luis Obispo County in consideration of local permit D960168P; San Luis Obispo County Emergency Permit P000837E; Permit Amendment file 4-82-300-A5; Coastal Development Permit File 3-96-116.

Staff recommendation... Staff recommends that the Commission determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed.

Summary: The California Department of Parks and Recreation proposes to conduct maintenance activities on the Pier Avenue sand ramp, which provides vehicle ingress and egress from the Oceano Dunes State Vehicular Recreation Area (ODSVRA). The maintenance activities involve grading and moving sand that accumulates on top of the packed road base ramp to allow for continued vehicular use. These activities will take place inland of the mean high tide, and are therefore subject to the coastal development permit requirements of San Luis Obispo County, and must conform to the San Luis Obispo County certified Local Coastal Program (LCP).



California Coastal Commission
October 2001 Meeting in Coronado

Staff: SM Approved by: *1:7:1, 9/20/01*

sensitive dune habitats (appeal attached as Exhibit C).

This project, and the issues raised by the appeal, are directly related to the larger coastal resource issues regarding the operation of the ODSVRA park unit recently addressed by the Commission in its action of Coastal Development Permit Amendment 4-82-300-A5 (Revised Findings adopted May 7, 2001). That action established a Technical Review Team (TRT) to advise the park superintendent on matters related to the management of the ODSVRA and the protection of sensitive habitats. Accordingly, the TRT will have input on how maintenance of the Pier Avenue ramp should be coordinated with area wide objectives for habitat protection and coastal access and recreation.

In the interim, the ramp maintenance project proposed by DPR and conditionally approved by the County has been designed to avoid adverse impacts on sensitive habitats and coastal access and recreation. Staff therefore recommends that the Commission determine that **the appeal does not raise a substantial issue** because the project has been designed to protect environmentally sensitive habitats and coastal access, consistent with the requirements of the LCP and the access and recreation policies of Chapter 3 of the Coastal Act.

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Exhibit C: Appeal

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Exhibit G: Correspondence received after 8/22/01

I. Summary of Appellants' Contentions

For the full text of the appellant's contentions, please refer to Exhibit C. In summary, the appellant contends that the project significantly negatively impacts the pedestrian beach access historically located south of Pier Avenue as well as sensitive dune and beach habitats. The appeal does not identify any specific LCP or Coastal Act policies with which the appellant believes the project does not conform.

II. Local Government Action

The San Luis Obispo County Planning Commission conditionally approved Coastal Development Permit D960168P for the project on July 13, 2000. This decision was appealed to the County Board of Supervisors, who acted to affirm and modify the Planning Commission's approval on May 15, 2001. The conditions of the County approval are attached to this report as Exhibit D.

Following the appeal of the County permit, which deferred the effectiveness of the local approval, the County issued an emergency permit (P000837E) for a more limited sand ramp maintenance project which has allowed DPR to maintain the ramp while the appeal has been pending. The emergency permit was issued on the basis that ramp maintenance is necessary to provide timely access to the park unit for emergency vehicles, and therefore necessary for public safety. As opposed to maintaining a 36-foot wide ramp, the emergency permit limits maintenance to a 28 foot wide ramp between June 28 and July 9, 2001 and between August 30 and September 4; and, a twelve foot ramp between July 26 and August 29, 2001 and after September 5, 2001. Surveys for snowy plover nests and chicks must be conducted prior to emergency maintenance activities undertaken during the nesting period (March 1 – September 30). The emergency permit requires that if nests and chicks are found, all activity must be postponed until the nest has hatched, or disappeared, and all chicks have left the area. The emergency permit also requires that the maintenance activities conform to US Fish and Wildlife Service provisions.

It is the regular permit approved by the County, as opposed to the Emergency Permit, that is the subject of this appeal.



III. Appeal Procedures

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable to the Coastal Commission because it is located between the sea and the first public road paralleling the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. The project is located between the nearest public road and the sea and thus, this additional finding needs to be made in a *de novo* review in this case.

IV. Staff Recommendation on Substantial Issue

MOTION: *I move that the Commission determine that Appeal No. A-3-SLO-01-061 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the



Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-3-SLO-01-011 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The project is located at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) in the community of Oceano, San Luis Obispo County. The ramp that is the subject of the proposed maintenance activities is located at the seaward end of Pier Avenue, and provides one of two primary access points for vehicles to enter the ODSVRA (the other access ramp is located approximately 1.25 miles to the north, at Grand Avenue in the City of Grover Beach). Sand removed from the ramp is proposed to be placed on the beach, above the mean high tide line, in an area approximately 150 feet by 300 feet immediately to the west and the northwest of the ramp (see Exhibit B), in the same general area that has been used in the past..

2. Project Description

The project involves grading and removing sand from an existing vehicle access ramp constructed of packed road base material. The ramp is approximately 36 feet wide and 100 feet long. Excess sand will be deposited on the adjacent beach within an area above the mean high tide line measuring 150 feet by 300 feet. The terms of the County permit, which are attached as Exhibit D, require:

- Biologist verification that no snowy plover nesting site is within 200 feet of the disturbance areas prior to undertaking any maintenance activities;
- Postponement of maintenance activities if any snowy plover nests or chicks are found at the sand ramp or surrounding area;
- Conformance with the Biological Opinion issued by the U.S. Fish and Wildlife Service;



- Consultation with the County Environmental Coordinator is any archaeological resources are discovered;
- Notification of the proper authorities in the event of a petroleum product spill;
- Evidence that all required state and federal permits have been obtained; and,
- Compliance with state and federal endangered species laws.

In addition, the County approval prohibits:

- Sand removal on weekends or between 8 a.m. and 5 p.m. on weekdays;
- Removal of vegetation; and
- Equipment fueling or maintenance on the beach, or use of leaking equipment

3. Background

The first wooden vehicle access ramp at Pier Avenue was constructed in the 1920's. It has always been necessary to remove sand from the bottom of the wooden ramp to allow for vehicle access. Originally, local merchants supported this operation. Then, San Luis Obispo County contracted for sand removal and, later, DPR assumed responsibility for sand removal. This situation remained until the severe storms of 1982 and 1983. During this period, storms destroyed both the wooden ramp and the unmaintained sand ramp, which was created by the ingress and egress of all-terrain vehicles. This occurred just south of the wood ramp. In the aftermath of the storms, DPR decided to maintain only the sand ramp in place of the wooden ramp. In 1983 a kiosk was constructed at the end of Pier Avenue pursuant to Coastal Development Permit 4-82-300, prior to certification of the San Luis Obispo County LCP. In 1988, the County's LCP was certified and permit authority for projects landward of the mean high tide was assumed by the County.

In early 1992, the Commission approved Coastal Development Permit 4-91-58, an after-the-fact permit authorizing DPR to remove and excavate beach sand to create and maintain the sand ramp. A permit from the Commission, as well as the Army Corps of Engineers was required for that project because it included the disposal of sand below the mean high tide line. This permit had a duration of five years. Upon its expiration, DPR applied for another 5 year maintenance permit (again including sand disposal below the mean high tide line). This application was conditionally approved by the Commission in May 1997 (Coastal Development Permit 3-96-116), and was supposed to allow for ramp maintenance until February 28, 2002. However, the U.S. Army Corps of Engineers permit required for the disposal of sand below the mean high tide line expired on March 21, 2001. In response, DPR redesigned the project to eliminate any work below the Mean High Tide. As a result, the currently proposed maintenance falls entirely within the coastal development permit authority of the County of San Luis Obispo.



B.Substantial Issue Determination

1. Environmentally Sensitive Habitats

a. LCP Policies

Coastal Plan Policy 35 for Environmentally Sensitive Habitat Areas states:

Recreational Off-Road Vehicle Use of Nipomo Dunes

Within designated dune habitats, recreational off-road vehicle traffic shall only be allowed in areas identified appropriate for this use. Detailed recommendations concerning protection of the dune habitats within Pismo State Beach and Pismo Vehicular Recreation area are found in the chapter regarding Recreation and Visitor-Serving Facilities.

The Coastal Plan Policy document chapter on Recreation and Visitor-Serving Facilities referenced above contains a discussion of Pismo State Beach and State Vehicular Recreation Area, describing attendance, recreational uses, the environment, conflicts and adverse impacts, access, carrying capacity, and the State Park General Plan (pages 3-13 – 3-22). This LCP discussion does not provide specific development standards, but rather describes the issues related to continued vehicle use. As noted on page 3-13, development standards for the ODSVRA are contained in the South County Area Plan. These standards are attached to this report as Exhibit E. In summary, they provide the following policies regarding the protection of sensitive habitats:

- Approval of development must be accompanied by a finding that DPR is making a commitment of sufficient manpower to ensure resource protection, ordinance enforcement and access control in conformance with the conditions of Coastal Development Permit No. 4-82-30[0]A;
- Access points are to be controlled, with primary access for off-road vehicles to be provided in accordance with CDP 4-82-30[0]A (e.g., Pier Avenue).
- Natural buffer areas for sensitive areas are to be identified and fenced, and habitat enhancement programs are to be undertaken at Dune Lakes, Coreopsis Hill, Oso Flaco Lake, and Little Oso Flaco Lake.

More generally, Coastal Plan Policies regarding Recreation and Visitor-Serving Facilities require, in relevant part:

- Protection of recreation and visitor-serving facilities (Policy 1);
- Recreational uses shall be consistent with the protection of significant coastal resources (Policy 2); and,
- Recreational development shall conform with State Park Master Plans, applicable LCP



regulations, carrying capacity, and habitat protection (Policy 6).

b. Analysis

The LCP recognizes that Oceano Dunes has been designated as an state off-highway vehicle recreation area, and includes standards intended to allow this recreational activity to continue in a manner that preserves the surrounding dune habitats. Maintenance of the Pier Avenue sand ramp is not in conflict with these standards, which specifically identify Pier Avenue as a primary access point for vehicular access. In accordance with LCP requirements, the project has been designed by DPR, and conditioned by the County, to avoid adverse impacts to sensitive habitats, among other ways, by prohibiting the removal of dune vegetation, and requiring biological monitoring to ensure that maintenance activities do not impact snowy plovers.

As detailed in the findings for 4-82-300-A5, there are many significant coastal resource issues raised by overall vehicle use of the dunes, particularly with regard to protecting environmentally sensitive dune habitats. As adopted by the Commission, the Technical Review Team (TRT) proposed by the amendment will provide a forum to resolve these issues, including any issues related to on-going maintenance of the Pier Avenue Sand Ramp. The TRT is in the process of being created, and according to the conditions of approval, are to meet prior to November 7, 2001. The TRT, and the actions taken by the superintendent of the ODSVRA in response to the TRT's recommendations will be subject to continued oversight by the Commission through the submission of the required annual report, and the mandated annual permit renewal process.

c. Conclusion

The appeal does not raise a substantial issue regarding the project's conformance with LCP standards protecting environmentally sensitive habitats because the specific ramp maintenance project has been designed and conditioned to avoid impacts to sensitive habitats. Any potential adverse ESHA impacts related to pier maintenance or use that may be documented in the future can be appropriately responded to by the TRT and the condition compliance review procedures established by 4-82-300-A5.

2. Coastal Access and Recreation

A. LCP and Coastal Act Policies

LCP standards specific to the ODSVRA include those identified in the preceding finding and those attached to this report as Exhibit E. Other, more general LCP access standards that relate to the appellant's contention that the ramp maintenance project impacts pedestrian access include:

- Coastal Plan Policy 1 for Shoreline Access, which prohibits development from interfering with the public's right of access to the sea;
- Coastal Plan Policy 4 for Shoreline Access, which calls for the provision and maintenance of facilities and improvements needed to support the existing and proposed intensity and level of



access use;

- Coastal Plan Policy 7 for Shoreline Access, which necessitates that the level and intensity of shoreline access be consistent with public safety concerns related to bluff stability, trail improvements and the adequacy of facilities such as signs, fences, and stairways; and
- Coastal Plan Policy 8 for Shoreline Access, which requires that the provision of maximum access minimize conflicts with adjacent uses.

Because the project is seaward of the first public road, it must also comply with the public access and recreation policies of Chapter 3 of the Coastal Act. In summary, the Coastal Act policies applicable to the access issue raised by the appeal include:

- Coastal Act Section 30210 calling for maximum access to be provided consistent with public safety and natural resource protection;
- Coastal Act Section 30211, prohibiting development from interfering with the public's right of access to the sea; Coastal Act Section 30212.5, requiring public access facilities should be distributed throughout an area to mitigate against the impacts of overcrowding and overuse;
- Coastal Act Section 30214, requiring that access policies be implemented in a manner that takes into account the need to regulate the time, place and manner of public access; and
- Coastal Act Section 30223, which reserves upland area necessary to support coastal recreation for such use.

B. Analysis

The appellant contends that the Pier Avenue ramp maintenance project "significantly negatively impacts the pedestrian beach access historically located south of Pier Avenue" and results in "the covert confiscation of a large area of beach historically used by pedestrians". These allegations imply that the project is inconsistent with the protection of pedestrian access, and incompatible with pedestrian beach recreation, in conflict with the LCP and Coastal Act standards identified above.

Indeed, concerns regarding the compatibility of vehicle and pedestrian use of the beach are recognized by the Commission and specifically described in the certified LCP. Protection of public safety, and the general public's ability to access and enjoy the shoreline, are fundamental requirements under both the Coastal Act and the certified LCP.

In responding to this important issue, the Commission's action on Coastal Development Permit Amendment 4-82-300-A5 included various conditions intended to enhance management of the unit. These include interim vehicle limits, establishment of the TRT, and requirements for ongoing research, monitoring, and annual reports. These conditions, and the continued oversight of the Commission, will provide an effective method to respond to the compatibility concerns related to overall park management



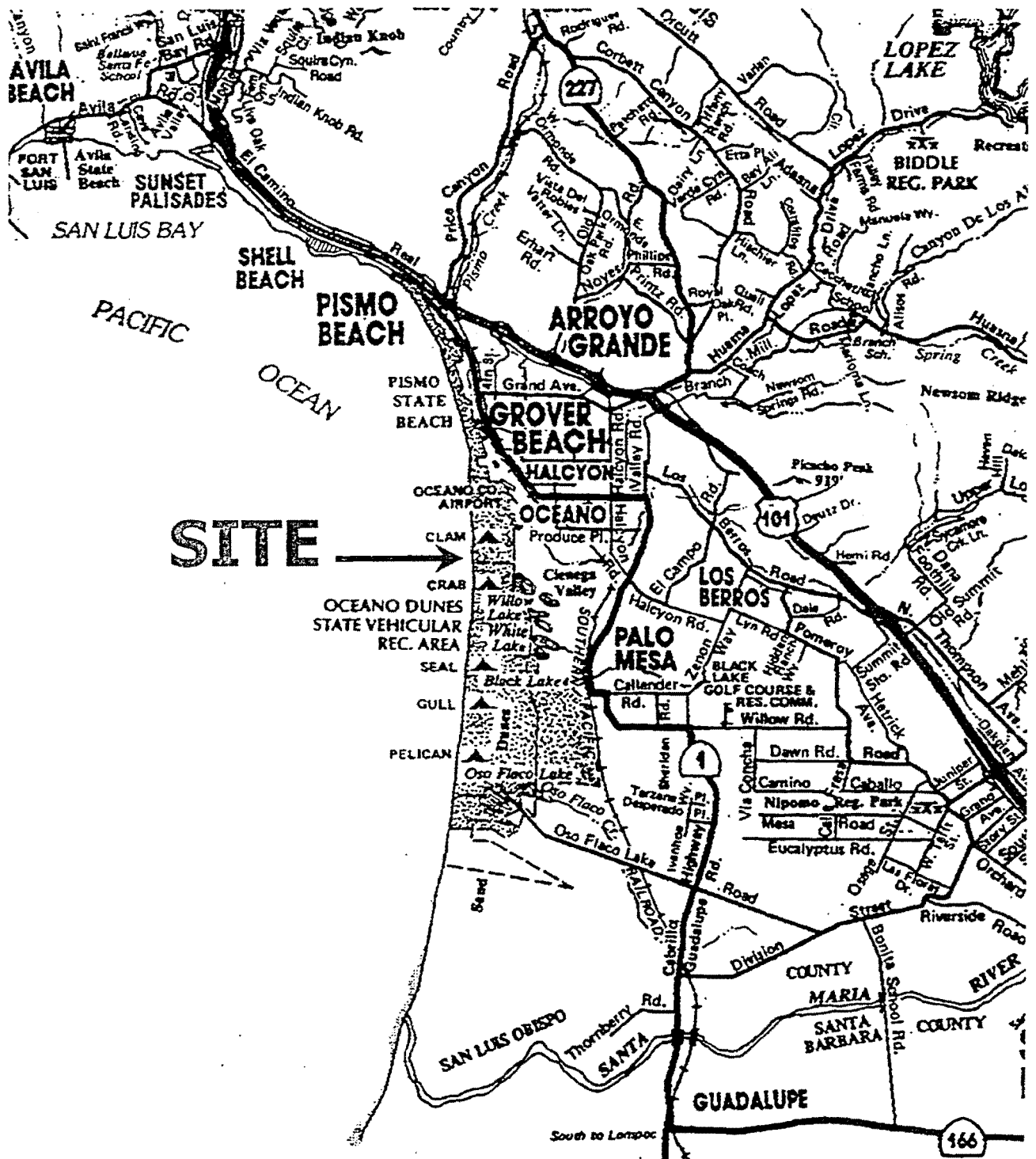
raised by the appeal.

However, with regard to the more narrow, specific ramp maintenance activities which are the subject of the appeal, the project has been conditioned by the County to minimize adverse impacts on pedestrian and general beach access and recreational uses by prohibiting maintenance activities during weekends, and between 8 a.m. and 5 p.m. on weekdays. This is consistent with the protocols established by the Commission in its action of the former sand ramp maintenance permit (Coastal development Permit 3-96-116). With this condition, maintenance activities will not interfere with pedestrian access or beach recreation.

C. Conclusion

The appeal does not raise a substantial issue regarding project consistency with LCP and Coastal Act access and recreation standards because maintenance activities, as conditioned by the County, will not interfere with pedestrian access and beach recreation. The Commission notes that broader issues regarding the compatibility of vehicle use of the dunes and general public access, and how the specific maintenance activities associated with the Pier Avenue ramp fits into these broader issues, will be addressed by the TRT and the Park Superintendent pursuant to the procedures established by the Commission in its action of Coastal development permit Amendment 4-82-300-A5.





PROJECT

Board of Supervisors
State of California D960168P



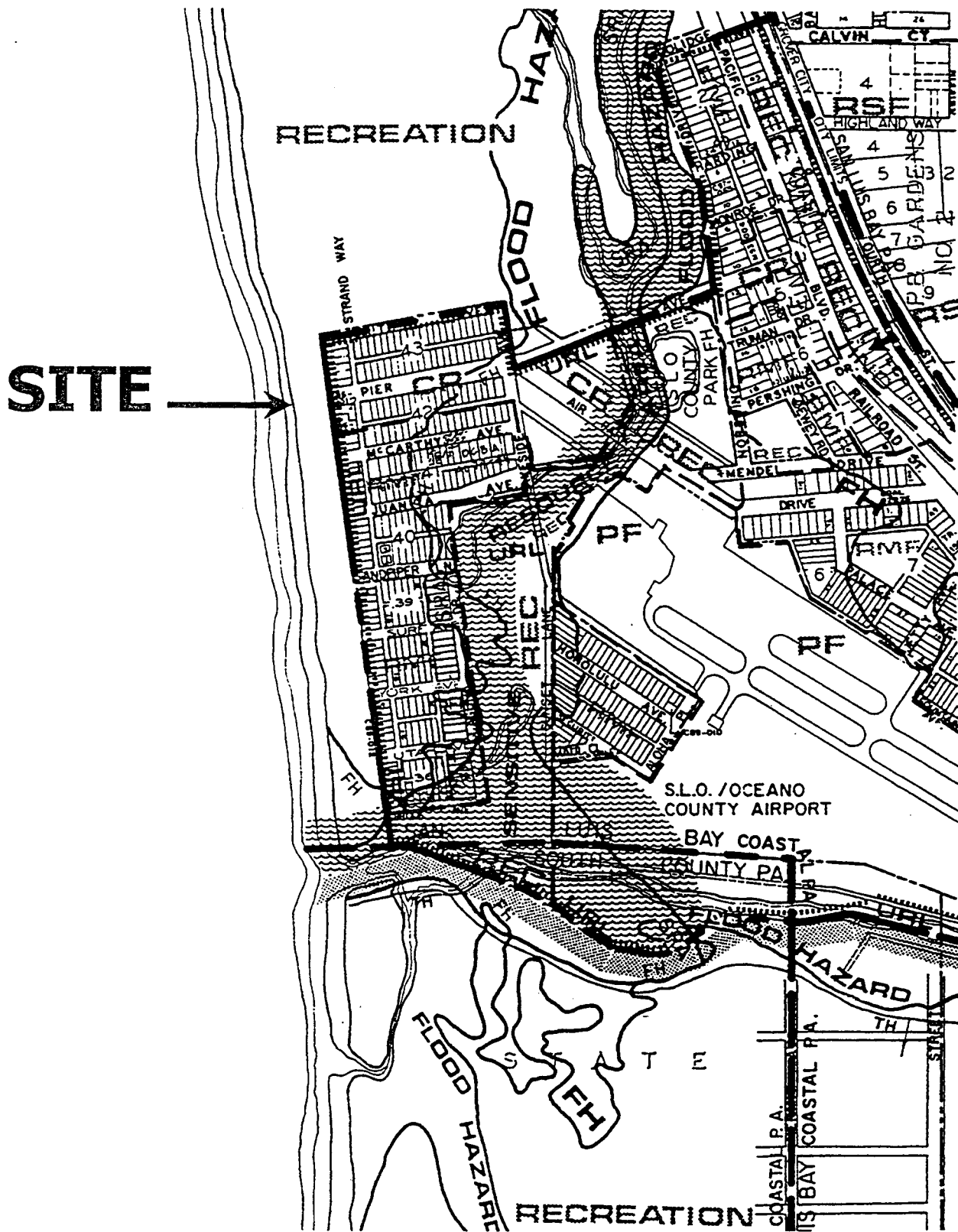
EXHIBIT

Site Vic

EXHIBIT NO. A.p.1

APPLICATION NO.
A-3-360-01-061

Project Location



PROJECT

Board of Supervisors
State of California D960168P

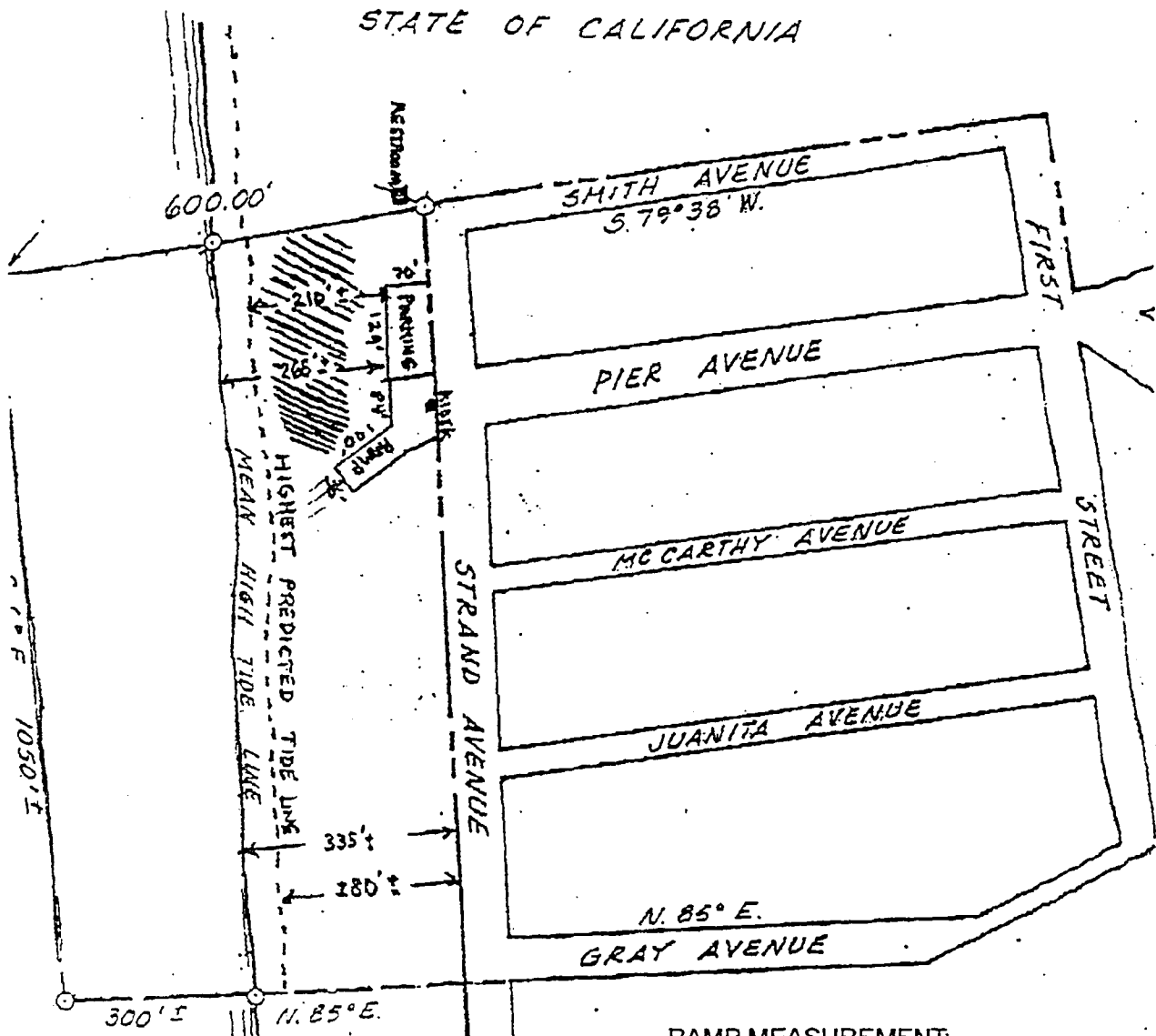


EXHIBIT

Land Use Category

Exhibit A, p.2
A-3-SLO-01-061

STATE OF CALIFORNIA



RAMP MEASUREMENT:
 100' +/- length of packed road base material. Disturbance to wet sand below this point varies. Approximate distance to highest predicted tide line from bottom of packed road base is 175' +/-.

SAND DISPOSAL AREA
 APPROX. 150' X 300'

STATE OF CALIFORNIA
 DEPT. OF PARKS & RECREATION
 BOUNDARY



PROJECT

Board of Supervisors
 State of California D960168P



EXHIBIT

Site I

EXHIBIT NO. B

APPLICATION NO.
 A-3-SLO-01-061

Project Plans

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

APPROVAL I APPEAL THE SAN LUIS OBISPO BOARD OF SUPERVISORS DENIAL OF ALL OR PART OF MY APPEAL, HEARD ON MAY 15, 2001, OF THE PLANNING COMMISSION'S ON JULY 13, 2000 OF A COASTAL DEVELOPMENT PERMIT TO GRADE AND REMOVE SAND AT THE SAND RAMP AT PIER AVE. OCEANO AND TO RELOCATE THE SAND FROM SOUTH OF PIER AVE. TO NORTH OF PIER AVE. THIS PROJECT SIGNIFICANTLY NEGATIVELY IMPACTS THE PEDESTRIAN BEACH ACCESS HISTORICALLY LOCATED SOUTH OF PIER AVE, AND SIGNIFICANTLY NEGATIVELY IMPACTS THE ENVIRONMENTAL HABITAT.

AS SHOWN BY THE DOBERNECK MAP (SEE ATTACHED) PRESENTED IN THE STAFF REPORT ON MAY 15, 2001 ALONG WITH PHOTOGRAPHS SHOWING BOUNDARY CONES, THE HISTORIC COUNTY PEDESTRIAN BEACH AREA FROM PIER AVE SOUTH TO ARROYO GRANDE CREEK ABOVE THE HIGH TIDE LINES HAS BEEN SUBJECTED TO WANTON, CONTINUOUS, AND SYSTEMATIC DESTRUCTION BY STATE BULLDOZERS AND OTHER HEAVY EQUIPMENT, THEREBY RESULTING IN DESTRUCTION OF THE ENVIRONMENTALLY SENSITIVE FOREDUNES AND BEACH HABITAT AND THE COVERT CONFISCATION OF A LARGE AREA OF BEACH HISTORICALLY USED FOR PEDESTRIANS.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or Authorized Agent

Date May 19, 2001

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____


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| EXHIBIT NO. <u>C</u> |
| APPLICATION NO. <u>A-3-SLU-01-061</u> |
| <u>Appeal</u> |
|  California Coastal Commission |

EXHIBIT B
CONDITIONS OF APPROVAL -D960168P

Approved Development


1. This approval authorizes continuation of maintenance of an existing sand ramp in the fore dune area for that portion that falls under County jurisdiction.
2. The portion of the project that is under the Coastal Commission jurisdiction (that portion that is below mean high tide) is covered by prior permit 3-96-116 which establishes additional conditions for the portion under the Coastal Commission authority. This permit is valid for the period ending February 28, 2002). This permit requires that they initiate a review of the five year period of maintenance by November 15, 2001. Should this permit not be extended beyond 2002, the Department of Parks and Recreation shall inform the county and the local approval shall be null and void for the portion above mean high tide. If the permit from the Coastal Commission is extended beyond this date, the county's permit is extended for the corresponding period.

Site Development

3. **Prior to any maintenance activities**, the applicant shall provide verification to the Department of Planning and Building from a biologist that the area within 200 feet of proposed disturbance does not contain a snowy plover nesting site. In the event that a snowy plover nesting site is located, sand removal in that particular area will occur only after approval of a mitigation plan by the Department of Planning and Building in consultation with US Fish and Wildlife Service.

Biological Resources

4. **On the day that sand ramp maintenance activities are scheduled**, the sand ramp and surrounding area shall be surveyed by a qualified monitor approved by the county for Western Snowy Plover nests and chicks throughout the nesting season (March 1-September 30). If nests or chicks are found, all activity shall be postponed until the nest has hatched, or disappeared, and all chicks have left the area.
5. The applicant is also subject to all provisions of the Biological Opinion issued by the U.S. Fish and Wildlife Service issued on January 25, 1996 or as amended in further consultation.
6. No vegetation is to be removed during facility operation and maintenance.

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| EXHIBIT NO. <i>D, p. 1</i> |
| APPLICATION NO. <i>A-3-SLO-01-061</i> |
| <i>Local Conditions</i> |
|  California Coastal Commission |

Hours of Sand Removal

7. To coordinate with the conditions of approval for the portion under Coastal Commission jurisdiction, the hours allowed for sand removal shall be no earlier than 8:00 A.M. and no later than 5:00 P.M. on weekdays. No sand removal or disposal shall take place on weekends. In the event of an emergency situation or condition, as determined by the District Superintendent, sand removal and disposal may be done without hourly or daily constraint until the emergency situation or conditions ends.

Archaeological Resources

8. In the event archaeological resources are unearthed or discovered during any maintenance activities, the following standards apply:
 - a. Maintenance activities shall cease, and the Environmental Coordinator and the Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and the Environmental Coordinator so the proper disposition may be accomplished.

Maintenance Equipment

9. No fueling or scheduled maintenance of equipment shall occur on the beach. Equipment shall be removed from the sandy beach for such activities.
10. All equipment shall be inspected for leakage of petroleum products (e.g. gasoline diesel fuel, hydraulic oil) or antifreeze on a daily basis. Equipment showing obvious signs of such leakage shall not be used on the beach.
11. Spillage of any petroleum product on the beach requires that the applicant immediately notify proper authorities. In the event of a spill, notification shall be accomplished as follows:
 - a. Notify the County Division of Environmental Health at (805) 781-5544
 - b. Contact the State Department of Fish and Game, Office of Oil Spill Prevention and Response at (805) 772-1756.

Indemnification of County by Applicant

12. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a

Exhibit D, p. 2
A-3-510-01-001

court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Miscellaneous

13. The applicant shall provide evidence that all required state and federal permits have been obtained from the pertinent agencies or provide evidence that permits from such agencies are not required. These include but are not limited to U.S. Army Corps of Engineers, California State Lands Commission, Regional Water Quality Control Board, California Coastal Commission, Fish and Wildlife Service and Department of Fish and Game.
14. Applicant shall comply with all state and federal laws including but not limited to the California Endangered Species Act and the Federal Endangered Species Act of 1973.

Exhibit D, p. 3
A-3-S60-01-061

Pismo State Beach and State Vehicular Recreation Area. Standards 4 through 13 apply to the development of the Pismo State Beach and State Vehicular Recreation Areas. (LCP)

4. General Development Plan Revisions. The General Development Plan (GDP) shall be revised in accordance with the Local Coastal Plan. The plan should identify a variety of recreational opportunities with use areas separated where possible to minimize conflicts. Passive recreational uses and nature study uses should be provided for in the sensitive vegetated areas restricted from OHV use. (LCP)

Approval of the GDP for inclusion into the County's LCP, or approval of a coastal development permit for a development within either Pismo Beach State Park or the Pismo Dunes State Vehicular Recreation Area, shall be subject to a finding that the State Department of Parks and Recreation is making a commitment for sufficient manpower to ensure resource protection, ordinance enforcement and access control in conformance with the conditions of Coastal Development Permit No. 4-82-30A. Should the terms and conditions of the coastal permit not be enforced or accomplished or should they not be sufficient to regulate the use in a manner consistent with the protection of resources, public health and safety and community values, then under the county's police powers, the imposition of an interim moratorium on ORV use may be necessary to protect resources while long-range planning, development of facilities and requisition of equipment and manpower is completed. (LCP)

5. Access Control. All access points to the park facility will be controlled. Primary access for off-road vehicles into the dunes will be as indicated in Coastal Development Permit No. 4-82-30A. (LCP)
6. Noise Control. Noise control measures shall be required for ORV use in proximity to natural preserve areas. (LCP)
7. Alternative Camping Areas. Alternative camping areas subject to the numerical limitations of Coastal Development Permit No. 4-82-30A may be appropriate in the dunes area and beach. These are dependent upon assurance that scattered sites will still allow for adequate environmental protection throughout the dunes. (LCP)

Back dunes camping areas shall be identified at locations outside of the buffers. Adequate sanitary facilities shall be provided. These back dunes camping areas shall be for tent camping or camping from four-wheel drive vehicles that can gain access to them. With provision of adequate improved facilities, heavier units (which would have a greater environmental impact when accessing the dunes) should make use of the designated staging area. For major events such as hill climbs and

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| EXHIBIT NO. E, F, G |
| APPLICATION NO. A-3-SLO-01-001 |
| South County Area Plan Standards for OPSVRA |
| California Coastal Commission |

competitions, state parks may authorize special access from the Oso Flaco causeway where it can ensure that adequate habitat protection exists. (LCP)

Beach camping in conformance with the numerical limitations of Coastal Development Permit No. 4-82-30A shall be permitted where it can be established that: a) administration of the entire park unit would not be adversely affected, b) control of total users can be maintained within acceptable carrying enforcement/capacity. The General Development Plan must identify area(s) for beach camping which would minimize conflicts with other users of the sandy beach. (It is estimated each campsite can accommodate from five to eight persons). Consistent with the provisions of Coastal Development Permit No. 4-82-30A, this limit can be adjusted either upward or downward based on monitoring of the impacts of this use. (LCP)

In addition, to the camping facilities for ORV users, the GDP must identify overnight and day use areas for non-ORV users, including hikers, horseback riding, etc. (LCP)

Peak OHV use on the six major weekends must be closely monitored to evaluate the impacts. Monitoring data shall be reviewed jointly by State Department of Parks and Recreation, the county, Department of Fish and Game and the Coastal Commission on an annual basis. Long-term reduction of the peak use may be necessary to ensure adequate resource protection. (LCP)

8. Habitat Protection. Natural buffer areas for sensitive habitat areas shall be identified and fenced, consistent with the provisions of Coastal Development Permit No. 4-82-30A and the stabilized dune areas. Habitat enhancement programs shall be undertaken for the following areas including programs such as stabilization of the dunes with appropriate native vegetation to protect encroachment on wetlands and surrounding agricultural land. (LCP)

- a. Dune Lakes
- b. Coreopsis Hill
- c. Oso Flaco Lake
- d. Little Oso Flaco Lake

Fences or other appropriate techniques shall be maintained where needed to preclude vehicular access in such areas as the Dune Lakes, Oso Flaco Lake and natural areas in the eastern portion of the park and lease area. (LCP)

9. ORV Use Area. ORV use shall be permitted only in identified unfenced vehicular use area. These areas are identified in Figure 4. No recreational ORV use will be allowed in the designated natural areas. These buffer areas reflect areas required for habitat protection and generally recognize the

FIGURE 4

OFF-ROAD VEHICLE USE AREAS

LEGEND



OHV USE AREA



BUFFER AREA

1

LITTLE COREOPSIS HILL

2

OHV ACCESS CORRIDOR
(Schematic)

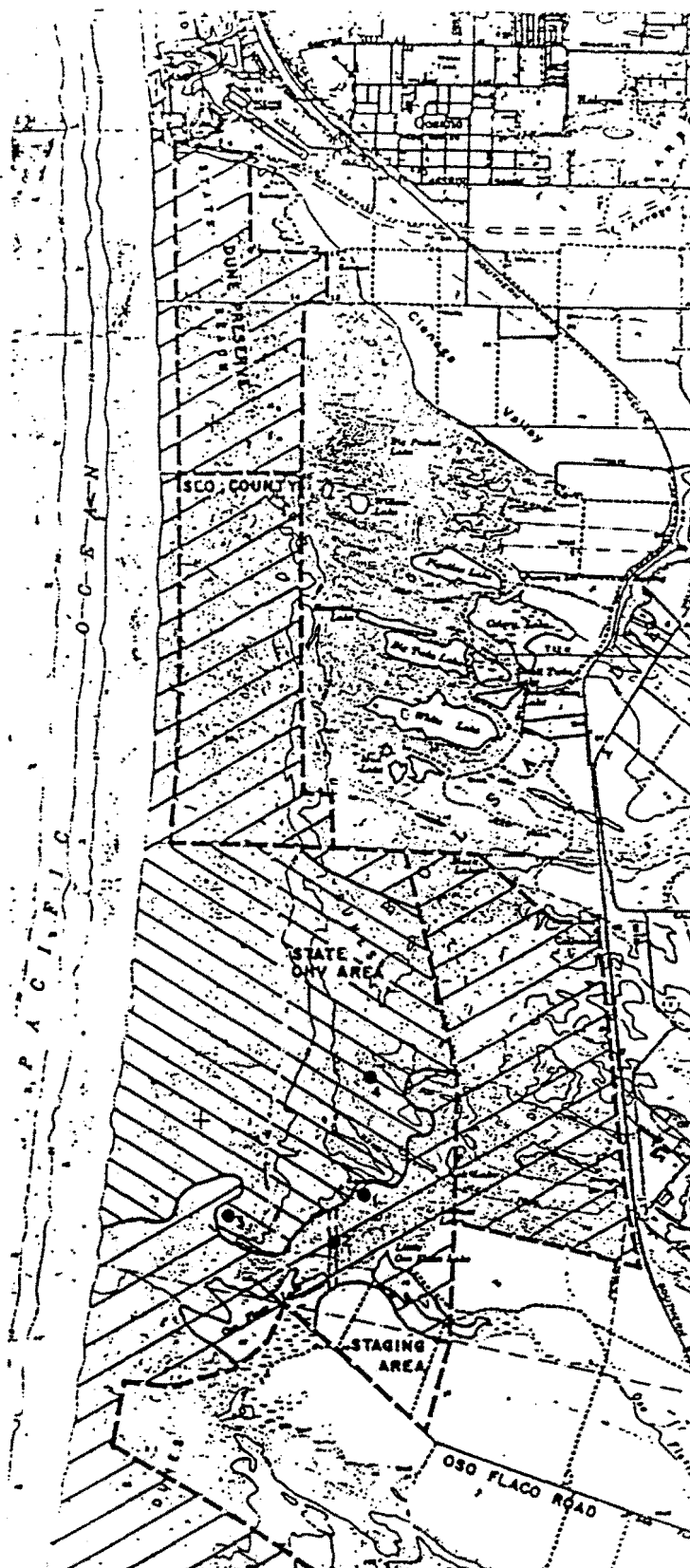
3

MAIDENFORM FLATS

4

BOY SCOUT CAMP

SCALE



established lease agreement with Union Oil for the areas adjacent to the eastern portion of the park. ORV is prohibited in all vegetated areas. (LCP)

ORV use of the county held portion (generally lying between the sandy beach and Dune Lakes) shall be limited to the Sand Highway west to the sandy beach. This will minimize conflicts with the Dune Lake Properties to the east and the State Department of Parks and Recreation Dune Preserve to the north. The map of ORV use areas indicates a buffer area along these critical interface areas. (LCP)

10. Administration of County Holdings. The county-owned land south of the dune preserve shall be administered through a memorandum of understanding between the county and the State Department of Parks and Recreation. Management of the facility has been assigned to the State. This shall be reexamined periodically to establish the most appropriate management capability. (LCP)
11. Cooperative Education Programs with ORV User Groups. The Department of Parks and Recreation shall continue and where needed expand the dune users education program. This may include distribution of maps at major access points, identifying user areas and natural buffer areas. Involvement by local and state ORV groups are essential supplements to ensuring proper dune use. (LCP)
12. Archaeological Resource Preservation. To ensure archaeological resource protection, the State Department of Parks and Recreation should provide the fullest protection by fencing all known sites. (LCP)
13. Other Recreation Users. Non-ORV-dependent uses such as camping, hiking trails, and passive use areas shall be identified and developed. Equestrian centers shall be identified. Parking areas for this day use shall be incorporated. (LCP)

RURAL LANDS: The following standards apply only to lands in the Rural Lands land use category.

Guadalupe Dunes Oilfield. The following standards apply to three parcels comprising the 1,062-acre Rural Lands category within and adjacent to the Guadalupe Dunes oilfield Leroy Lease.

1. Limitation on Use. Uses allowed by Coastal Table 0 of the Land Use Element and Local Coastal Plan are limited to: agricultural accessory structures; aquaculture; crop production and grazing; coastal accessways; fisheries and game preserves; water wells and impoundments; petroleum extraction; accessory storage; pipelines and power transmission. (LCP) (Amended 03-14-89, Ordinance No. 2378)

STAFF NOTE REGARDING EXHIBIT F, A-3-SLO-01-061 (Pier Avenue Sand Ramp):

In addition to the other correspondence included in this Exhibit, the following letter provides an example of 25 similar letters received, all of which will be available for review at the October 10, 2001 public hearing:

07/09/01 4:00 pst


My name is Charles Steven Driesler and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and to my family, as it is the best way for us to see and use the public beach in Oceano. Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway.

Charles S. Driesler II

4443 Shadoway Rd.

Lakewood, Ca. 90713

Charles S. Driesler II

| |
|---|
| EXHIBIT NO. F.p. 1 |
| APPLICATION NO. A-3-SLO-01-061 |
| Correspondence received before 8/22/01 |
|  California Coastal Commission |

RECEIVED

July 9, 2001

California Coastal Commission

My name is Julie Monroe and I am faxing you in regards to an issue that I heard about today concerning the ramp on Pier Avenue at the Oceano Dunes. My family & I and many of our friends use this ramp to access the beach for recreation. This ramp access is very important to us as recreationalists! Please continue to allow the State Parks management to all access to the beach by removing loose, soft sand from this ramp.

Thank you for your consideration in this matter.

Sincerely,

Julie M. Monroe

719 W. Enid Ave.

Mesa, AZ 85210

Julie M. Monroe

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, P. 2

To: California Coastal Commission
Re: Pier Avenue Ramp in Oceano


July 9, 2001

To whom it may concern,

how much more will we have to endure before the entire economic structure of the United States has collapsed under the sheer weight of stupidity and greed?

It amazes me that one person (Nell Langeford) can bring an entire town to it's knees for personal gain! If the ramp cannot be graded many business owners will suffer great losses, these are people with families not mention quicker access for emergency vehicles. The CCC is supposedly dedicated to access, if so, then prove to the people of Oceano that you care about access! Do the right thing and keep the ramp open, don't let greed prevail here.

Jay Heffner
Lompoc, Ca.



A-3-SLO-01-061
Exhibit F, p. 3

July 9, 2001

California Coastal Commission

RE: Grating of Pier Ave. Beach ramp in Oceano

To Whom It May Concern:

In response to the above reference hearing please be advised of the following.

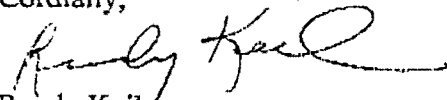
I am a business owner on Pier Avenue and am extremely concerned about having the Ramp grated immediately for the following reasons.

- 1) The safety issue is of prime concern to me. If the ramp is not grated automobiles will try to access the beach regardless on the condition of the ramp. This is very harzardeous as cars get stuck, people get out and try to push them, which can result in human tradgety.
- 2) Emergency vehicles need to pass down the ramp in order to save lives, including ambulances, medic vehicles and fire engines.
- 3) Without the ramp grated the tourist traffic is diverted off of Pier Avenue and this results in the business owners loss of revenue. Most all of the owners count on the tourists traffic for their livelyhood.
- 4) My business on Pier Avenue supports my household as my store is below my residence and I count on the summer business to make my mortgage payments. Without traffic on Pier Avenue going down the ramp I could be forced to close my store and this would result in losing my home. Not a pretty picture.

I realize that Nell Langsford is entitled to her feelings, however she should have realized that when she purchased her residence, the ramp was open and there would be beach traffic. It is virtually rediculous for her to want to close down all the businesses on Pier Avenue, resulting in devistation for all the owners.

Kindly consider all the necessities of keeping the Pier ramp open and grating it immediately.

Cordially,


Randy Keil
Owner-Beach Shack

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JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 4

California Coastal Commission

Dear Commissioners,

My name is Mark A. Meulpolder and I am writing in regards to the Pier Avenue Beach Access Ramp at the Oceano Dunes State Vehicular Recreation Area.

This access ramp needs to be maintained so vehicles as well as emergency vehicles can have easy access to the Oceano Dunes area. Besides making it easier to access the beach, it creates a safe passage for families so they don't get caught in the bottleneck which forms at the bottom of the ramp when it is not maintained.

The ODSVRA is open to the public for multi-use family activities. Why should one person, who is an absentee landlord, be allowed to spoil a family outing when the family vehicle gets stuck before the day even starts. Or to hold up emergency personnel when medical attention is needed.

Please allow State Parks to maintain the ramp at Pier Avenue for easy and safe access to the SVRA.

Thanks,



Mark A. Meulpolder
Grover Beach
805-474-0431

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-001
Exhibit F, p. 5

**APPEAL NO. A-3-01-61 (Parks & Rec, San Luis Obispo Co.)
AGAINST The Appeal**

California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA
95060-4508

Dear Commission Members:

Please accept this fax as my request for your rejection of appeal no. A-3-01-61 (Parks & Rec, SLO Co.) This appeal by Nell Langford (orchestrated by the Sierra Club and EDC) is yet one more attempt by the Sierra Club to close the ODSVRA.

The pier ramp is necessary for emergency vehicle access to the ODSVRA. By not grading the Pier Ave Ramp, emergency vehicles must use the Grand Ave. ramp approx. 1 mile further up the beach. This delay would not only endanger the lives of OHV's, but will also endanger the families who use the beach between Grand Ave and Pier Ave for day use -- the largest number of children and families walking along the beach and swimming in the ocean congregate between these two ramps. CDF Battalion Chief Dan Anderson said if his crews had to use the Grand Avenue ramp, their response times would increase by eight to 10 minutes.

In addition, the only people that are affected by the closing of the Pier Ave. ramp are the business owners and visitors who do not have 4x4 access to the beach. The Off-Roaders who use the ODSVRA have 4x4 access and are no way impacted by the ramp not being graded. However, local business owners on Pier Ave. are in danger of losing their businesses. One business owner in particular lost over \$7,000 a day due to the closure of the Pier Ave. ramp over the Memorial Day holiday. Please consider the economic impact to the business owners of Oceano Dunes before making any kind of decision on this appeal.

In addition, please recognize this feeble attempt by Ms. Langford -- funded by the Sierra Club and EDC, for what it is worth. Ms. Langford is a non-Oceano Dunes resident owner of rental property who is simply out for personal financial gain vs. potential environmental impact. Ms. Langford did not protest the building of the condos next to her rental property, which I am sure had much more environmental impact to the area vs. the moving of sand that is within the tide zone. These sands move tremendously without grading. She and her sister have made their intentions very clear "Zone that low truck property for hotels." They're not looking to save the environment; they're looking to build hotels on their property.

Lastly, The citizens of California charged you equally with protecting coastal resources and maximizing coastal access. State Parks has a 20-year track record of doing just that at Oceano Dunes. Please insure the preferred coastal access of millions of annual visitors and myself continues by rejecting the appeal No. A-3-01-61. Please let us continue to enjoy the family togetherness and respect for nature and continued access to the beach at Oceano Dunes.

Respectfully,

Karen M. Suty

Karen Suty

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JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 6

Pam Yeaton

From: Paul & Pamela Yeaton [pyeaton@pacbell.net]
Sent: Monday, July 09, 2001 2:22 PM
To: Pamela Yeaton

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JUL 09 2001

California Coastal Commission,

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

My name is Paul Yeaton and my family and I use the Pier Avenue sand ramp in Oceano as an access to the public beach for our weekend outings. The importance of this ramp is very great to my family and I since it is our access to both Oceano and Pismo beach areas. We have been coming to this area for the past 31 yrs, 5 to 6 times per year as a weekend getaway and as part of our yearly vacations. To lose access to the beach areas with our vehicles would surely mean that the thousands of people including ourselves and the Millions of dollars in local sales, hotel accommodations, food sales, fuel sales etc that we all spend each year would disappear.

So, please don't let just 1 person (especially someone who is a absentee landlord or resided in the area themselves) or a well financed group of environmentalists dictate how you control public access to the beaches and coastal areas of this beautiful State of ours just because they don't like all the vehicles using "their" beaches. The beaches and coastal areas of this state belong to everybody, not just a few people who say that they are out to protect the environment.

Thank you for your consideration of this matter and I hope that the voices and wishes of the working people who use this area for recreation will be heard in enough numbers to allow State Parks to continue to allow public access to the beach by allowing them to maintain this important public accessway.

Thank you,

Paul S. & Pamela L. Yeaton, Jenn Yeaton & George McNutt

Paul S. Yeaton
Pamela L. Yeaton
Jennifer Yeaton
George McNutt

A-3-SLO-01-061
Exhibit F, p.7

COASTAL COMMISSION

831 427 4877

9 July 01

MY NAME IS JIM WEISSENBERGER
OF LOMPOC CA, I USE THE
PIER AVENUE RAMP IN OCEANO TO
ACCESS THE BEACH. MY 2 YEAR OLD
ENJOYS THE BEACH.

PLEASE ALLOW THE STATE PARKS TO
MAINTAIN THE BEACH PUBLIC ACCESS
SO OTHERS AND MY SELF ^{will} CONTINUE TO
HAVE ACCESS TO THE BEACH.

LOMPOC NO LONGER HAS BEACH ACCESS
AND WITH GAVIOTA AND SALAMA ALWAYS FULL,
THE POINT SAY IS FULLY CLOSED THERE
ARE NO PLACES LEFT TO GO.

WHAT KIND OF MEMORIES CAN MY CHILD
GET TO HAVE ABOUT THE OCEAN IF YOU
CAN NOT GET TO IT ???

RECEIVED

JUL 11 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAJim Weissenburger
JIM WEISSENBERGER
3944 SPICA WAY LOMPOC 93436

9 JULY 01

A-3-SLO-01-061
Exhibit F, p.8

To: California Coastal Commission
Fax: 831- 427-4877

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public access way.

My name is Jim Suty and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and to my family, as it is the best way for us to see and use the public beach in Oceano.

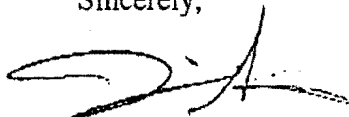
- The only people punished by the closure of the ramp are those who do not have off-road vehicles (poor, elderly and handicapped). It is the off-roaders who are donating their time to assist the vehicles on and off the beach.
- There are NO known snowy plover nest sites at or near the ramp.

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sincerely,



Jim Suty
3019 Archwood Circle
San Jose, CA 95148

Proud to be a member of, "Friends of Oceano Dunes"

A-3-SLO-01-061
Exhibit F, p. 9

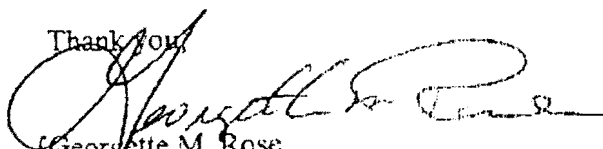
July 9, 2001

To: California Coastal Commission

My name is Georgette M. Rose and I have just learned that the California Coastal Commission is considering an appeal to stop the grading of the sand ramp located at Pier Avenue Oceano Ca. This ramp is very important to my family and I. As well as the many others who use it to access the public beach in Oceano.

We beg of you to PLEASE allow State Parks, to continue the grading and removal of loose sand from this very important public access way. It would be a shame to take this "right" away from the public. I can only hope and pray, that you will find this request totally unjustifiable and realize how important this access way is, to the many, many families, who come from all over. This access way allows "all of us" to enter the Oceano beach. Where we enjoy quality time together with our families and friends.

Thank you,



Georgette M. Rose
477 Hidden Valley Rd.
Royal Oaks, Ca 95076

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAA-3-SLO-01-061
Exhibit F, p. 10

David Roman

My name is David Roman and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and to my family, as it is the best way for us to see and use the public beach in Oceano. Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway. I was planning a vacation for the end of this month and if I can not use this access road, my family trip will be cancelled. Oceano is a beautiful place and everyone should have full access to experience this wonderful place.

David Roman
7960 La Habra Circle
Buena Park, CA 90620

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAA-3-SLO-01-061
Exhibit F, p.11

Attn. California Coastal Commission
831-427-4877

My name is Michael K. Neschke and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and to my family, as it is the best way for us to see and use the public beach in Oceano.

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway.

It is unfair that the adendas of the few are being forced upon the majority who have responsibly used these public lands for many, many years. The Sierra Club has twisted the facts in an effort to confuse the California Coastal Commission into believing that off road use is a bad thing. It brings families and friends together to enjoy our public lands.

Please approve the grading permit for the ramp at Pier Ave and do not allow this precious resource be closed to me or my family because of bad science and personal adendas of the few.

Michael K. Neschke
3216 Point Lobos Dr
Las Vegas, NV 89108

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JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 12

RECEIVE
JUL 26 2001

CALIFORNIA
COASTAL COMMISSION

Seaside

PHONE/FAX: 805.481.3007

328 PIER AVENUE
OCEANO, CA 93445
ROSEANNE/BRUCE KIRBY

TO: California Coastal Commission

PHONE/ FAX: 415.904.5400

RE: Continuance on Appeal No. A-3-01-61

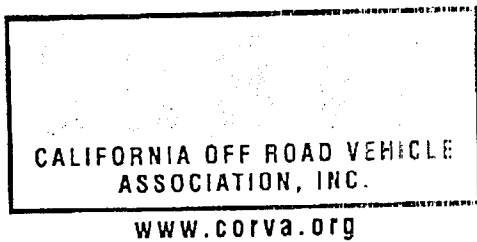
NO. OF PAGES: 1

As business owners and home owners off the strand in Oceano, it is our opinion that the Pier Avenue ramp should remain maintained and open for several reasons in keeping with the endorsed LCP of San Luis Obispo County:

- safety vehicle public access & exit.
- visitor access for the public that provides maximum public availability. (ie does not discriminate to prevent those with disability, nor those with economic investment in 4 wheeler, ATV.)
- reinforces conforming usage & utilizing park revenues to maintain & protect responsible recreation & its enforcement.

Sincerely, Bruce & Roseanne Kirby 7/25/01

A-3-SLO
Exhibit F, p.13



7/9/01

Hello, My Name Is Mike Kammer.

Me And my Friends use the Pier Ave ramp In
Oceans to recreate In the sand dune area.

I do NOT Visit With A 4-wheel drive street
vehicle. there fore Grading the Ramp Is
Very Important To me and my Friends.

Please Allow the Grading To Con tinue.

The Emergency Vehicles In the Area Need IT
Also.

Thanks, Mike Kammer
MIKE KAMMER
330 WEST PA-1 AVE
CLONTS CA 97612

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-06!

Exhibit F, p. 14

DONALD G. HAMILTON, R.Ph.

590 RED TAIL MEADOW LANE
ARROYO GRANDE, CA. 93420

805-474-0300
FAX 805-474-6555

CALIFORNIA COASTAL COMMISSION:

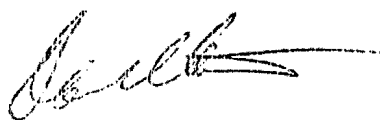
AS A PHARMACIST AT LONGS DRUG STORES, I HAVE LITTLE
TIME TO TRAVEL LONG DISTANCES FROM MY HOME TO
HAVE A LITTLE RELAXATION.

MY WIFE AND FAMILY HAVE BEEN USING THE OCEANO DUNES
FOR FAMILY OUTINGS NEARLY EVERY WEEK FOR THE LAST
25 YEARS.

I WOULD BE DISAPPOINTED IF ONE PERSON WOULD CAUSE THE
CLOSING OF THE RAMP AND ACCESS TO THE BEACH.

WE USE THE SAND RAMP ALL THE TIME, AND THE PIER RAMP
IS THE ONLY ENTRANCE WE HAVE EVER USED FOR RECREATION.
PLEASE ALLOW THE STATE PARKS TO CONTINUE TO ALLOW
THE PUBLIC ACCESS TO THE BEACH BY REMOVING LOOSE, SOFT
SAND FROM THE PUBLIC ACCESSWAY.

SINCERELY, DON HAMILTON



RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 15

BRIAN D. HAMILTON

1613 CHAPALA APT. D.
SANTA BARBARA, CA. 93101

Phone 805-705-8558

MY NAME IS BRIAN HAMILTON, MY PARENTS LIVE IN ARROYO GRANDE, AND I VISIT THEM SEVERAL TIMES EACH MONTH WHEN WE GO TO OCEANO DUNES TO PICNIC, CAMP AND TAKE OUR DOG FOR WALKS ALONG THE BEACH...

WE OWN A '62 WILLYS JEEP AND A 1950 FORD PICKUP THAT WE ENJOY DRIVING ON THE BEACH.

THE ONLY WAY TO ACCESS THE BEACH FOR RECREATION IS BY USING THE SAND RAMP AT PIER AVENUE IN OCEANO.

PLEASE CONTINUE GRADING, AND ALLOW ACCESS TO THE BEACH... WE HAVE 4 WHEEL DRIVE IN THE JEEP, BUT WE HAVE ALMOST BEEN STUCK IN THE LOOSE SAND SEVERAL TIMES, THIS WOULD BE COSTLY TO HAVE TO HIRE A TOW TRUCK TO PULL US OUT.

PLEASE REMOVE THE LOOSE, SOFT SAND.

RECEIVED

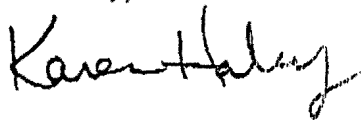
JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA*Brian Hamilton*A-3-SLO-01-061
Exhibit F, p.16

To: California Coastal Commission

My name is Karen Haley and I am writing to you today in regards to the ramp at Pier Avenue in Oceano. My family and a lot of our friends use this ramp for access to the beach and recreation area in Oceano. We are very upset at the possibility of the closure of this ramp. Families like mine come from all around for vacations in Pismo and Oceano and it would be a shame if the access to the beach and recreation areas were no longer available. We are asking you to please reconsider closing the ramp and allow the State Parks to continue to allow public access to the beach. We also would greatly appreciate you to allow the ramp to be graded for easy access to avoid less damage to our vehicles from getting stuck in the loose soft sand. Taking access away from us will only take business away from local businesses.

Sincerely,



Karen Haley
P.O. Box 341
San Ardo, CA 93450

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 17

RECEIVED

JUL 09 2001

7/09/01

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

From: FunRunner Products
9130 Painter Ave
Whittier, Ca. 90602

To: California Coastal Commission

Re: Pismo access

Dear members of the Coastal Commission,

I am sending this appeal as I use the ramp at Pier Avenue for sand access. I know that many of my customers also use the ramp for their family recreation activities. Please allow State Parks to continue to allow public access to the public beach in Oceano. Keeping this access open and clear of impediments would serve to benefit a large Contingent of interested users. Thank you for your consideration.

Roger Tebo
FunRunner Products
562-945-2180
funrun@earthlink.net

A-3-SLO-01-061
Exhibit F, p. 18

RECEIVED

To: The California Coast Commission 831-427-4877

From: Gerard Forgnone

JUL 09 2001

Re: Pier Avenue Grading Permit

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Sirs and Madams:

The legislature further finds and declares that the basic goals of the state for the coastal zone are to: . . . (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."

The above paragraph is from your own website, and pretty much states why I am writing this letter: Public access to the coast and coastal recreation.

The Pier Avenue ramp at Oceano is the main way for citizens of the United States and our world-wide visitors to access the beach with their vehicles. People come from all over our country and the world to drive on this one last stretch of California beach, and they have been doing so since the dawn of the automobile, long before Nell Langford purchased a rental shack on Strand Way. Langford receives up to \$550 PER DAY for her rental, and can easily ask twice as much if she were to get the public and their cars kicked off the beach in front of her duplex. Langford's sister, Effie McDermott, has been publicly advocating a change in zoning to allow hotels. This will benefit only Langford's and McDermott's pocketbooks, not the general public! The beach ramp and the beach belong to the PUBLIC, not Langford. She is using the Endangered Species Act to her own monetary benefit. If you don't believe me, ask her when she testifies how much she receives per day in rent, and how much her property will appreciate if vehicles are banned from the beach!

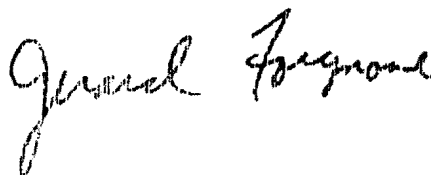
Vehicles can still get on the beach through the Grand Avenue ramp, but doing so adds traffic to the stretch of beach from Grand south to Pier. This extra traffic ruins the beach experience for the non-SVRA users who just want to park on the beach. The way Pismo and Oceano Beaches are divided up now is a great way to satisfy all uses: North of Grand is pedestrian only; Grand to the SVRA is licensed vehicles only, and the SVRA is for all vehicles. The SVRA is also a very inexpensive way for people to camp on the ocean. Not everyone can afford \$250 and \$300 for either of Langford's duplex portions.

Forcing vehicles to use Grand Avenue also causes emergency vehicles to be slower in reacting to emergencies at the Oceano Dunes SVRA. The businesses who are trying to eke out an existence on Pier Ave need that access open to survive. Langford is a wealthy landowner, who doesn't even live in Oceano. She will survive quite well if the ramp is graded.

If Langford and her paid lawyers from the Environmental Defense Center try to use the Endangered Species Act as a reason to stop the grading and effectively close the Pier Avenue ramp, you must ask yourself, who is to benefit by their actions? The birds? There have been no birds nesting in this area for many years, and a truthful biologist will tell you it is not a preferred nesting site anyhow. The only ones who stand to benefit if the Pier Avenue ramp is not graded, and effectively closed, is Nell Langford.

Stop this land grab, for the sake of all of us, the public, who can not afford lawyers to keep their access to this unique vehicular beach.

Gerard Forgnone
1587 Turquoise Ct.
Santa Maria, CA 93455
805-937-3050



A-3-SLO-01-061
Exhibit F, p.19



GEORGES & SHAPIRO LITHOGRAPH

California Coastal Commission
Re: Pismo Beach

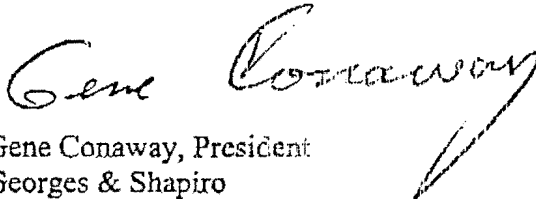
July 9, 2001

This letter is to point out that many people in the general population of our fine State are not able to always afford the accommodations that most of the do-gooders live in; and therefore need beaches such as Pismo/Ocena for the needed recreation for their families.

The recreation afforded at the beach is something that children never forget - an example of this is my own grandchildren. They live to go to Pismo for 4 days in the summer and the three or four trips that we make to Glamis in the winter.

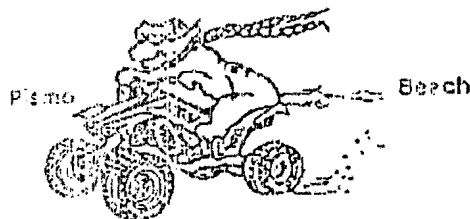
Luckily we can vacation anywhere in the world when we so desire, but they would not trade a long weekend at Pismo for 10 days at the Disneyland hotel!

If you want to save something - try saving the relationships that we have with our families that no amount of money can buy.


Gene Conaway, President
Georges & Shapiro

A-3-SLO-01-061
Exhibit F, p 20

B.J.'S ATV Rentals



157 Grand Avenue, Grover Beach, CA 93433
(805) 481-5411 FAX (805) 481-0701

July 9, 2001

TO: CALIFORNIA COASTAL COMMISSION
FAX: 831-427-4877

FROM: JOHN AITKENS
BJ'S ATV RENTALS

RE: NELL LANGFORD HEARING ON GRADING OF PIER AVENUE RAMP,
OCEANO

I would like to tell you how important it is to keep Pier Ramp graded for use of the Oceano Beach and Dunes.

I know you have the numbers of day users and campers from the State Parks & Recreation. This brings a lot of money into the Department. Those of us who use the beach for business and pleasure feel by not keeping the Pier Ramp graded many Americans who have the right to use the park system would be stopped from doing so because they cannot get on the beach.

Grading the ramp does not present a hazard to any wildlife or birds. Therefore there is no reason to hamper people from going down to the beach.

By letting the sand build up on both the Pier Ramp and the Grover Beach Ramp will make it impossible for vehicles to get on the beach. This is the same as closing the beach to vehicle traffic. This is something that has not been decided and by ruling for Ms. Langford's appeal, you are in effect closing the beach.

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 21

July 9th 2001

California Coastal Commission

my name is Donald Southard and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and my family, as it is the best way for us to see and use the public beach in Oceano.

My family and I have been using this ramp since 1972, now my grandchildren and I are using the ramp to access the beach. Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway.

Thank you
Donald L Southard
1856 N Glenview Ave
Ardenheim Ca. 92807

RECEIVED

Donald L Southard

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061

Exhibit F, p. 22

July 9, 2001

California Coastal Commission - via fax: 831-427-4877

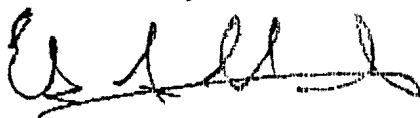
Please consider my comments concerning Oceano Dunes.

My name is Ed Stevens and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and my family, as it is the best and safest way for us to see and use the public beach in Oceano. Safety is important to me, as I am sure it must be to you, to protect my family as we enjoy the recreation opportunity offered by this ramp access.

I urge the Coastal Commission to protect this valuable beach access, and keep it safe for family recreation, by maintaining the ramp and preserving public motorized access to the beach.

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public access ramp. This small amount of displaced sand, under the intention of public safety, cannot be ignored as a public service (or misinterpreted as an action against a threatened or endangered species).

Please inform me by mail of all future actions regarding Oceano Dunes.



Ed A. Stevens
2355 Oceano Avenue
Long Beach, CA 90815

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JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p. 23

July 9, 2001

California Coastal Commission
Fax 831-427-4877

To Whom It May Concern:

My name is Kelly Schlitz. I live in Southern California and have vacationed every summer on the beach off Pier Avenue in Oceano for the last 10 years. I believe the ramp is very important to me and my family, as it allows us to see and use the public beach in Oceano. Oceano is very beautiful, and we love visiting every year and keeping our family tradition. My children (ages 6 1/2 and 3 1/2) talk about Oceano and look forward to our vacation every year. Please allow State Parks to continue to allow public access to the beach by removing loose, soft sand from this important public accessway.

Thank you for your consideration.



Kelly Schlitz
4801 Contour Ct.
Oceanside, CA 92057

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JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061
Exhibit F, p.24

FAX

RECEIVED

2 November 1998

JUL 09 2001

TO: California Coastal Commission

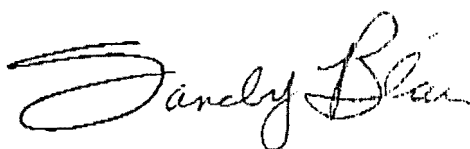
SUBJECT: Oceano Dunes Recreation Area

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I am writing to implore you to not close off access to Oceano Dunes for recreational purposes. The kids and I use the sand ramp at Pier Avenue in Oceano to access the beach and it is very important that it continue to be graded.

The public beach in Oceano is one of the very most fun areas to take the children and it would be very sad to see that closed. Is it just that the rich residents would rather have it all to themselves?

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public access way.



Sandy Blair
1329 West Fir Ave
Lompoc, CA 93436

(805) 734-3889

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Page 1 of 1

A-3-SLO-01-061
Exhibit F, p. 25

ILA HAMILTON**BROKER, CONTRACTOR, DESIGNER**

CENTURY 21 FILER REALTORS, INC.

1160 PRICE ST. PISMO BEACH, CA. 93449
805-801-8801 Fax 805-474-6555

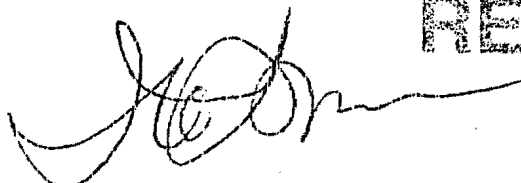
TO: CALIFORNIA COASTAL COMMISSION
FROM: DONALD, ILA, DAVID AND BRIAN HAMILTON

MY NAME IS ILA HAMILTON. I USE THE SAND RAMP AT
PIER AVE. IN OCEANO TO ACCESS THE BEACH SEVERAL
TIMES PER WEEK... WE PICNIC, WALK OUR DOG AND
CAMP ALONG THE BEACH.

THE RAMP IS VERY IMPORTANT TO ME AND TO MY FAMILY
AS IT IS THE BEST WAY FOR US TO SEE AND USE THE PUBLIC
BEACH IN OCEANO.

NELL LANGFORD IS BEING SELFISH, AND HER CONCERNS
ARE SELF CENTERED TO THINK WE SHOULD CLOSE ACCESS
TO HOMEOWNERS, FRIENDS, RELATIVES AND VISITORS OF
OUR VERY OWN BEACH.

PLEASE ALLOW STATE PARKS TO CONTINUE TO ALLOW THE
PUBLIC ACCESS TO THE BEACH BY REMOVING THE LOOSE,
SAND FROM THIS IMPORTANT PUBLIC ACCESSWAY.

**RECEIVED**

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAA-3-SLO-01-061
Exhibit F, p. 26

DAVID AND STEPHANIE HAMILTON

July 9, 2001

California Coastal Commission

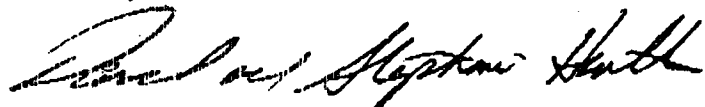
Dear CCC:

My wife and I use the sand ramp at Pier Avenue in Oceano, California, to access the beach for many types of recreation. The ramp is very important to me and my family, as it is the best way for us to see and use the public beach in Oceano. This area was set aside as motorized access and should remain that way for future generations. I hope that our children can also enjoy this unique public recreation area for years to come, as we have in the past.

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway.

It is my understanding that a property owner in close proximity to the opening of the Oceano Dunes SVRA, Nell Langford, is trying to close the public access. This is un-American and hypocritical! It is very unfortunate that one bad apple can ruin the whole beach access for thousands of visitors. Please allow motorized access to the dunes for the people who enjoy our public lands, not just the selfish few extremists who would rather them be locked up for themselves.

Sincerely,



David and Stephanie Hamilton

RECEIVED

JUL 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA1402 9TH ST. • LOS OSCOS, CA • 93402
PHONE: 805-528-5136 • FAX: 805-528-5436A-3-SLO-01-061
Exhibit F, p. 27

July 12, 2001

The California Coastal Commission:

My name is Bill Brunelli and I use the sand ramp at Pier Avenue in Oceano to access the beach for recreation. The ramp is very important to me and to my family, as it is the best way for us to see and use the public beach in Oceano.

On our last vacation, June 20th - 28th, the ramp created a great hazard as people were getting stuck in each others way. It was difficult because the ramp was not properly maintained.

Please allow State Parks to continue to allow the public access to the beach by removing loose, soft sand from this important public accessway.

Bill Brunelli
4187 Picea Ct.
Hayward, CA 94542

Bill Brunelli

A-3-SLO-01-061
Exhibit F, p. 28

A H U Steve

RE: Appeal to be heard Sept 12 2001
Strand Ramp, Oceano

one p. set

W18C

To Coastal Commissioners and Staff
From Nell Langford


RECEIVED

AUG 27 2001

Date Aug 26, 2001CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I am herewith giving you a deed which shows that the sand ramp is not in the location of the legal easement. The easement for ingress and egress is straight out from Pier Avenue (where the old wooden ramp was) and ends only at the ordinary high tide line of the Pacific Ocean. The State Of California has deeded the property subject to the easement shown on the map that is attached to the deed.

As the deed and the map show, the strip of accretion lying between the westerly line of Strand Avenue and the ordinary high tide line of the Pacific Ocean were intended for pedestrian use, and not as an easement for ingress and egress for vehicles.

| |
|---|
| EXHIBIT NO. G, p. 1 |
| APPLICATION NO. A-2-SIC-01-061 |
| Correspondence Received After 8/22/01 |
|  California Coastal Commission |

Historically, vehicles used the easement only at low tides and on the wet beach. The sand ramp is not in the easement, and instead cuts across the pedestrian area, that has been used historically as a beach.

Thank you for your consideration of this information regarding my appeal of the sand ramp. Please uphold my appeal and require vehicular ingress and egress in the legal easement.

Dr. Langford

DEED

THE UNDERSIGNED, NANCY HART LENTERKE, a married woman,

for and in consideration of the sum of FOUR THOUSAND SEVEN HUNDRED FIFTEEN and No/100 Dollars

(\$4,715.00) in lawful money of the United States of America, receipt of which is hereby acknowledged,

hereby grant to the State of California all that real property situated in the County of San Luis Obispo, State of California, bounded or described as follows:

An undivided 20 1/2 of 100³ interest in and to that portion of Lot 50 of Garden lots as shown on the map of the Town of Oceano, not divided into lots or blocks, but known as the Lake Bottom Lands, as shown by and set forth and described in that certain map or plat of Subdivision of Oceano Beach made by Ensign and Ransom, Surveyors, filed for record August 10, 1905, in the office of the County Recorder of said County.

ALSO the strip of accretion lying between the Westerly line of Strand Avenue and the ordinary high tide line of the Pacific Ocean.

(Said last strip being designated on the above mentioned map as Lots A, B, C, D, E, F, G, H and I).

SUBJECT TO:

1. Taxes for the Fiscal Year 1952-53, a lien not yet payable.
2. Conditions, restrictions, easements, reservations, rights and rights of way of record.

Together with all of the Grantor's right, title and interest in and to all water and water rights, whether surface or subsurface, or of any other kind, including all appurtenant water and water rights, and all water and water rights in any wise incident to the real property herein described, or used thereon or in connection therewith, and all other appurtenant rights and easements pertaining to said real property.

TO HAVE AND TO HOLD the above granted and described real property, its incidents and appurtenances, unto said State of California, its successors and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand,

this 26 day of June, 19 52.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

/s/ NANCY HART LENTERKE
Nancy Hart Lowerke

Exhibit G, p.3

20 1/2 %
Recorded
12/31/52
Book 691 / 250

NANCY HART LEWIS, as the duly appointed, qualified, and acting Administratrix with-the-Will-Annexed of the estate of Maude S. Hart, deceased, in the Superior Court of the State of California, in and for the County of Los Angeles, No. 104 218, in consideration of Four Thousand Seven Hundred Fifteen Dollars (\$4,715.00) cash, receipt of which is hereby acknowledged, does hereby grant and convey to the State of California all right, title, and interest of decedent at the time of her death, and all right, title, and interest that the estate may have subsequently acquired by operation of law, or otherwise, in and to the real property in the County of San Luis Obispo, State of California, bounded or described as follows:

All that certain real property situate in said County and State, particularly described as follows, to wit:

Undivided ~~20%~~ of 100% interest in and to that portion of Lot 50 of Garden Lots as shown on map of the Town of Oceano, not divided into lots or blocks, but shown as the Lake Bottom Lands, as shown by and set forth and described in that certain map or plat of Subdivision of Oceano Beach made by Ensign and Ransom, Surveyors, filed for record August 10, 1905, in the Office of the County Recorder of said County, and of the strip of accretion lying between the westerly line of Strand Avenue and the ordinary high tide line of the Pacific Ocean. (Said strip being designated on the above mentioned map as Lots, A, B, C, D, E, F, G, H and I).

20 1/2 %
dated
8/30/52
Revised
12/31/52
Doc # 691/249

Subject to taxes for the fiscal year 1952-53, a lien not yet payable, including levies for the acquisition and improvement districts, county road improvement districts, municipal improvement districts, California irrigation districts, or drainage districts, if any.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.4

Subject also to conditions, restrictions, reservations, easements, rights, and/or rights of way of record, if any.

Together with all of the grantor's right, title, and interest in and to all water and water rights, whether surface or subsurface, or of any other kind, including all appurtenant water and water rights, and all water and water rights in any wise incident to the real property herein described, or used thereon or in connection therewith, and all other appurtenant rights and easements pertaining to said real property.

TO HAVE AND TO HOLD the above granted and described real property, its incidents and appurtenances, unto said State of California, its successors and assigns forever.

This deed is made pursuant to the order confirming sale of said property made in the matter of the estate of said decedent in Case No. 104218 Probate, Superior Court of Los Angeles County, State of California, entered on August 8, 1952, a certified copy of which order is recorded contemporaneously herewith in the office of the County Recorder of the County of San Luis Obispo, State of California, to which reference is hereby made.

IN WITNESS WHEREOF, this instrument is executed this 30th day of August, 1952.

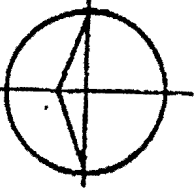
/s/ Nancy Hart Lewerke
As Administratrix with-the-
Will-Annexed of the estate
of Maude S. Hart, deceased

WITNESS:

/s/ Jack Lewerke

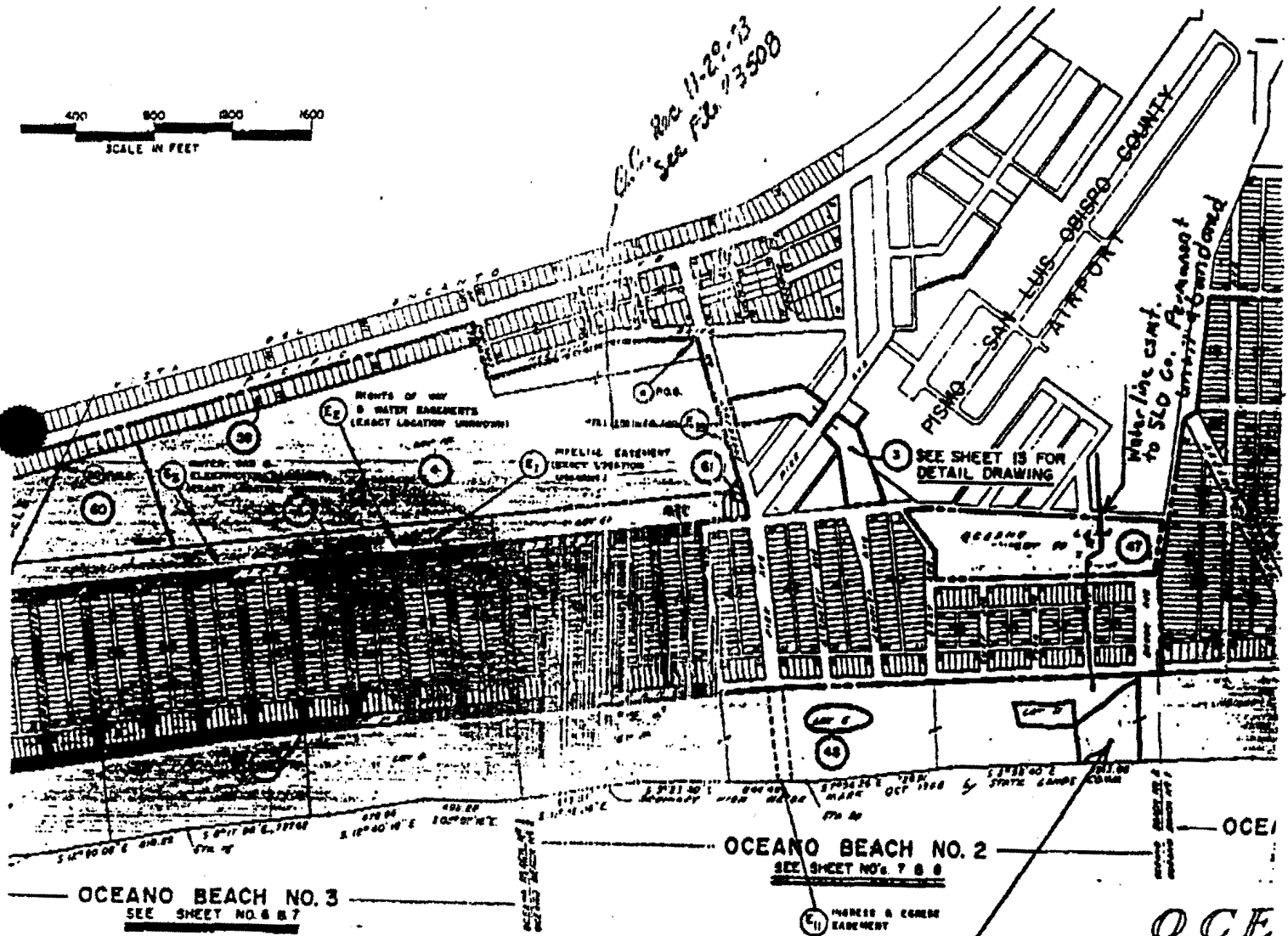
A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.5



400 800 1200 1600
SCALE IN FEET

*C.C. Rec 11-20-13
see File #3500*



PACIFIC

Agreement & Easement &
Construction site: permanent
until abandoned. To South
San Luis Obispo Co. Sanitation Dist.

STATE OF CALIFORNIA

Department of Parks & Recreation

FAX TRANSMITTAL

W18C
RECEIVED

SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAOff-Highway Motor Vehicle
Recreation Division
Post Office Box 942896
Sacramento, CA 94296-0001

(916) 324-4442 Fax (916) 324-1610

TO: Diana ChapmanFAX #: 931-427-4877DATE: 9/7/01 TIME: 1445FROM: Rick LeFloreOriginal ☐ will ☒ will not follow

Page 1 of 20

COMMENTS:

PLEASE DISTRIBUTE ATTACHED
SUPPLEMENTAL INFORMATION TO
COMMISSIONERS FOR AGENDA
ITEM W18C.Thank you
Rick

CALIFORNIA STATE PARKS
RAMP MAINTENANCE APPEAL
SUPPLEMENTAL INFORMATION

- HISTORY OF BEACH ACCESS
MAINTENANCE
- CURRENT SAND RAMP
MAINTENANCE OPERATION –
EMERGENCY RAMP
MAINTENANCE PERMIT
- EMERGENCY PERMIT TERMS &
CONDITIONS
- LOCAL EMERGENCY SERVICES
AGENCIES' SUPPORT
- PROBLEMS ASSOCIATED W/
UNMAINTAINED SAND ACCESS
RAMP
- SAND RAMP MAINTENANCE
APPEAL MAJOR POINTS

- USFWS SEPTEMBER 7, 2001
LETTER OF CLARIFICATION RE
ODSVRA PREDATOR
MANAGEMENT PLAN

RECEIVED

SEP 07 2001 O-01-061 (Pier Ave. Sand Ramp)

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

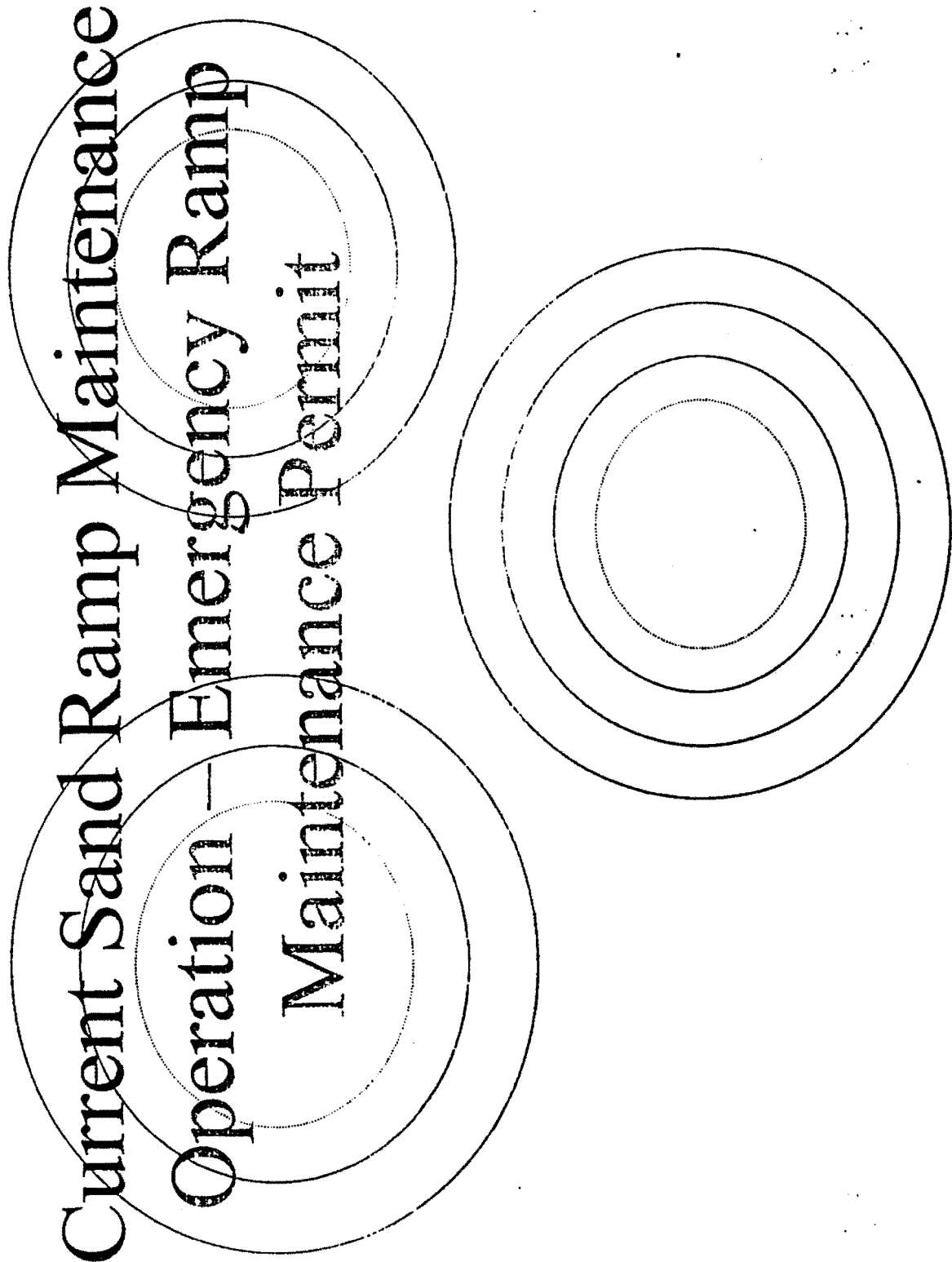
Exhibit G, p.8

History of Beach Access Maintenance

- State Parks has maintained beach access points since the early days of Pismo State Beach.
- A wooden access ramp was maintained at Pier Avenue. Sand has always had to be removed.
- 1982 – 83 storms destroyed the wooden ramp. State Parks maintained the sand access ramp from that time on.

History of Beach Access Maintenance Continued

San Luis Obispo County assumed permitting authority in 1988. An after-the-fact permit was issued for sand ramp maintenance by the Coastal Commission in 1992.



Emergency Permit Terms and Conditions

- Permit is to maintain safe emergency vehicle access.
- The Department is responsible for traffic control to maintain emergency vehicle access.
- The Department is responsible for placing the sand removed from the ramp to a location within the County's jurisdiction.

Emergency Permit Terms and Conditions Continued

- The sand ramp and surrounding area shall be surveyed by a qualified monitor for the presence of western snowy plover nests and chicks.
- Indemnification of County.

Local Emergency Services Agencies Support

- San Luis Ambulance: 4 minutes saved by accessing the beach at Pier Avenue ramp.
- Oceano Fire Department: 6 minutes 50 seconds saved by accessing the beach at Pier Avenue.
- CDF: 6 – 10 minutes saved by accessing the beach at Pier Avenue.



San Luis Ambulance Service, Inc.

PO BOX 954 • 569 HIGUERA STREET, SUITE "A" • SAN LUIS OBISPO, CA 93406 • 805/543-2626 • FAX 805/546-0556

June 20, 2001

Dennis Doberneck
District Superintendent
California State Parks
Occano Dunes

Dear Mr. Doberneck:

I have recently been made aware of the current issue regarding the potential closure of Pier Avenue ramp. As I understand, this would affect the current ingress and egress practices of our four wheel drive ambulance that is used for emergency response to the Occano Dunes. A majority of our responses to Occano Dunes are south of the Pier Avenue ramp. I am concerned with this closure due to the fact that this would increase our response times of an estimated four minutes to calls in that area. The calls generated in this area include both medical and traumatic emergencies.

I feel the closure of this ramp would delay emergency vehicles, jeopardizing the safety of those using that area of the beach or dunes. Further, the beach area between Grand Avenue and Pier Avenue is usually more populated. By using only the Grand Avenue ramp, maneuvering an emergency vehicle would be more difficult as well as more dangerous to pedestrians. Even though I understand the desire to reduce beach traffic, I would hope that it would not be at the risk of the public.

Thank you,

Andy Jacobson
Paramedic/Field Supervisor

"Serving Since 1945"

WE ADHERE TO THE HIGH STANDARDS AND ARE MEMBERS OF THE CALIFORNIA AMBULANCE ASSOCIATION



Oceano Community Services District

1655 Front Street, P. O. Box 599, Oceano, CA 93445 (805) 481-6730 FAX (805) 481-6836

June 19, 2001

In reply to: Emergency Grading Permit

Mr. Andy Zilke

Attention: Mr. Dennis Doberneck

Dear Mr. Zilke:

Andy, this letter is in support for your office to receive an Emergency Grading Permit at the Pier Ave. entrance to the beach. Having this ramp ungraded puts my department in a very bad situation. Our response times to areas south of Pier Ave. have an increasing 6 min and 50 second response time granted that conditions are at low tide and minimal traffic is in the area. Our response plan, when responding to the beach, is response via Grand Ave. ramp and then back tracking south of Pier Ave. As you can see, with this type of delay it could mean the difference between life or death in a life hazard response.

Another consideration to this whole equation is the congestion of traffic we have already seen on Pier Ave. backing all the way up to Hwy 1. With this congestion, it is also hindering our response to all the Beachfront homes off Strand Way. This congestion is created by the restricted traffic flow that can enter the beach, especially when a vehicle gets stuck on the ramp and not allowing any vehicles to enter the beach until that vehicle has been towed out.

It is relieving to me to hear that your agency is attempting to mediate this problem A.S.A.P. I am requesting that any persons having any jurisdiction on this matter take into consideration the safety of our local citizens and the visiting population of tourist and, allow an Emergency Grading Permit by granted so that emergency vehicles and equipment may enter the park in a timely matter.

Sincerely,

Chris Marshall
Fire Chief
Oceano Fire Department

Memorandum

To: Dennis Dobeneck, District Superintendent
576 Camino Meracado
Arroyo Grande, Ca. 93420

Date: June 21, 2001

Telephone: (805) 929-3911

Website: www.fire.ca.gov

From: Department of Forestry and Fire Protection
635 N. Santa Rosa
San Luis Obispo, Ca 93405

Subject: Emergency Access

Our Agency has been advised of the pending closure of Pier Avenue beach access. This situation has significant impact on our ability to respond to emergencies effectively and timely. Closure of this access will require our units to pass by this access and proceed to Grand Avenue access, approximately two additional miles, access the beach and traverse an additional two miles of beach.

Our response will increase by 6 to 10 minutes. This will reduce the timeliness of our response to any emergency within our jurisdiction along the beach. Additionally this will expose our personnel and the public to the inherent hazards of responding emergency equipment.

Our Agency would support any opportunity that may exist which would allow, as a minimum, access to the beach for emergency equipment from Pier Avenue. I welcome any opportunity to discuss this situation and hope for an acceptable solution.

Sincerely,



Dan Anderson
Battalion Chief

Problems Associated With Un-maintained Sand Access Ramp

- Vehicles stuck in the soft sand on the ramp blocking traffic flow.
- Vehicle occupants outside the vehicles trying to dig the vehicles out increasing the potential for vehicle vs. pedestrian accidents.
- Traffic congestion on busy days created by stuck vehicles.
- Potential to impede the access of emergency vehicles due to congestion on the ramp.

Sand Ramp Maintenance Appeal

First Major Point: The project significantly impacts historical pedestrian beach access.

The Facts:

- Vehicles and pedestrians have been a part of Oceano and Pismo beach since there have been wheeled vehicles.
- Pedestrian and vehicle beach access is an every day occurrence.
- The sand ramp provides an easy access surface for pedestrians as well as vehicles.

Sand Ramp Maintenance Appeal

Second Major Point: The project significantly impacts environmentally sensitive foredunes and beach habitat.

The Facts:

- Sand from the maintenance project is deposited northward on the beach, adjacent to the Pier Avenue parking lot. Sand is not deposited adjacent to foredunes.
- The foredunes south of the maintenance project is heavily manipulated as a result of an emergency sand removal permit issued to the Strand Way homeowners.

Sand Ramp Maintenance Appeal

(Second Major Point Continued)

- CSU Professor and noted plover biologist Robert Burton, PhD, called the work that is being done at Oceano Dunes "one of the most well developed and comprehensive management programs in California" for the snowy plover.
- All mandates and protective measures required by the U.S. Fish and Wildlife Service and the California Department of Fish and Game are employed to protect the western snowy plover and California least tern.

Sand Ramp Maintenance Appeal

(Second Major Point Continued)

- Future management issues to be addressed by the Technical Review Team (TRT), which was approved by the Coastal Commission as a condition of Coastal Permit "4-82-300-5A. Adaptive management that is science and data driven.

USFWS May 24, 2001
Letter of Concurrence for western snowy
plovers and California least terns

Attachment previously sent as part of
California State Parks briefing materials
For appeal item



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
1695 Portola Road, Suite D
Ventura, California 93003

September 7, 2001

Steve Yamaichi, District Superintendent
Oceano Dunes District
California Department of Parks and Recreation
573 Camino Mercado
Arroyo Grande, California 93420

Subject: Request for Clarification of Predator Management Plan at the Oceano Dunes State
Vehicular Recreation Area, San Luis Obispo County, California

Dear Mr. Yamaichi:

This letter responds to your request, dated August 22, 2001, for our clarification of the management program for the federally endangered California least tern (*Sterna antillarum brownii*) and the threatened western snowy plover (*Charadrius alexandrinus nivosus*) at the Oceano Dunes State Vehicular Recreation Area (ODSVRA), San Luis Obispo County, California. We understand your request is in response to the concern of the California Coastal Commission (Commission) regarding comments made by the Environmental Defense Center (EDC) alleging that the ODSVRA knowingly violated a permit from us by failing to implement a predator management plan to control loggerhead shrike (*Lanius ludovicianus*) predation on California least tern and western snowy plover chicks at the ODSVRA. This letter provides the current status of our discussions regarding the development of a predator management plan as part of your overall conservation management strategy for these species.

Earlier this year, we coordinated with your staff on the development of a conservation management plan to avoid take of California least terns and western snowy plovers at the ODSVRA. Prior to developing this plan, you had incidental take authorization for these species pursuant to a biological opinion (1-8-95-1F-17) we issued to the Army Corps of Engineers (Corps) on January 25, 1996. The Corps served as a federal nexus for formal consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended, because you had applied for authorization from the Corps, pursuant to section 404 of the Clean Water Act, for maintenance of beach access ramps. The Corps, California Department of Parks and Recreation (State Parks), and the U.S. Fish and Wildlife Service agreed that the proposed action included recreational and management activities that were facilitated by the beach access ramps. This incidental take authorization was valid until the Corps determined, in a letter dated May 2, 2001, that the sand access ramps and sand disposal areas at the ODSVRA are above the high tide line and are therefore outside the Corps' jurisdiction. Consequently, the ramp maintenance activities would

Steve Yamaichi, District Superintendent

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not result in the discharge of dredged or fill material into waters of the United States and do not require a Corps permit. Therefore, the Corps withdrew the section 7 consultation for the project, leaving the ODSVRA without a section 7 nexus or incidental take authorization.

During our negotiation of the conservation management plan to avoid take of California least terns and western snowy plovers at the ODSVRA, we discussed the need to develop a predator management plan because data from the 2000 breeding season indicated that loggerhead shrike predation of California least tern and western snowy plover chicks may be affecting productivity of both species in the area. Our decision at that time was to collect another year of data on predation by loggerhead shrikes and other native and non-native predators in the area, and then begin discussions on the development of a predator management plan, if necessary, following the 2001 breeding season. Predator management plans developed for other areas within the ranges of the California least tern and western snowy plover (e.g. Monterey Bay) have been based on several to many years of data on predator interactions with these species. Particularly when managing native predators, we believe it is necessary to have adequate baseline information before predator control or management is undertaken. Since the loggerhead shrike is a California special concern species, a U.S. Fish and Wildlife Service migratory nongame bird of management concern, and also on the Audubon Society's state WatchList for California, we believe that management of this species needs to be carefully planned.

On July 30, 2001, our staff met with you and your staff to discuss California least tern and western snowy plover management at the ODSVRA. At that meeting we discussed loggerhead shrike predation on the western snowy plover and the need to develop a predator management plan after the 2001 breeding season. We also discussed investigating the potential for selective and limited predator control that could be carried out during this season. State Park staff made appropriate inquiries to independent wildlife experts and confirmed that it is prudent to continue to collect data on predation during this season and develop and implement a predator management plan for next season.

In summary, we agree with you that a predator management plan has not yet been developed for the ODSVRA and that we have not required you to prepare one as a result of any past permit, biological opinion, or the conservation management plan we concurred with in a letter dated May 24, 2001. We plan to meet with you following the 2001 breeding season to further discuss this issue and strategize an approach to address predator management issues at the ODSVRA.

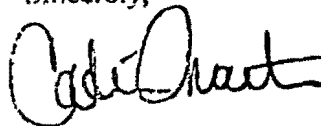
You also requested a summary of the history of the California least tern and western snowy plover management program at the ODSVRA. For this summary, we refer you to our concurrence letter of May 24, 2001 (enclosed) that is referenced above. This letter provides a detailed summary of the management program at the ODSVRA and should aid the Commission in understanding your efforts to preserve and protect habitat for California least terns and western snowy plovers, as well as the extensive coordination between our agencies and others regarding this issue.

Steve Yamaichi, District Superintendent

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We appreciate your continued commitment to manage portions of the ODSVRA for the conservation of California least terns and western snowy plovers and look forward to continued coordination with you on your management program. If you have any questions, please contact Steve Henry or David Pereksta of my staff at (805) 644-1766.

Sincerely,



Diane K. Noda
Field Supervisor

Enclosure



Off-Highway Motor Vehicle Recreation Division

The Resources Agency, California State Parks 1725 23rd St. Suite 220, Ca 95816-7100 • P.O. Box 942936 • Sacramento • California 94296-0001 • E-Mail: pubinfo@parks.ca.gov
Rusty Areias, Director

David Widell, Deputy Director



September 5, 2001

W 18-C

Honorable Sara Wan, Chair
California Coastal Commission
22350 Carbon Mesa Road
Malibu, California 90265

RECEIVED

SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Chair Wan:

On behalf of Oceano Dunes State Vehicular Recreation Area (ODSVRA), I am urging the California Coastal Commission to deny Appeal No. A-3-SLO-01-061, regarding maintenance of the Pier Avenue sand ramp, for the following reasons:

1. The issues raised by the appeal were thoroughly considered by San Luis Obispo County during its permitting process. Prior to approving the permit, the County completed a lengthy public review and comment period. The County Planning Commission held public hearings on Minor Use/Coastal Development Permit #D960168P on March 23 and May 25, 2000, and approved the permit, with conditions, on July 12, 2000. The Board of Supervisors held an appeal hearing on February 13, 2001, and heard testimony by Appellant Nell Langford on the same issues that are now before the Coastal Commission. After careful consideration of these issues, the Board denied the appeal.

The issues brought up in this Coastal Commission appeal are as follows:

- The project significantly negatively impacts the pedestrian beach access historically located south of Pier Avenue; and
- The project significantly negatively impacts the environmental habitat.

The County's responses to these issues are described in a February 13, 2001, County Department of Planning and Building Staff Report by Pat Beck and Steve McMasters. The County found the project to be consistent with the County's General Plan and Local Coastal Program and with the public access and recreation policies of Chapter 3 of the California Coastal Act. The County determined that the project would not interfere with the public's right of access to the beach because the work needed to maintain the ramp only takes about an hour to complete, and interference with public access is minimal. The County noted that by providing pedestrian, vehicular, and equestrian access to the beach area, the ramp facilitates recreational access. Ramp maintenance does not significantly negatively impact pedestrian beach access.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.27

In addressing issues pertaining to ramp access impacts on environmental habitats, in particular on the snowy plover, the County correctly deferred to the U.S. Fish and Wildlife Service (FWS). The FWS and the California Department of Fish and Game (DFG) are the agencies responsible for assuring that ODSVRA activities do not conflict with the State and Federal Endangered Species Acts (CESA and FESA) and the California Fish and Game Code. ODSVRA has been consulting with both agencies to determine the best means to assure compliance with the CESA and FESA.

As a result of this ongoing consultation, DFG issued a letter on May 8, 2001, identifying least tern take avoidance measures. In this letter, DFG concluded that implementation of those measures would avoid take of least terns. Furthermore, the FWS issued a May 24, 2001 letter of concurrence with the plan to avoid take of California least terns and western snowy plovers at ODSVRA. The FWS concluded that, provided all measures described in both the DFG letter of May 8 and in the May 24 FWS letter are implemented, take of western snowy plovers and California least terns would not likely occur. All measures described in both letters, including those that avoid impacts due to sand ramp maintenance, are being fully implemented at ODSVRA.

Additionally, DPR is working with FWS and DFG on preparation of a regional Habitat Conservation Plan (HCP) that will include not only the ODSVRA, but also all Department of Parks and Recreation (DPR) beaches in San Luis Obispo County. While the HCP is in preparation, ODSVRA continues to work closely with both the FWS and DFG, as described below, to address ongoing protection, management, and monitoring of the listed species.

2. The ODSVRA Technical Review Team (TRT) prescribed by Commission Permit Amendment 4-82-300-A5 is the appropriate venue to address the broad range of environmental issues at ODSVRA. The ramp permit under appeal is strictly related to ramp maintenance to maintain access at Pier Avenue and should not trigger review of activities at the rest of ODSVRA, all of which are regulated under a separate Coastal Development Permit amendment issued May 7, 2001. That permit amendment, CDP 4-82-300-A5, was issued only after an extensive public hearing process and contains several conditions that address specific issues brought up at Coastal Commission hearings.

The most significant of these conditions is the requirement to establish a TRT that will provide on-going management recommendations to the ODSVRA Superintendent. The TRT will be part of an adaptive management process that oversees on-going monitoring and management of both environmental and use trends in the ODSVRA. To date, we have confirmed eight of the required 10 members. We are continuing discussions with environmentalists and off-highway vehicle users to finalize their respective TRT nominees. We are also in the process of choosing a facilitator and have scheduled the first meeting in

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October. As you know, the Scientific Sub-Committee of the TRT is a critical step in developing, performing, and providing scientific knowledge under the guidance of independent scientists and resource agency specialists. As we move the TRT forward, we are identifying the make up of the Scientific Sub-Committee and expect to have this group ready to go as part of establishment of the TRT.

Two major issues were apparently raised at the August 2001 Coastal Commission hearing in Redondo Beach: notification procedures for California least tern and western snowy plover mortalities, and predation problems with California least terns and western snowy plovers. As you are aware, the Environmental Defense Center has filed a notice of intent to file a lawsuit regarding various management activities underway at ODSVRA. As a necessary response to the threat of legal action, DPR has developed notification protocols predicated upon the release of mortality related information upon completion of all investigations. To do so prematurely would only fuel uninformed speculation. DPR has agreed to provide notification of such an event upon request, and will release complete results upon completion of the related investigation. To date, the Environmental Defense Center has been made aware of all such mortalities where the investigation has been completed.

Allegations regarding high loggerhead shrike predation of western snowy plover hatchlings are simply not based in fact. ODSVRA monitors report only seven probable such deaths having occurred this year. As you know, simple removal of the loggerhead shrike isn't necessarily the best answer from an ecosystem standpoint, nor has such an action been required or suggested by the DFG or FWS as an ultimate solution. Also, the shrike itself carries listed species protected status, which has to be taken into account when considering any kind of predator management solutions. Upon completion of the 2001 breeding season and after monitoring data has been analyzed, ODSVRA staff, plover experts, and FWS and DFG staff will meet to determine the extent of the loggerhead shrike problem and determine a strategy for reducing mortality from this source during the 2002 breeding season.

In addition to measures noted above, DPR has stepped up a number of efforts to ensure that western snowy plover and California least tern populations found at ODSVRA are being protected to the fullest extent possible:

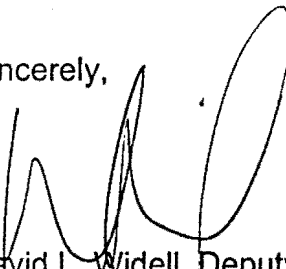
- ODSVRA is included in the County-wide State Beach Habitat Conservation Plan (HCP) that is being prepared by DPR under contract with California State University, Monterey Bay. The HCP will address impacts of specific recreational uses at State Beaches on listed and other special-status species and identify measures to minimize and mitigate impacts.

Honorable Sara Wan, Chair
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- State Park biologists were contributors to the recently published Draft Snowy Plover Recovery Plan, and both management and staff are committed to assisting with the recovery of the snowy plover as described in the Draft Plan. The Plan acknowledges the need to balance recreational opportunities and habitat protection and acknowledges the positive efforts conducted at ODSVRA to successfully achieve this balance.

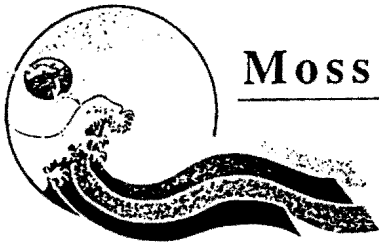
I hope this information fully addresses the issues that have been raised, as well as acknowledges the many resource protection measures that have been carried out to date at ODSVRA. I've included attachments that provide additional information regarding our efforts at ODSVRA.

Sincerely,



David L. Widell, Deputy Director
California State Parks
Off-Highway Motor Vehicle Recreation Division

Attachments



Moss Landing Marine Laboratories

8272 Moss Landing Road, Moss Landing CA 95039-9647 USA

Tel: (831) 632-4400 Fax: 632-4403

(<http://color.mlml.calstate.edu/www/>)

WIRE RECEIVED

SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 22, 2001

To: David L. Widell, Deputy Director
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division

In your recent letter you requested information about research and management measures that have been implemented to protect western snowy plovers and California least terns at Oceano Dunes SVRA, in the form of two questions:

1. How would you rate the current effectiveness of the Oceano Dunes SVRA habitat recovery, data collection, and the overall program management of the western snowy plover (WSP) and the California least tern (CLT)?
2. How significant is the WSP and CLT habitat at Oceano Dunes SVRA compared to the overall WSP and CLT habitat in the San Luis Obispo region and the state?

As you know we have been monitoring and protecting snowy plovers and California least terns at Oceano Dunes SVRA for over 10 years. In fact this program began a full 2 years before the snowy plover was listed as a threatened species under the Federal Endangered Species Act. During that 10-year period we have monitored over 350 snowy plover and least tern nests and have protected them as needed from vehicle, pedestrian, and equestrian traffic. There are several indicators of the success of the numerous measures that have been implemented at this site. For example, we see a very consistent pattern in the numbers of plovers that use the SVRA beaches at different times of the year, when comparing multiple years. We also see a consistent number of plover nests within the SVRA from year to year. The number of least terns nesting within the SVRA has varied over the past 10 years, but the number of nests that have been established at Oceano Dunes has risen dramatically over the past 5 years. At present the staff at Oceano Dunes is in their third season of a snowy plover chick banding program that has been key to understanding fledging rates and for identifying human and non-human impacts that can be ameliorated through future changes in their management strategies. Today, the level of research, monitoring, and protection of plovers and terns at Oceano Dunes SVRA continues to exceed that found at all but a few beaches in California.

To the plovers and terns that are successfully nesting or for plovers wintering at this site, Oceano Dunes is very significant. In terms of the overall geographic range of these two species, the beach is of relatively minor importance. However, the San Luis Obispo coast contains some of the most important habitat remaining in California for these two species and Oceano Dunes is a by far the region's leader in terms of actively managing for the conservation of plovers and terns. The habitat conservation plan that we are currently developing is based primarily on the program that has been implemented at Oceano Dunes and will address the management and conservation of plovers and terns along all of the State Beaches in the county. This plan will also be important in demonstrating to other private and municipal stakeholders in the region exactly how to go about developing their own management strategies for protecting these two species on their beaches. In truth, the beach habitats at Oceano Dunes may not be nearly as significant to plovers and terns in the region and the state as are the staff and management which have proven time and time again to be completely committed to their conservation.

I of course communicate with other researchers and State and Federal Agency persons concerned with plover and tern conservation, and have done so for over 10 years. I think it is very important to note here the fact that most people in this field are not particularly concerned about the Oceano Dunes SVRA. They've read the reports, they've talked to myself and to other people who have worked at the site, and they have made their own first hand observations. The problems that are faced by plovers and terns in California are being dealt with at Oceano Dunes SVRA and they are being dealt with successfully. What is of great concern to most people in the field are the many beaches in California that do not have monitoring programs and management plans. State Parks, and Oceano Dunes SVRA in specific, are the forefront of changing this situation and in those terms I consider Oceano Dunes to be very significant. I hope this information is helpful to your continuing efforts regarding plover and tern management and conservation.

Sincerely,

Dr. Robert K. Burton

Moss Landing Marine Laboratories

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Exhibit G, p.31



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

May 24, 2001

Dennis A. Doberneck, District Superintendent
Oceano Dunes District
California Department of Parks and Recreation
576 Camino Mercado
Arroyo Grande, California 93420

Subject: Request for Concurrence on Plan to Avoid Take of California Least Terns and Western Snowy Plovers at the Oceano Dunes State Vehicular Recreation Area, San Luis Obispo County, California

Dear Mr. Doberneck:

We have reviewed your request, dated May 23, 2001, for our concurrence that the continued operation of the Oceano Dunes State Vehicular Recreation Area (ODSVRA), San Luis Obispo County, California, will not result in take of the federally endangered California least tern (*Sterna antillarum browni*) and the threatened western snowy plover (*Charadrius alexandrinus nivosus*) through the remainder of the 2001 breeding season. This request has been necessitated by the recent withdrawal of the incidental take exemption for the ODSVRA provided through a biological opinion (1-8-95-F-17), pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act), with the U.S. Army Corps of Engineers (Corps). In the past, the Corps had provided authorization to you under a Regional General Permit (RGP), pursuant to section 404 of the Clean Water Act, for sand ramp maintenance activities at the ODSVRA. However, on May 2, 2001, we received a letter from the Corps notifying us that they are no longer taking jurisdiction over these activities and thereby not providing a federal nexus suitable for section 7 consultation. Thus, until you can obtain an incidental take permit, pursuant to section 10(a)(1)(B) of the Act, you will need to ensure that recreational, maintenance, and operational activities at the ODSVRA do not result in take of the California least tern and western snowy plover. As a result, you have incorporated additional management measures into the operation of the ODSVRA, to ensure continued operations, will not likely result in take of the California least tern and western snowy plover.

Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." U.S. Fish and Wildlife Service (Service) regulations (50 CFR 17.3) define "harm" to include significant habitat

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Exhibit G, p.32

modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

The ODSVRA lies within a large beach and dune complex which extends from the north end of Pismo State Beach to Mussel Point in Santa Barbara County. This area, frequently referred to as Pismo and Nipomo Dunes, is one of the three largest beach and dune complexes along the central California coast. California least tern nesting colonies in northern Santa Barbara and southern San Luis Obispo counties constitute a relatively small portion of the state-wide population. The Oso Flaco Lake area is identified as a key habitat unit in the California least tern recovery plan (U.S. Fish and Wildlife Service 1980). The Service is unaware of data indicating California least terns nested within the ODSVRA prior to 1990. The degree to which the lack of data reflects an absence of nesting California least terns within the ODSVRA prior to 1990 or the extent to which the lack of data is an artifact of survey effort is unknown. Information regarding survey methods and results within the ODSVRA since 1990 can be found in Dougherty (1990), Burton et. al. (1991, 1993, 1994a, 1994b, 1996), Tipton and Burton (1997), Tipton (1998, 1999, 2000), and California Department of Parks and Recreation (2001). The following table provides a summary of California least tern nesting activity at the ODSVRA since 1991. Fluctuations in the number of breeding pairs at the ODSVRA are most likely a result of inter-colony movement with other nearby breeding sites.

California least tern nesting activity at the ODSVRA 1991-2000.

| YEAR | NESTS | EGGS | NESTS HATCHED | CHICKS HATCHED |
|------|-------|------|---------------|----------------|
| 1991 | 6 | 10 | 2 | 4 |
| 1992 | 4 | 7 | 1 | 2 |
| 1993 | 0 | 0 | 0 | 0 |
| 1994 | 2 | 4? | 0 | 0 |
| 1995 | 1 | 2 | 0 | 0 |
| 1996 | 0 | 0 | 0 | 0 |
| 1997 | 21 | 34 | 3 | 6 |
| 1998 | 40 | 64 | 26 | 40 |
| 1999 | 34 | 61 | 21 | 38 |
| 2000 | 5 | 10 | 4 | 8 |

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Exhibit G, p.33

Western snowy plover nesting has been monitored within the ODSVRA since the 1992 nesting season. ODSVRA monitoring methods and results are described in Burton (1993, 1994a, 1994b, 1996), Tipton and Burton (1997), Tipton (1998, 1999, 2000), and California Department of Parks and Recreation (2001). The following table provides a summary of western snowy plover nesting activity at the ODSVRA since 1992. A substantial decline in the number of western snowy plovers nesting at the ODSVRA between 1998 and 1999 may initially be due to the El Niño conditions in 1998. Similar declines were noted at breeding sites throughout the range of the western snowy plover during that same period. Nesting season counts of adults and juveniles and accurate estimates of fledging success are not provided in these reports.

Western snowy plover nesting activity at the ODSVRA 1992-2000.

| YEAR | NESTS | EGGS | NESTS HATCHED | CHICKS HATCHED |
|------|-------|---------|---------------|----------------|
| 1992 | 35 | no data | 2 | no data |
| 1993 | 16 | 47 | 5 | 12 |
| 1994 | 33 | 84 | 11 | 22 |
| 1995 | 31 | 69 | 10 | 20 |
| 1996 | 32 | 67 | 6 | 12 |
| 1997 | 30 | 76 | 10 | 24 |
| 1998 | 42 | 86 | 32 | 73 |
| 1999 | 13 | 37 | 9 | 23 |
| 2000 | 17 | 49 | 14 | 33 |

Several California least tern mortalities resulting from vehicle use have been documented within the Oceano Dunes SVRA. Individual eggs were runover in 1991 (Burton and Kutilek 1991) and 1993 (Burton and Kutilek 1994), and individual chicks were found dead in vehicle tracks during 1998 (Tipton 1999) and 1999 (Tipton 2000). In addition, at least one nest is believed to have been abandoned as a result of vehicular disturbance near the nest (Tipton 1998).

There have also been several recorded incidents of western snowy plover mortality resulting from vehicle use at the Oceano Dunes SVRA. An adult western snowy plover and an egg were runover by a vehicle during the 1995 nesting season (Burton, Crump, and Kutilek 1996) and two chicks (one dead and one injured) were found in a tiretrack in 1997 (Tipton 1998). In addition, a dead western snowy plover was found in a human footprint in an area south of the riding area during 1998 (Tipton 1999).

Dennis A. Doberneck, District Superintendent

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We have had a history of coordinating on management issues for California least terns and western snowy plovers at the ODSVRA. The California Department of Parks and Recreation (State Parks) had applied for authorization from the Corps, pursuant to section 404 of the Clean Water Act, for maintenance of beach access ramps. The Corps, State Parks, and the Service agreed that the proposed action included recreational and management activities that were facilitated by the beach access ramps. These activities include vehicle access, Off-highway vehicle (OHV) riding, car camping, and a variety of traditional beach uses including sunbathing, surfing, fishing, beachcombing, camping, dogwalking, horseback riding, and wildlife viewing. The sand ramps also provide vehicle access to ODSVRA personnel involved in safety, law enforcement, and other management activities.

As a result, we issued a non-jeopardy biological and conference opinion to the Corps on January 25, 1996 that provided incidental take exemption for the sand ramp maintenance activities and recreational and other uses where access is facilitated by these ramps. The biological and conference opinion provided several measures to minimize take, including the annual erection of four large seasonal exclosures (North Grand, Dune Preserve, Milepost 8, and Southern Riding Area Boundary), totaling 38.5 acres, to provide disturbance-free areas for California least terns and western snowy plovers to nest.

During the 1998 nesting season, circumstances arose that led you to construct only two large seasonal exclosures instead of the four required in the biological and conference opinion. The North Grand Exclosure had not been used by nesting western snowy plovers for three years and the Dune Preserve Exclosure could not be constructed due to loss of beach sand from El Niño-related storms and tides. The two exclosures that were erected were expanded to encompass the acreage that was described for all four exclosures in the biological and conference opinion. The change in habitat conditions led us to discuss changing the process regarding placement of the seasonal exclosures. As a result, the Corps requested an amendment to the biological and conference opinion to allow a reduction in the number of exclosures from four to two and suggested that the exclosures be placed based on suitable habitat, an assessment of recent nesting, consideration of visitor use patterns, and coordination with the Service. In addition, we suggested that the seasonal exclosures must encompass the same acreage described in the biological and conference opinion, that nesting and chick rearing activity be used to determine the number and placement of exclosures, that nesting and chick rearing areas be identified using Global Positioning System (GPS) technology, and that visitor use patterns be considered when proposing the placement of exclosures.

In response to our concerns, you modified your exclosure protocol to ensure that the intent of the original term and condition is still met while allowing a flexible approach to exclosure placement. As a result, only two exclosures were erected in 1998 and three in 1999, but the size of these was expanded to compensate for the loss of those not erected and the resulting acreage protected during both years was greater than that described in the biological and conference opinion. In addition, the placement of the exclosures also took into account current and

Dennis A. Doberneck, District Superintendent

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historical nesting activity and beach visitor use patterns to maximize the effectiveness of the exclosures.

Upon resolving the issues regarding placement of the large exclosures, the Corps reinitiated consultation with us on March 8, 1999. While the request for reinitiation was being processed, critical habitat was designated for the western snowy plover on December 7, 1999. The Corps requested under separate cover that the conference opinion be converted to a biological opinion. In response to the Corps' request, the Service confirmed the conference opinion as a biological opinion on May 2, 2000.

While we were in the process of completing the new biological opinion, pursuant to the Corps request for reinitiation, the RGP under which the sand ramp maintenance activities were authorized expired on March 21, 2001. The Corps was processing a new RGP for the project, while at the same time processing a nationwide permit (NWP) number 18 to authorize access ramp maintenance while the long-term RGP was being processed. Because the reinitiation of formal consultation for the project was still open, the Corps requested, in a letter dated March 21, 2001, that the Service consider the currently proposed federal actions, authorization under NWP18 and issuance of a renewed RGP, under the March 8, 1999 reinitiation. Although the biological opinion was no longer valid, in a letter dated April 13, 2001, you agreed to continue meeting all its provisions until a new biological opinion was developed and issued.

In a letter to the Service dated May 2, 2001, the Corps determined that the sand access ramps and sand disposal areas at the ODSVRA are above the high tide line and are therefore outside the Corps' jurisdiction. Consequently, the ramp maintenance activities would not result in the discharge of dredged or fill material into waters of the United States and do not require a Corps permit. Therefore, the Corps withdrew its request for reinitiation of section 7 consultation for the project, leaving the ODSVRA without a section 7 nexus.

Several safety and resource management measures have been implemented by you prior to receiving our incidental take exemption in 1996 and additional measures were implemented after the issuance of the original biological opinion for the project. These ongoing measures reduce the risk of take occurring during operation of the ODSVRA and include the following:

1. Rules governing recreational activities at the ODSVRA include the following:
 - a) a speed limit of 15 miles per hour is in effect for the beach and for areas within 50 feet of any camp or group of people;
 - b) motor vehicles must stay out of vegetated areas;
 - c) camping is allowed only on the open dune areas and beach south of Mile Post 2 and campers are required to pack out all trash;

- d) OHV use is restricted to the area south of Mile Post 2; all OHVs must be transported to this point before off-loading; and
 - e) leash laws for dogs are enforced.
2. Both sand ramps are inspected for nesting sites before any maintenance activities are performed. If nests are found, maintenance is postponed until such activities will not disturb the nests.
 3. Beach raking has been discontinued and is not proposed to be resumed.
 4. The ODSVRA has an active public education and interpretive program designed to educate users and the communities surrounding the ODSVRA, as well as all ODSVRA staff, regarding the rules governing recreational use and conservation of the areas natural resource values. This program includes use of interpretive signs to delineate restricted areas and distribution of an interpretive publication to each vehicle entering the ODSVRA. This publication, The Oceano Dunes SVRA Park Brochure, is also given to local chambers of commerce and numerous OHV groups.

Public education focuses on providing information on the management activities taking place within the ODSVRA concerning California least terns and western snowy plovers. This includes handing out fliers at ODSVRA entrance points to all visitors. The fliers provide information on the status of the birds, why they are here, and what the visitors can do to help protect them. Visitors with dogs are given an informational card addressing the requirement and benefit of their dogs being leashed. In the southern non-riding area of the park, the access is marked with Snowy Plover Nesting Area Seasonal Closure signs. These signs describe the western snowy plover and the areas of the beach used for nesting and ask people to avoid walking through the nesting zone.

Training of park staff is involved and includes: recognition of California least tern and western snowy plover adults and chicks, a description of the Act and the prohibitions against take contained within section 9 of the Act, a description of California least tern and western snowy plover use of the habitat within the ODSVRA, a discussion of regulations, permits and guidelines under which the ODSVRA operates, and instruction regarding the measures implemented by the ODSVRA to protect these species. Additionally, members of the maintenance staff are trained in erecting single nest enclosures by a biologist permitted to do so.

Daily reports on California least tern and western snowy plover activities are provided to several of the divisions at the ODSVRA including Visitor Services (which includes the Ranger staff) and Park Maintenance throughout the breeding season. Information contained within these reports includes: general locations of all nests, nest identification numbers, estimated hatch dates, the most recent location of broods, the locations of

roosting birds, areas where nests are likely to be established, and the presence of predators. The purpose of these updates is to notify staff of the locations of birds and nesting activities so they are more aware when they travel through these areas. The daily reports, combined with the training that all park staff receive concerning California least terns and western snowy plovers, can enhance monitoring efforts by providing additional information if staff members report breeding activities or chick locations.

5. Approximately 2,000 acres of the ODSVRA have been fenced and are managed for non-motorized vehicle recreational use and resource management. This area includes the beach and dunes south of the southern riding boundary, Oso Flaco Lake and the surrounding dunes, an unquantified number of vegetated areas throughout the OHV riding area, and the coastal dune scrub area inland of the OHV riding area.

In addition to the above measures, State Parks implements a California least tern and western snowy plover monitoring and management program during the nesting season. This program has three main components. First and foremost is the location of all nest-sites within the ODSVRA. Second, located nest sites are protected with posted fencing (exclosures). Third, western snowy plover chicks are banded in an effort to learn more about the recruitment of chicks into the population. The monitoring program in the ODSVRA includes: censussing adult and juvenile birds, locating nests, documenting behavioral observations, banding western snowy plover chicks, tracking California least tern and western snowy plover chick movement and development, checking western snowy plovers for bands and recording colored band combinations, and implementing species-specific protection measures. All activities are conducted according to Service and California Department of Fish and Game (CDFG) protocols and permits. More detailed information on the methods and procedures for the California least tern and western snowy plover monitoring and management program can be found in the 2000 nesting season report for the ODSVRA (California Department of Parks and Recreation 2001).

In addition to continuing the actions described or referenced above, you had agreed to prepare and implement a California least tern and western snowy plover management plan (HMP). The goal of the HMP, as discussed with you and the Corps, was to ensure that existing habitat values for California least terns and western snowy plovers were protected and enhanced within the context of fulfilling the mission of the ODSVRA to provide vehicular recreational opportunities. The plan's long-term management goal would be to achieve sustainable populations of the California least tern and western snowy plover by preserving core areas for these species within the ODSVRA (California Department of Parks and Recreation 1995).

The Corps, State Parks, and the Service had agreed that this management plan should be a dynamic document that would be updated as needed to reflect any new information regarding the use of the ODSVRA by California least terns and western snowy plovers, changes in management techniques and strategies, and the effectiveness of individual management measures. The Corps and State Parks had also agreed that the management plan and subsequent revisions would be completed in cooperation with the Service. The Service was to provide

guidance, information as requested, and final approval of the management plan and subsequent revisions.

Several drafts of the HMP have been prepared, but a final has never been approved. During this period, you have been implementing measures to meet the intent of the HMP including many of the actions described in the original biological opinion. The HMP is no longer required now that the Corps' authorization has been withdrawn. However, State Parks is currently preparing a habitat conservation plan (HCP), pursuant to section 10(a)(1)(B) of the Act, for the ODSVRA and the other coastal State Park units within its San Luis Obispo District. The HCP would work towards balancing State Park's mandates and management needs of these areas with the needs of listed species including the western snowy plover, California least tern, California red-legged frog (*Rana aurora draytonii*), and Morro shoulderband snail (*Helminthoglypta walkeriana*).

Although you are implementing all of the monitoring and management measures described above, the potential for take of California least terns and western snowy plovers within the ODSVRA continues to exist. Therefore, we recommended additional actions to reduce the potential for take. As a result of those discussions and meetings, you agreed to implement these additional measures during the remainder of the 2001 nesting season. A subset of these measures will continue to be implemented after the nesting season to ensure that western snowy plovers wintering at the ODSVRA are protected. The revisions described in your conservation management plan (California Department of Parks and Recreation 2001) (enclosed) that was provided to us with your request are summarized below:

Exclosures for California least tern and western snowy plover

The following seasonal exclosures, totaling approximately 152.4 acres, will be maintained throughout the 2001 California least tern and western snowy plover nesting season:

| | |
|-------------------------------|------------|
| Post 1.5 Area Exclosure | 3.9 acres |
| Arroyo Grande Creek Exclosure | 9.4 acres |
| Post 7 - Post 8 Exclosure | 79.8 acres |
| Boncyard Exclosure | 17.3 acres |
| East Boncyard Exclosure | 42 acres |

Exclosures specific to the western snowy plover

1. Additional exclosures will be erected and maintained based upon western snowy plover nesting activities as described below.
 - a. The size of individual western snowy plover exclosures will be increased to a 50-meter radius. Fencing material will consist of 4- by 4-inch galvanized wire mesh fence fabric, steel "t" posts and wooden corner and intermediate line posts as needed.

- b. When individual western snowy plover nests established outside of the existing seasonal exclosures are located within 200 meters of an established seasonal exclosure, fencing will be erected to enlarge the seasonal exclosure to encompass the nest site. This fencing will be placed a minimum distance of 50 meters away from the nest site. Fencing will be erected westerly to the surf line from the northerly and southerly exclosure limits when, upon evaluation of the site and western snowy plover chick travel corridor needs, and in the opinion of Service or State Park biologists, such a measure is necessary to afford additional protection to western snowy plovers.
 - c. Western snowy plover nest sites established further than 200 meters from existing seasonal exclosures will be encompassed in new large seasonal exclosures when two or more nests sites are located within 200 meters of each other. Seasonal exclosures so erected will include fencing that extends to the surf line to provide a secure travel corridor for western snowy plover chicks to forage within. Fencing of new seasonal exclosures will maintain a minimum distance of 50 meters from nest sites.
 - d. If a single western snowy plover nest is established further than 200 meters from a seasonal exclosure with no other nest(s) located within 200 meters, State Parks will consult with the Service immediately to determine and agree upon the best management practice for the erection of any fencing in addition to the single nest exclosure fencing described above.
2. If a western snowy plover nest is established within 50 meters of a restroom facility, the following protocols will be implemented:
- a. For chemical toilets, the toilets will be relocated to a minimum distance of 100 meters from the nest site.
 - b. For permanent restroom buildings, the restroom building will be closed to public use and exclosure fencing will be erected to surround and isolate the building to prevent public use. Signs will be posted notifying the public of the facility closure, and the status of the closed area as a western snowy plover nesting area.
3. The bottom edge of wire mesh fencing will be buried 6 to 8 inches deep on the perimeter of all exclosures to prevent or discourage predator access inside the exclosure.
4. The use of twine gridwork across the top of individual exclosures will be discontinued, as the increased diameter of individual exclosures makes this construction detail impractical and the increased distance from the fencing to the nest reduces the risk of avian predation by perching predatory birds.

Management actions within the non OHV area of the ODSVRA

1. Western snowy plover nesting activity occurs within the non-off highway vehicle use area of the ODSVRA in the vicinity of Oso Flaco Creek. This beach area will be monitored bi-weekly during the nesting season. Individual exclosures or symbolic fencing may be erected around nests when, in the opinion of the lead biologist and/or monitors, the exclosure or symbolic fencing is necessary to ensure the protection of nest sites from human disturbance or predation.
2. Symbolic fencing will be erected at the terminus of the boardwalk trail at the beach to direct visitors to the wet sand area of the beach and away from potential nesting and chick rearing areas.
3. Signs explaining western snowy plover natural history and the protection measures in effect will be posted for visitor information and education.

Management actions specific to the California least tern

1. State Parks will implement all provisions and measures for California least tern management and protection that are contained within a letter from the CDFG to State Parks dated May 8, 2001 (enclosed). CDFG and the Service have determined that the measures contained in this letter, if faithfully implemented at the ODSVRA, will avoid take of this state listed, fully protected species.
2. The footbridge hand railing at Oso Flaco Lake is used by California least terns for perching after chicks have fledged and when adult birds are teaching fledglings to fish in the lake. Park visitors will be provided with information about California least tern presence and activity at Oso Flaco Lake and will be provided with guidelines to avoid disturbance of California least terns. If the lead biologist or monitors believe visitor activities are significantly disrupting California least tern behavior, the footbridge may be closed to public use or types of public use on the boardwalk (e.g., fishing) may be temporarily prohibited until California least terns have left the lake area.

Public information and interpretation

1. All visitors entering the ODSVRA by vehicle will be provided with a copy of the ODSVRA park brochure that contains information on the federally and state-listed status of the California least tern and western snowy plover and management actions in place to aid in the recovery effort of these species. ODSVRA visitors will be provided with a flyer or pamphlet describing the natural history of the species, their status under the endangered species acts, recovery efforts in place within the ODSVRA and a list or description of activities either prohibited or desired by the public that serve to protect both California least terns and western snowy plovers. *The Oceano Dunes Forum*, a

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newspaper published for ODSVRA visitors, is not currently in production. If a new edition is published, it will contain an article about the California least tern and western snowy plover, with specific actions for visitors to help assure full protection for these species.

2. All visitors entering the ODSVRA by vehicle will be provided with plastic garbage bags and will be requested to haul trash out of the ODSVRA at the end of their visit. Visitor participation in reducing or eliminating trash within the ODSVRA will discourage predators from frequenting the visitor use area and thus reduce the likelihood of predation on California least terns and western snowy plovers.
3. Trash dumpsters will be provided for the deposit of trash bags near the OHV staging area near Post 2. The location of the trash dumpsters will be changed as necessary to avoid disturbance to any nearby active California least tern or western snowy plover nests. The Service will be consulted and agreement reached with State Parks on the adequacy of relocation distance from nest sites to avoid disturbance to the species or attraction of predators to active nesting areas.
4. Interpretive panels describing the California least tern and western snowy plover population status and threats to their survival will be posted at the entrance to Sand Highway, at Oso Flaco Lake, and at the Pier Avenue and Grand Avenue entrances to the ODSVRA.
5. A travelers advisory radio station will be operational during the 2001 nesting season. The radio station will broadcast information on the California least tern and western snowy plover and actions that visitors can take to help assure their survival. The radio station should be in full operation before July 1, 2001.
6. Visitors entering the ODSVRA by vehicle will be provided with an informational handout about the ill effects of unleashed dogs on wildlife. Pedestrian visitors with dogs who have not entered the recreation area by vehicle will be provided the same pamphlet by ODSVRA patrol staff.

California least tern and western snowy plover biological monitoring

1. During anticipated high visitor use periods as determined by historic visitor attendance records (e.g., Memorial Day Weekend, July 4th Weekend, Labor Day Weekend and weekends in the month of August), monitoring staff will provide extended hours of monitoring within the riding area of the ODSVRA. Monitoring will take place between the hours of 0700 and 2030 to enable a better identification of potential human use-related threats to California least terns and western snowy plovers and to summon law enforcement assistance if needed to prevent or eliminate any human use-related threats to these species. Monitoring will be focused primarily in the areas of highest visitor

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Exhibit G, p.42

concentration within the nesting habitat areas located between Arroyo Grande Creek and the north end of the Post 7 - 8 enclosure.

2. Point Reyes Bird Observatory (PRBO) has been contracted by State Parks to furnish a lead biologist for the 2001 California least tern and western snowy plover nesting season. Mr. Laird Henkel has been designated as the lead biologist for the onsite coordination of all monitoring activities within the ODSVRA through September 30, 2001, the end of the nesting season. The lead biologist will consult with the Associate State Park Resource Ecologist assigned to the ODSVRA and make recommendations, present findings and coordinate modifications to California least tern and western snowy plover protocols when approved by the Service and State Parks.
3. State Parks will ensure that a minimum of two monitors are on duty daily through the nesting season to implement all monitoring protocols. Monitors will be those individuals approved by the Service for this function.
4. During holiday periods, one monitor will be assigned the specific duty during daylight hours of ensuring that no unauthorized entry is made into the north end of the Post 7 - 8 large seasonal enclosure at the surf line.
5. Monitoring of California least terns and western snowy plovers will occur daily from 0700 to 1600, except for holidays and anticipated high visitor use periods when extended hours of monitoring activity will be implemented.
6. The banding of newly hatched western snowy plover chicks will be continued throughout the 2001 nesting season under the direction of a permitted master bander and using protocols approved by the Service. State Parks will report all banding data and records per guidelines established by the Service and PRBO.
7. Monitors will select and track western snowy plover chicks and broods hatched from the Arroyo Grande Creek or Post 1.5 enclosures to determine travel routes and travel patterns associated with foraging and exploration. Information gathered by this monitoring will be used during the 2001 nesting season and subsequent nesting seasons to establish additions to or reconfiguration of existing enclosures, to establish the need for fenced travel corridors, or serve to modify other measures to allow better protection for western snowy plovers. Should broods originating from these enclosures travel into areas of the ODSVRA open to vehicle use, monitors will attempt to follow the brood, identify threats to brood movement or safety, obtain assistance as necessary from ODSVRA patrol staff, and will oversee the erection of signs and/or symbolic fencing to assure brood safety until they reach a non-vehicle use area of the ODSVRA. Should the broods engage in foraging activity in the wrack line near these enclosures, vehicle traffic flow will be diverted or regulated to allow safe movement of the brood.

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8. State Parks will coordinate California least tern and western snowy plover monitoring activities and share information on western snowy plover brood movement, information on banded bird sightings, and incidents of predation or human-related nest disturbance with monitoring staff working at the Guadalupe-Nipomo Dunes National Wildlife Refuge, at the Unocal Oil Field, and at Rancho Guadalupe County Park. This will help to better understand western snowy plover movements and habitat preferences and to recognize, and be able to better plan for and eliminate, threats to the western snowy plovers to avoid take within the ODSVRA as well as on a regional basis.

Maintenance activities

1. All protocols for maintenance activities and movement and routing of maintenance vehicles contained in the biological opinion will remain in effect.
2. At least one vehicle will be present and available within the ODSVRA daily from 0800 to 1500 through the 2001 nesting season with all tools and equipment necessary to immediately construct nest enclosure(s) for western snowy plovers or California least terns when requested by monitoring staff.
3. Maintenance staff will carry trash bags in each vehicle and provide them to visitors for the removal of trash and litter from visitor use areas.

Patrol activities

1. Patrol Ranger staff will routinely and aggressively enforce dog leash laws and speed limits of vehicles on the beach as a focused law enforcement action through the 2001 nesting season. During periods of anticipated high visitor use, additional patrol staff will be dedicated solely to this focused law enforcement function to eliminate threats to western snowy plovers or California least terns associated with those visitor activities.
2. During anticipated high visitor attendance periods, patrol ranger staff will focus enforcement action on ensuring that the integrity of enclosures is maintained and that no vehicle or pedestrian trespass occurs with western snowy plover or California least tern enclosures.
3. The response to requests by monitors for assistance, with California least tern and western snowy plover protection and security, and the enforcement of laws affecting the safety of California least terns and western snowy plovers will be the highest non-emergency priority for law enforcement focus and action within the ODSVRA.
4. During weekdays (Monday through Thursday), a minimum of two ranger/peace officers will be on duty and available from 0700 through 2000 hours each day to enforce dog

leash laws and speed limits on the beach and to respond to requests for assistance by monitors for the protection of California least terns and western snowy plovers.

5. During non-holiday weekends (Friday through Sunday), a minimum of three ranger/peace officers will be on duty and available from 0600 through 2400 hours each day to enforce dog leash laws and speed limits on the beach and to respond to requests for assistance by monitors for the protection of California least terns and western snowy plovers.
6. During holiday periods ranger/peace officers will be on duty 24 hours per day. From 0700 to 2000, a minimum of four ranger/peace officers will be on duty at any one time. From 2000 to 0200, a minimum of three ranger/peace officers will be on duty at any one time. From 0200 to 0700, two ranger/peace officers will be on duty. During mid day periods, when visitor attendance is highest, as many as six ranger/peace officers will be on duty. During all shifts, ranger/peace officers will be available to enforce dog leash laws and speed limits on the beach and to respond to requests for assistance by monitors for the protection of California least terns and western snowy plovers. During daylight hours, two ranger/peace officers will be assigned the primary duty of patrolling nest enclosure areas and ensuring that no entry is made into enclosures established for California least tern and western snowy plover nest site protection.

District Superintendent orders

The District Superintendent of ODSVRA will issue orders: 1) establishing a buffer zone around individual nest enclosures prohibiting the stopping or standing of vehicles within 50 feet of the enclosure perimeter fencing, 2) prohibiting kite flying within the ODSVRA during the California least tern and western snowy plover nesting season, and 3) closing the Oso Flaco Lake footbridge to all public use and occupancy during those periods when California least tern chicks are present and being taught to fish, if necessary.

Adaptive management

Although the management measures and protocols contained in this proposal and within the biological opinion and other documents referenced above represent the best management practices at this time, adaptive management practices may be employed in the protection efforts for California least terns and western snowy plovers during the course of the 2001 nesting season. Adaptive management will be used to provide management flexibility to best afford protection for these species. Program adaptations could result from the following:

1. changes in management actions based upon assessment of the effectiveness of the protocols proposed herein;
2. observations of California least terns or western snowy plovers by field monitoring staff which indicate the measures being employed are effective;

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3. input from the Service or CDFG on more recent findings on management of the species, and;
4. recognition and response to currently unforeseen threats to the species or other factors.

Provided that the measures described or referenced in this letter are implemented, the Service concurs with your conclusion that take of California least terns and western snowy plovers will not likely occur during the operation of the ODSVRA during the remainder of the 2001 breeding season. Our concurrence on the applicability of these measures is specific to the operation of the ODSVRA and may not be applicable at other State Park units or other areas where these species occur. In addition, we believe this is a short-term solution for the balance of the 2001 breeding season and the ensuing wintering period for western snowy plovers. If circumstances or conditions change at the ODSVRA, these same measures may not be applicable in future years.

We also concur that uses within the riding area of the ODSVRA are not resulting in take of the federally threatened California red-legged frog or adverse effects to the endangered Gambel's watercress (*Rorippa gambellii*), la Graciosa thistle (*Cirsium loncholepis*), and marsh sandwort (*Arenaria paludicola*) because these species are not known to occur within this area. Although these species occur or may occur in the non-riding areas of the ODSVRA, no activities currently occur or are planned within this area that would result in take of California red-legged frogs or result in violations of federal, state, or local laws as they apply to the Gambel's watercress, la Graciosa thistle, and marsh sandwort. We have consulted with the Corps in the past on projects within the non-riding area that had the potential to adversely affect California red-legged frogs and we will continue to consult with the State Parks and, as appropriate, the Corps as new projects arise that may affect these species.

Please note that implementation of the measures described in this letter does not constitute authorization of take. If circumstances arise indicating that any action may result in take or if a take occurs, activities resulting in take should be suspended and the Service should be contacted immediately. Within three working days of such an incident, a written notification shall be provided that includes a report of the circumstances that led to the injury or mortality and a description of the changes in activity protocols that will be implemented to reduce the likelihood of such injury or mortality.

As you know, an exception to the federal prohibition against take of listed species may be authorized by the Service through an incidental take permit issued pursuant to section 10(a)(1)(B) of the Act. We look forward to your application with a HCP that describes, among other things, how the impacts of the proposed taking of federally listed species would be minimized and mitigated and how the plan would be funded. A complete description of the requirements for an HCP can be found at 50 CFR 17.32.

We appreciate State Parks willingness to undertake actions to further the conservation of California least terns and western snowy plovers at the ODSVRA and look forward to continued

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coordination on the draft HCP for the ODSVRA and the other park units within the San Luis Obispo District of State Parks. If you have any questions, please contact David Percksta of my staff at (805) 644-1766.

Sincerely,

Diane K. Noda

Diane K. Noda
Field Supervisor

Enclosures

cc: Miel Corbett, California/Nevada Operations Office, U.S. Fish and Wildlife Service
Bob Stafford, California Department of Fish and Game
Renee Brooke, California Coastal Commission

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GRAY DAVIS, Governor



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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CA DEPT. PARKS & RECREATION

MAY 11 2001

OCEANO DUNES DISTRICT

May 8, 2001

Dennis A. Doberneck, District Supervisor
Oceano Dunes District
Department of Parks and Recreation
576 Camino Mercado
Arroyo Grande, CA 93420-1816

Dear Mr. Doherneck:

As you know, the Department of Fish and Game (DFG) and Department of Parks and Recreation (DPR) have been discussing additional measures to ensure that California least terns are not killed or injured at Oceano Dunes State Vehicle Recreation Area (ODSVRA) as a result of off-highway vehicle use. The result of those discussions has been the identification of measures that DFG believes are sufficiently protective to avoid any "take" of least terns at ODSVRA. The purpose of this letter is to identify the measures that we believe DPR has agreed to implement and to state DFG's opinion that those measures, if diligently implemented, will avoid "take" of least terns and help to ensure that activities at ODSVRA comply with the California Fish and Game Code.

California least terns are fully protected birds under section 3511 of the Fish and Game Code, and "take" of these birds is prohibited except for authorized scientific and livestock protection purposes. The biological opinion issued by DFG in 1996 for work on the ramps at ODSVRA appeared to sanction the incidental take of least terns even though such take is prohibited under section 3511. Furthermore, the statute that allowed for a State agency to obtain take authorization under the California Endangered Species Act (CESA) through a consultation with DFG was repealed January 1, 1999. As a consequence, the biological opinion issued by DFG in 1996 cannot be relied on today as authorization for take of least terns. Given the least tern's status as a fully protected bird, activities at ODSVRA will need to be conducted in a way that avoids all take, except that which may be authorized for scientific purposes.

The public is given vehicular access within the ODSVRA along 5.5 miles of beachfront shoreline south from Grand Avenue in the City of Grover Beach. Park visitor use activities, including camping and off-highway vehicle (OHV) use occur upon approximately 1,500 acres

Conserving California's Wildlife Since 1870

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May 8, 2001
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consisting of generally barren, active sand sheets and dunes. Approximately 300,000 highway vehicles and 85,000 OHVs are driven in the ODSVRA each year. Approximately 350,000 people enter the ODSVRA on foot annually and predominately walk along the shoreline.

Least tern breeding colonies, nest establishment, and chick rearing occurs upon the barren sands in areas of the ODSVRA open to OHV use and camping. The least terns arrive on the California coast in mid-May to late June from wintering areas between southern coastal Mexico, Central and South America. They nest in small depressions on white sand beaches and a few alkali flats from South San Francisco into Baja California. In the United States, California nesting areas are often within managed exclosures adjacent to millions of beach goers and coastal recreation of all kinds. Young terns fly three weeks after hatching, but their parents continue to feed them until they have migrated south again.

Since 1997, the ODSVRA has undertaken monitoring activities, analysis of data collected during monitoring activities, and completion of annual reports for the breeding and nesting season of the least tern. These activities were designed not only to meet the requirements of the U. S. Fish and Wildlife Service (USFWS) Biological Opinion 1-8-95-F/C-17, but to ensure breeding and nesting success within the ODSVRA operational boundaries. The USFWS Biological Opinion may be replaced with a habitat conservation plan for the ODSVRA. Whether or not a habitat conservation plan is prepared, the measures identified in this letter are intended to provide increased protection for least terns to help ensure compliance with section 3511 until a more formal management plan and protocol is in place.

DFG understands that DPR plans to implement the following measures to ensure least terns are not taken during OHV use at ODSVRA:

1. The ODSVRA District Superintendent will oversee implementation of measures to avoid take of the least tern and will be responsible for communicating with DFG about such implementation. The ODSVRA Associate State Park Resource Ecologist will serve as a designated substitute for these purposes. As of the date of this letter, the ODSVRA District Superintendent is Dennis A. Doberneck and the Associate State Park Resource Ecologist is Laura A. Gardner (mailing address of 576 Camino Mercado, Arroyo Grande, CA 93420; phone: (805) 473-7230).

Dennis A. Doberneck
May 8, 2001
Page 3

2. DPR will ensure that all measures set forth in USFWS Biological Opinion # 1-895-F/C-17 to protect terns are implemented by the ODSVRA, its contractors or other agents, except that more protective measures described below will be implemented in place of the corresponding provisions in the USFWS Biological Opinion. The measures in the opinion will continue to be implemented regardless of whether the opinion remains in effect between DPR, USFWS and the Army Corps of Engineers.
3. The size of the exclosure areas surrounding tern nests will be increased in size as follows: exclosure fencing will be installed at least 45 feet from each least tern nest, to provide a circular exclosure of at least 90 feet in diameter around a single nest. This exclosure is an increase from the 15-foot setback (i.e., a 30-foot diameter circular exclosure around a single nest) required by the USFWS Biological Opinion. An exclosure will be established around each nest such that vehicles and pedestrians cannot pass closer than 45 feet to the nest, and a new or expanded exclosure will be established immediately if a new nest is found outside an existing exclosure or closer than 45 feet to an edge of an existing exclosure. In the event chicks are observed traveling outside an exclosure or if a nesting pair establishes a new nest outside of the original exclosure, the exclosure will be increased to provide a 90-foot buffer between the nests and fencing (i.e., a 180-foot diameter circular exclosure around a single nest). If chicks travel outside of an expanded 180-foot diameter exclosure or if a nesting pair establishes a new nest outside of the expanded exclosure, a new exclosure will be constructed to provide a 180-foot buffer between the nest and fencing (i.e., a 360-foot diameter circular exclosure around a single nest). Doubling of the setback distance will continue in this fashion if chicks or nesting pairs are observed leaving the expanded exclosure. DPR may adjust an exclosure's size and shape as necessary for public safety purposes or as required by topography or other physical features, but will first obtain written concurrence from DFG that sufficient protection will be provided with the modification to avoid the take of least terns.
4. Exclosures fences will be constructed with 1.8-m steel t-stakes placed at 3-m intervals and surrounded with 1.2-m

Dennis A. Doberneck
May 8, 2001
Page 4

steel roll fencing (2" x 4" mesh). The bottom of the steel mesh will be buried eight inches below grade to prevent predators from entering the exclosure. DPR may modify fence construction details, but will first obtain written concurrence from DFG that the modifications will provide sufficient protection for least terns, including adequate protection from predation, given the size and location of the enclosure.

5. Knowledgeable and experienced biologists approved by DFG will be retained by ODSVRA as biological monitors to help avoid mortality or injury to least terns. The biological monitors will inspect and survey all areas of least tern nesting habitat daily for the presence of least tern breeding pairs, nest building activity or nest establishment. If a new least tern nest is located outside an exclosure area in a location with vehicular, equestrian, or pedestrian traffic, or otherwise subject to potentially adverse impacts, biological monitors will immediately contact ODSVRA and coordinate the erection of a nest site exclosure. The monitor will remain near the nest site to redirect traffic from the immediate area until a nest exclosure can be erected. The biological monitors will also ensure compliance with other measures identified in this letter.
6. ODSVRA will provide biological monitors with the express authority to order any immediate changes in ODSVRA activities that are necessary to ensure the measures identified in this letter are followed, to otherwise avert a risk of mortality or injury of least tern, or to stop any activity that cannot be or has not been brought into immediate compliance with the measures identified in this letter. DFG and USEWS will be notified the same day or within 24 hours of any circumstances that led biological monitors to take actions described in this paragraph, or to otherwise avert threatened mortality or injury to least terns.
7. Each biological monitor will be supplied with an operable cellular phone or ODSVRA radio for the purpose of efficient communication on site.
8. Each biological monitor shall be supplied with a copy of this letter for the purpose of ready reference in the field.

Dennis A. Doberneck
May 8, 2001
Page 5

9. ODSVRA will provide DFG and USFWS representatives access to ODSVRA management staff and biological monitors for purposes of discussing implementation of the measures to avoid any taking of least tern.
10. ODSVRA will conduct an orientation program for all persons who will work within the ODSVRA operational boundaries. Orientation will consist of a brief presentation from a permitted biologist, who is knowledgeable about the biology of the least tern and the agreed upon measures to avoid mortality and injury. The education program will include a discussion of least tern biology, the habitat needs of this species, its status under State and Federal law, and the take avoidance measures described in this letter. A fact sheet containing this information will also be prepared and distributed. Upon completion of the orientation, employees will sign a form stating that they attended the training and understand all of the conservation and protection measures. These forms will be submitted to DFG through Mr. Robert Stafford, Wildlife Biologist of DFG.
11. ODSVRA will allow DFG and USFWS representatives access to the ODSVRA site without advance notice.
12. ODSVRA will conduct daily monitoring of the nesting area annually from March 1st through September 30th. Daily written monitoring reports prepared by the biological monitors will be made available to DFG and USFWS upon request. Daily monitoring reports will describe observation of least tern and any other pertinent information regarding the measures identified in this letter.
13. An annual meeting will be held if requested by DFG near the start of the breeding and nesting season. This meeting, if held, will be arranged by ODSVRA in consultation with DFG for the purpose of discussing the effectiveness of the measures identified in this letter. The meeting will include ODSVRA and DFG representatives.
14. ODSVRA will provide an annual report to DFG and FWS by January 31st for the prior least tern nesting season. The report will be prepared by a knowledgeable, experienced biologist and include the following: number and location of nest sites; location of least tern exclosures; data or nest

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Dennis A. Doberneck
May 8, 2001
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success, including number of nests abandoned, destroyed, and predated, number of eggs laid, number of chicks hatched and number of chicks confirmed fledged; verification that measures identified in this letter were fully implemented; identification of any measures not fully implemented; and other pertinent information.

15. DFG believes that implementation of the measures identified in this letter will be sufficient to avoid the death of or injury to least tern at ODSVRA. If, however, ODSVRA, any of its employees, or any member of the public kills or injures a least tern, or finds a least tern dead or injured by any cause, DPR will notify DFG and USFWS within 30 minutes of the discovery. Any dead or injured animal will be turned over to DFG or USFWS and a written report detailing the date, time, location, and general circumstances under which a dead or injured individual least tern was found will be submitted to DFG and USFWS no later than three (3) business days following the incident. DPR will obtain necessary State and Federal permits for handling of injured least terns and least tern carcasses consistent with this paragraph.
16. DPR notices to DFG will be delivered to Mr. Robert Stafford, Wildlife Biologist, (805) 528-8670 (phone and fax). If Mr. Stafford cannot be reached in person, ODSVRA will leave a message for Mr. Stafford, if an answering machine is operating. Additionally, ODSVRA will contact Carl Wilcox, Habitat Conservation Manager, (707) 944-5525, Central Coast Region, Post Office Box 47, Yountville, CA 94599.
17. DPR notice to USFWS will be delivered to Mr. Dave Pereksta, Staff Biologist, U.S. Fish and Wildlife Service, (805) 644-1766.
18. DFG will send any notices regarding these measures to DPR through Mr. Dennis A. Doberneck, District Superintendent, Oceano Dunes District, 576 Camino Mercado, Arroyo Grande CA 93420.
19. DFG believes that if the measures described above are implemented, activities can be conducted without the taking of least tern. If injury or mortality to an individual least tern does occur with these measures in place, ODSVRA

Dennis A. Doberneck
May 8, 2001
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will immediately consult with DFG and USFWS about the circumstances surrounding that death or injury and additional measures that might be necessary to prevent a recurrence.

If DPR anticipates any difficulties implementing the measures described above, or believes that the measures as they are described do not accurately reflect the discussions between DPR and DFG, please contact the Department as soon as possible so that these issues can be resolved as soon as possible. If you have any questions or concerns, please contact Mr. Bob Stafford at (805) 528-8670. Thank you for your cooperation in this important matter.

Sincerely,



Robert W. Floerke
Regional Manager
Central Coast Region

cc: Carl Wilcox
Bob Stafford

News Release



FOR IMMEDIATE RELEASE

August 15, 2001

Contact: Joe Rosato (916) 324-1576

California State Parks

jrosa@parks.ca.gov

California State Parks Steps Forward To Support Snowy Plover Recovery Plan Goals

SACRAMENTO – The U.S. Fish and Wildlife Service is seeking public review and comment on a draft \$28.5 million recovery plan for the Pacific coast population of the western snowy plover, a small shorebird listed in 1993 as threatened under the Endangered Species Act.

The draft recovery plan describes the status, current management, recovery objectives and criteria, and specific actions needed to remove the western snowy plover from the List of Endangered and Threatened Species.

In California, coastal beach areas managed by the California Department of Parks and Recreation provide important habitat for the snowy plover. State Parks manages more than 200 miles, or about 25 percent of California's coastline. Lands include State Beaches, State Parks, Natural Preserves and State Vehicular Recreation Areas. The role of these lands and the Department in providing for the recovery of the species is recognized in the recovery plan as vital.

"I want to assure the public and all interested parties that California State Parks is totally committed to working with USFWS in implementing the Snowy Plover Recovery Plan," said California State Parks Director Rusty Areias. "We will initiate innovative strategies to educate park visitors on the importance of this species and will continue to expand habitat management actions, in addition to implementing strict law enforcement protocols to ensure their protection. State Parks is dedicated to working with USFWS and other public and private partners to reestablish this species to a healthy number on the state's coastline."

Steve Thompson, acting manager for the California-Nevada Operations Office of the USFWS, said, "The U.S. Fish and Wildlife Service commends State Parks for recognizing the important role it can play in the recovery of this species, and the work they have done to date."

California State Parks staff has been working as team members in the drafting of the recovery plan for four years. In addition, State Parks has been actively implementing protection and restoration management actions in many areas of the State. Efforts focus on educating the public on the importance and sensitivity of the species. Monitoring plover activity on parklands, protecting nesting sites when

detected, including predator control, controlling visitor use and modifying operational activities that might disturb nesting birds. In many areas of the State, volunteer programs have been developed to assist with plover protection efforts.

Snowy plovers are small, pale-colored shorebirds with dark patches on either side of the upper breast. The coastal population numbers about 2,000 birds and breeds along the Pacific coast from southern Washington to southern Baja, California, Mexico. The breeding season extends from early March to late September.

Both eggs and nests are extremely difficult to see even at close range. Chicks leave the nest within hours of hatching, but cannot fly for about a month. Western snowy plovers are site-faithful nesters, returning to successful nesting sites year after year.

A small number of this shorebird are found at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) in San Luis Obispo County, and have been a focus of an intense effort by State Parks to maximize both their survival and productivity. Under the direction of its Off-Highway Motor Vehicle Recreation (OHMVR) Division, State Parks is utilizing experts in land use and wildlife as it continues its work to protect not only the threatened western snowy plover, but also the endangered California least tern which also nests on sands at ODSVRA.

The recovery plan proposes establishing working groups to assist in the development and implementation of management plans for each of the six recovery units that have been identified. Oceano Dunes SVRA is included in the unit that includes San Luis Obispo, Santa Barbara and Ventura counties.

Other recommended actions include monitoring and managing breeding habitat and wintering and migration areas in a systematic way to maximize survival and productivity; developing mechanisms for long-term management and protections of plovers and their habitat; undertaking scientific investigations to facilitate recovery efforts; and establishing an international conservation program with the Mexican government to protect snowy plovers and their habitats in Mexico.

Recovery plans provide a blueprint for actions by federal, state and other public agencies and private interests in the conservation of the endangered species and their ecosystems. Recovery plans do not obligate the expenditure of funds or require that actions be implemented. The USFWS estimates that recovering the western snowy plover will cost at least \$28.5 million.

Copies of the draft recovery plan are available for public review and comment through December 12, 2001 and may be obtained by contacting the Sacramento Fish and Wildlife Office at the following: Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA. 95825. The USFWS will hold eight public workshops on the draft recovery plan around the state beginning September 18 in Santa Barbara and concluding October 3 in Arcata.

The plan is also available at the following website: <http://www.r1.fws.gov>. Comments may be submitted electronically by sending them to the following address: fwlwsprp@fws.gov

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San Luis Ambulance Service, Inc.

PO BOX 954 • 569 HIGUERA STREET, SUITE "A" • SAN LUIS OBISPO, CA 93406 • 805/543-2626 • FAX 805/546-0866

June 20, 2001

Dennis Doberneck
District Superintendent
California State Parks
Oceano Dunes

Dear Mr. Doberneck:

I have recently been made aware of the current issue regarding the potential closure of Pier Avenue ramp. As I understand, this would affect the current ingress and egress practices of our four wheel drive ambulance that is used for emergency response to the Oceano Dunes. A majority of our responses to Oceano dunes are south of the Pier Avenue ramp. I am concerned with this closure due to the fact that this would increase our response times of an estimated four minutes to calls in that area. The calls generated in this area include both medical and traumatic emergencies.

I feel the closure of this ramp would delay emergency vehicles, jeopardizing the safety of those using that area of the beach or dunes. Further, the beach area between Grand Avenue and Pier Avenue is usually more populated. By using only the Grand Avenue ramp, maneuvering an emergency vehicle would be more difficult as well as more dangerous to pedestrians. Even though I understand the desire to reduce beach traffic, I would hope that it would not be at the risk of the public.

Thank you,

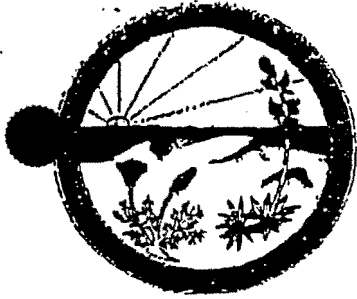
Andy Jacobson
Paramedic/Field Supervisor

"Serving Since 1845"

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

WE ADHERE TO THE HIGH STANDARDS AND ARE MEMBERS OF THE CALIFORNIA AMBULANCE ASSOCIATION

Exhibit G, p.59



Oceano Community Services District

1655 Front Street, P. O. Box 599, Oceano, CA 93445 (805) 481-6780 FAX (805) 481-6880

June 19, 2001

In reply to: Emergency Grading Permit

Mr. Andy Zilke

Attention: Mr. Dennis Doberneck

Dear Mr. Zilke:

Andy, this letter is in support for your office to receive an Emergency Grading Permit at the Pier Ave. entrance to the beach. Having this ramp ungraded puts my department in a very bad situation. Our response times to areas south of Pier Ave. have an increased 6 min and 50 second response time granted that conditions are at low tide and minimal traffic is in the area. Our response plan, when responding to the beach, is response via Grand Ave. ramp and then back tracking south of Pier Ave. As you can see, with this type of delay it could mean the difference between life or death in a life hazard response.

Another consideration to this whole equation is the congestion of traffic we have already seen on Pier Ave. backing all the way up to Hwy 1. With this congestion, it is also hindering our response to all the Beachfront homes off Strand Way. This congestion is created by the restricted traffic flow that can enter the beach, especially when a vehicle gets stuck on the ramp and not allowing any vehicles to enter the beach until that vehicle has been towed out.

It is relieving to me to hear that your agency is attempting to mediate this problem A.S.A.P. I am requesting that any persons having any jurisdiction on this matter take into consideration the safety of our local citizens and the visiting population of tourist and allow an Emergency Grading Permit by granted so that emergency vehicles and equipment may enter the park in a timely matter.

Sincerely,

Chris Marshall
Fire Chief
Oceano Fire Department

8059291436

FROM : C. D. F. AND COUNTY FIRE STA. 20 FAX NO. : 8059291436

Jun. 22 2001 11:09AM P1

State of California

The Resources Agency

Memorandum

To: Dennis Doberneck, District Superintendent
578 Camino Meracado
Arroyo Grande, Ca. 93420

Date: June 21, 2001

Telephone: (805) 929-3911

Website: www.fire.ca.gov

From: Department of Forestry and Fire Protection
635 N. Santa Rosa
San Luis Obispo, Ca 93405

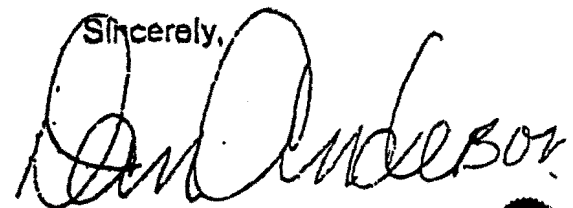
Subject: Emergency Access

Our Agency has been advised of the pending closure of Pier Avenue beach access. This situation has significant impact on our ability to respond to emergencies effectively and timely. Closure of this access will require our units to pass by this access and proceed to Grand Avenue access, approximately two additional miles, access the beach and traverse an additional two miles of beach.

Our response will increase by 6 to 10 minutes. This will reduce the timeliness of our response to any emergency within our jurisdiction along the beach. Additionally this will expose our personnel and the public to the inherent hazards of responding emergency equipment.

Our Agency would support any opportunity that may exist which would allow, as a minimum, access to the beach for emergency equipment from Pier Avenue. I welcome any opportunity to discuss this situation and hope for an acceptable solution.

Sincerely,



Dan Anderson
A-3-SLO-01-061 (Pier Ave. Sand Ramp)
Battalion Chief

Exhibit G, p.61



SIERRA CLUB ~ SANTA LUCIA CHAPTER

W18c

September 6, 2001

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

*Re: Oceano Dunes State Vehicular Recreation Area
Application Number A-3-SLO-01-061
Appellant - Nell Langford
Applicant - (Department of Parks & Recreation)
Current Agenda Date: September 12, 2001*

Dear Chair Sara Wan and All Commissioners:

I am the Chair of the Santa Lucia Chapter of the Sierra Club, representing over 2000 members in San Luis Obispo County. I write this comment in opposition to staff's recommendation to deny the appeal of Nell Langford. You should uphold the appeal because the permit granted by the County of SLO violates the Coastal Act. To find otherwise contradicts your findings during your February 14, 2001 hearing on DPR's Coastal Development Permit for the same ramp maintenance.

As we demonstrated to you on February 14, 2001, the environmental impacts caused by unlimited number of vehicles on the unique and fragile Oceano Dunes ecosystem is of great concern to our Sierra Club members. I urge you to uphold Nell Langford's appeal, and require an Environmental Impact Report to assess the impacts of vehicles at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) prior to the County of San Luis Obispo issuing any permits for maintenance of the Pier Avenue ramp ingress and egress point for the ODSVRA.

I agree with your staff that the issues raised by the appeal are directly related to the larger coastal resource issues regarding the operation of the Oceano Dunes State Vehicular Recreation Area (ODSVRA). This appeal raises many of the same issues which you addressed during DPR's request for amendment to its Coastal Development permit on February 14, 2001, when you were asked by State Parks to amend the Coastal Development Permit condition of approval which required them at least to conduct comprehensive environmental review before determining the best management practices, and number of vehicles, at ODSVRA.

I respectfully disagree with your staff's analysis and conclusion that the appeal fails to raise a substantial issue just because this commission determined in February that a Technical Review Team (TRT) might someday have input on how maintenance of the Pier Avenue ramp should be coordinated with area wide objectives for habitat protection and coastal access and recreation. Clearly the appeal raises the substantive issue that the ramp provides access to a noncoastal dependant activity (recreational vehicle use) in an ESHA, and that the ramp maintenance/ activity violates the Coastal Act. The TRT is too little too late.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.62

The Langford appeal not only raises some of the same issues as those which the Commission wrestled with last February, but things have gotten worse, not better, at the ODSVRA. **The ODSVRA no longer has any incidental take permits** for the western snowy plover, California least tern or steelhead trout. Because the Army Corps of Engineers no longer permits the activities at the ODSVRA, and because the DPR has ceased it's Section 7 Consultation with US Fish & W Service, both the County of SLO and your staff's reference to the biological opinion are in error.

Additionally, according to State Parks, 66 of the 68 western snowy plover chicks hatched at the park this are unaccounted for, and State Parks claims they will have no confirmation of the number which died this year until October. (So much for adaptive management.) Earlier reports in July from State Parks claimed that 46 or so of these plovers were killed by shrikes. (Please see the copy of a Tribune news report attached hereto and incorporated by reference.) Despite requests by the Santa Lucia Chapter of the Sierra Club and EDC in May to DPR to institute a predator management program immediately, it appears this will be delayed until next year. There is evidence that the design of the exclosures meant to protect the plovers from vehicles makes them easy prey for the shrikes. Absent vehicles, the plovers could be protected without this type of exclosure until such time as the scientists fully understand how to protect them. (Please see copy of Five Cities Press Recorder news article attached.)

So, the delay in instituting seasonal closures during plover nesting and fledging season this year has apparently wiped out the entire generation of western snowy plover chicks at the ODSVRA. If this weren't tragic enough, we also have a confirmed report of the death of a western snowy plover which fledged in Monterey this year, but which died a few weeks ago at the ODSVRA. According to recognized plover expert Phil Persons, the Western Snowy Plover is in serious need of protection, with a recent statewide plover census reporting that this species' population in California has declined by 1/3 in the last five years. There are less than 1,000 individual birds left!

We also have a confirmed report of a California least tern which died at the ODSVRA by blunt trauma in May 2001. California least terns are fully protected birds under California law. Additionally, the TRT has yet to be fully established, and the first meeting of the TRT is tentatively planned for the middle of October. Apparently the Independent Scientific Subcommittee to the TRT has not yet been established, either.

The Santa Lucia Chapter of the Sierra Club and the Environmental Defense Center have served two 60-day notices of intent to sue for violations of the Endangered Species Act at the ODSVRA, and we do indeed intend to sue soon.

The threatened and endangered species and their habitat at the ODSVRA are destroyed daily by vehicle recreation, they cannot wait while a TRT devises more studies and management strategies.

It would benefit the threatened species if one of the state agencies in charge of our public trust resources could call a halt to the activities at the ODSVRA at least until it has gained the incidental take permits required under the Endangered Species Act.

The DPR does not address where they plan to deposit the sand removed from the ramp now that they no longer have a permit from the Army Corps of Engineers to dump the sand in the ocean. The SLO County permit does not address this sand placement, and this change in the project requires an EIR.

I also want to draw your attention to the emergency permit issued by the SLO County to allow ramp maintenance while the Langford Appeal is pending. It is my understanding that this emergency permit will expire once the commission rules on the appeal.

The Santa Lucia Chapter of the Sierra Club and the Environmental Defense Center argued during the February 14, 2001 hearing that it is necessary to impose a moratorium on vehicles, or at least seasonal closures, during Western Snowy Plover and California Least Tern nesting and fledging periods, and during steelhead trout spawning, while an independent team of scientists undertakes studies to understand the adverse environmental impacts caused by the vehicular activity.

Only after such independent comprehensive environmental review has been conducted should vehicles be allowed to return to the ODSVRA, with the number and access of these vehicles to be determined pursuant to "adaptive management" measures with which the Technical Review Team could help guide the State Parks' superintendent. State Parks admits they don't have sufficient environmental data to determine the "magic number" of vehicles on the dunes, but they want to be allowed to continue the destruction by 4300 vehicles per day, with absolutely no vehicle limits on major holiday weekends, while they try to figure it out. DPR reported the death of a snowy plover chick on July 4, 2001. The reports of the destruction from the Labor Day weekend are yet to be received. Labor Day 2000 saw 65,000 vehicles on the beach and dunes during the three-day weekend.

As you may recall, the Santa Lucia Chapter of the Sierra Club provided you with the video we produced "*Easing the Throttle*", and presented this video during the February 14 hearing to show you why this noncoastal dependent vehicular recreational activity has been called one of the longest running and most environmentally destructive coastal tragedies. Currently State Parks is allowed to let over one million dune buggies and other off-road vehicles annually tear apart sensitive dune structure and destroy endangered species such as the snowy plover. This video features experts on snowy plovers, steelhead trout, and threatened dune plants and structure. You saw four wheel drive cars racing right through Arroyo Grande Creek, rendering useless this steelhead trout stream. The spectacle of off road vehicle destruction can be seen again by linking to the Santa Lucia Chapter website at: http://sierraclubslo.org/archive/mar_01/6.html.

I include here our opposition to the staff recommendation in February 2001 on the following issues:

- Need for Comprehensive Environmental Review, and a Moratorium on Vehicles While it is Conducted.

It is imperative to require a plan for comprehensive environmental review of the impacts caused by vehicles to Chumash sacred burials, the endangered snowy plover and California Least Tern, the threatened steelhead trout and the fragile dunes ecosystem. As experts in the video explained, a moratorium on vehicles is needed to protect these Chumash burials and endangered and threatened species while the studies are being conducted. At the very least, I urge you to require complete archaeological and geoarchaeological surveys of the riding area, with a moratorium on vehicles until the reports of the surveys are reviewed by your staff and the San Luis Obispo County Chumash Council. Additionally, please require seasonal closures to vehicles as a condition of approval to State Parks' county permit application. State Parks admits it doesn't have sufficient information to determine the impacts to steelhead during spawning season, nor impacts to snowy plover and least tern during nesting and fledging season. They would rather you make the Chumash and the environmentalists prove that vehicles are impacting, instead of fulfilling the requirements of CEQA, the Coastal Act, and the Endangered Species Act by protecting the Chumash burials and cultural sites, and the sensitive species

habitat until such time as they can prove that the recreational activity is not a significant adverse impact to these protected cultural and environmental resources .

- Issue of Fundamental Fairness and Equity.

We have waited nearly 20 years for State Parks to conduct and complete comprehensive environmental review. Any other project would be required to produce environmental impact studies to prove that the activity will not cause significant adverse impacts to the environment. In the video, you saw Tyco Submarine Systems' Construction Manager, Tony Keyser, discuss the regulatory scheme that fiber optic company Global Crossing was subjected to both prior to and during the construction of its fiber optic cable landing at Grover Beach. Keyser points out that it is fundamentally unfair to require his project to undergo intense environmental scrutiny while he watches cars tear up the beach within sight of his project. Also, in response to environmental studies showing the impacts to snowy plovers, just last year the Coastal Commission closed Lompoc State Beach to even *pedestrian* traffic. As a condition of approval for State Parks' permit, I urge you place a moratorium on vehicles until State Parks project/activity has been subjected to the same level of scrutiny as any other project/activity in the Coastal Zone.

- Sand Build Up in Front of Homes.

It is important to note that this commission is still trying to find a long-term solution to the problem of sand build-up in front of Oceano beachfront homes. Because this area is an ESHA, and critical habitat for the western snowy plover, this commission has denied the homeowners permits to grade the sand in front of their homes. According to geologist David Chipping, the effect of vehicles driving on the sand breaks the surface, loosening the sand and causing it to be more easily carried in the ever-present wind at the dunes. Therefore, by permitting the maintenance of the ramp, you are exacerbating the problems of the homeowners. Also, the SLO County permit being appealed does not address the issue of where the sand removed by grading of the ramp will be placed. The change in the project allowing DPR to place sand other than in the ocean requires an Environmental Impact Report which addresses all of the issues raised by the appeal.

In conclusion, I respectfully request that the California Coastal Commission uphold the appeal of Nell Langford, and that you require an Environmental Impact Report which will include feasible less damaging alternatives as required by CEQA .

Whether the appeal is upheld or denied, I request that you determine that the Emergency Permit issued by the County of San Luis Obispo for maintenance of the Pier Avenue ramp pending this appeal has expired. Clearly, no one is contending that there is an emergency which requires the recreational use of vehicles on the dunes. Absent the vehicles, no access for emergency vehicles exists.

I also respectfully request that you schedule the annual permit renewal hearing for State Parks' CDP in February 2002.

Please require an EIR to provide protection of this rare and precious coastal resource. It is time to put a stop to one of California's longest running and most environmentally damaging coastal tragedies, at least while these studies are conducted.

Thank you for all that you do to protect our magnificent California coast.

Sincerely,

Tarren Collins

Printed on Recycled Paper

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.65

Chair, Santa Lucia Chapter of the Sierra Club

Cc: Peter Douglas, Executive Director, California Coastal Commission



W18C

Post Office Box 14422 • San Luis Obispo, CA 93406 • (805) 782-4012

RECEIVED

SEP 06 2001

September 6, 2001

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

re: Appeal No. A-3-01-61
Parks & Rec., San Luis Obispo County

Dear Commissioners:

SLO Coast Alliance is a consortium of over 20 environmental organizations active on the Central Coast of California, and mostly in San Luis Obispo County. These groups in turn have supporters in excess of 6,000 voters. Our major focus is the protection and preservation of our precious coast.

We are writing in support the above appeal to the Coastal Commission by Nell Langford, just as we support all efforts to limit the destruction of vehicles on the Oceano Dunes. This area is totally inappropriate as a State Vehicular Recreation Area.

Oceano Dunes is a very fragile ecosystem. Several endangered species have lived there for eons and are being driven to extinction because of violations of the Endangered Species Act by California State Parks. California Least Terns, Western Snowy Plovers, and even humans are being killed on the dunes unnecessarily.

The Coastal Commission has been compliant for far too long. There should be an immediate moratorium on vehicles on the Oceano Dunes until State Parks can display the necessary incidental take permits and until appropriate scientific studies are completed. No more wildlife and plantlife should be placed at jeopardy because of the excessive vehicular activities on the dunes.

Lastly, there should be no vehicular traffic crossing Arroyo Grande Creek at any time of the year. Endangered steelhead trout are found in those waters, their only access to and from the Pacific Ocean. This abuse of the Endangered Species Act cannot be tolerated any longer. We ask for your immediate relief.

Sincerely,

Tarren Collins, Co-Chair

Pam Marshall-Heatherington, Co-Chair

MEMBER ORGANIZATIONS

Santa Lucia Chapter, Sierra Club • Friends of the Ranchland • San Luis Bay Chapter, Surfriders Foundation • Cambria Forum • Life on Planet Earth
ECOSLO • Santa Margarita Area Residents Together • Ventana Wilderness Association • Citizens for a Vehicle Free Nipomo Dunes • CALPIRG
Planning and Conservation League • Coastwalk • SLO County Chumash Council • Environmental Action Committee of West Marin
Save Our Shores • People for the Nipomo Dunes • Canyons and Streams Alliance • Wild Nature, Inc.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.67

MY NAME ENRIQUE

9.10.01

I LIVE IN OCEANO FOR 20 YEARS
AND I WILL LIKE TO SEE SOLUTION
ABOUT THE TRAFFIC AND THE
BEACH.

Yours P. Diaz

RECEIVED

SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

September 10, 2001

California Coastal Commission
725 Front Street #300
Santa Cruz, CA. 95060

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Issue Permit Number: A-3-SLO-01-061

Applicant: California Department of Park & Recreation, Attn: Steve Yamaichi

Appellant: Neil Langford

RE: Support Neil Langford's Appeal!!!!

Coastal Resources and Pedestrians

can not access the water's edge without threat of being hit by a car,
truck, Mobile Home, Hummer, or Emergency Vehicles.

Dear Coastal Commisioners,

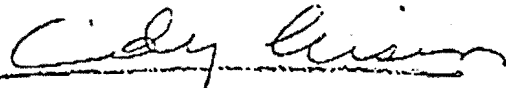
Dear Coastal Commission,

I am appalled by the constant traffic on the beach in Oceano, supervised by the California Parks and Recreation Department (funded by the Off-Highway Vehicles Department of California). The disturbance of human visitors caused by cars, trucks and recreation vehicles trying to obtain access to the park one mile south of Oceano Beach. It makes it impossible to go to the waters edge safely. I am resident of Santa Barbara County, and I do enjoy the beautiful beach of Oceano. I would encourage another access to the OHV Park and leave the Oceano Beach for children and families to enjoy safely without the threat of being hit by a car, truck, or recreation vehicle.

- 1). The cars, trucks, bulldozers, recreation vehicles, ambulances and high speed vehicles on the beach are destroying the peace and safety of pedestrians, kids, and disturbing shore birds. They do not maintain the speed limit when the rangers are not in view or after dark.
- 2). Cars are riding through rare, fragile dune vegetation, fragmenting populations of endangered plants.
- 3). Cars have to drive through the Arroyo Grande Creek sensitive area. People drive their cars, trucks and RV's through the river water during the months of November to April. Several vehicles a day and late at night need to be towed from the river bed.
- 4). Cars on the beach may be interfering with snowy plover nesting.

We need more passive forms of recreation such as walking, hiking, biking, surfing, sand castle building, volleyball, horseback riding, and swimming. The internal combustion engine pollutes our air, dominates the smell of the beach and is unhealthy for children. The beach needs lifeguards NOT cars, trucks, mobile homes or off-highway vehicles.

Sincerely,



Name: Cindy Eisen
Address: 1100 N. Dunes St
Compton, CA 93430

Phone: (805) 735 4592

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.69

W18c

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KATHRYN M. SHORE
ATTORNEY AT LAW
350 MCCARTHY AVENUE
OCEANO, CALIFORNIA 93445
TELEPHONE (805) 481-3159

SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Fax: 805-481-3159
Email: KnGShore@aol.com

September 10, 2001

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
fax: 831-427-4877
email: 831-427-4863

In re: *Oceano Dunes State Multi-Use Recreation Area*

Application Number: A-3-SLO-01-001
Appellant: Nell Langford
Applicant: State Department of Parks and Recreation
Current Agenda Date: September 12, 2001

Dear Chairperson Sara Wan and Commissioners:

In this emergency, we ask that you uphold Nell Langford's Appeal. Do not abridge Ms. Langford's rights by waiting for the Technical Review Team's (TRT's) study. Ms. Langford has raised substantial issues which the TRT will continue to study and hopefully find solutions for; however, immediate relief is sought from you on the 12th! Please remember the movie shown at the Valentine's Day hearing in San Luis Obispo!

As retirees, my husband and I have been privileged to reside near the beach in Oceano for eleven years. Our community experience has been extensive.

I am currently serving as a board member on: *The Oceano Improvement Association; Oceano/Halcyon Advisory Committee to Supervisor Achadjian; Oceano Women's Club-an Oceano Scholarship Group; Oceano Safe Airport Committee; Oceano Community Center; Arroyo Grande Watershed Steering Committee; and, the San Luis Obispo Women Lawyers Association.*

My husband serves on the board of *People for the Nipomo Dunes*. I recently finished serving on the Screening Committee for the *Guadalupe Air Quality Mitigation Fund*.

Coastal Commission
Page Two
September 10, 2001
No: A-3-SLO-01-061

Our family's involvement in the community has come from the fact that **immediate measures must be taken to protect our community and its resources.** Nell Langford's appeal demonstrates the greater community's concerns, particularly the **lack of true monitoring of how our beach, creek, dunes, and wetlands are affected by the activities which take place there; and, the lack of safe beach access for a number of our community members - over half of whom are low income residents.**

This year, one Snowy Plover survived the breeding season. A Least Tern recently was killed by blunt trauma. There are no permits for takings. The creek is polluted daily by traversing vehicles. Fewer fishermen and horse riders utilize the beach and children are at real danger due to the failure of vehicles to maintain safe speed limits, keep to the designated areas, and avoid "show off" tactics.

The County issued an "emergency permit" to Department of Parks and Recreation (DPR) to maintain the Pier Avenue beach access for emergency vehicles only. The effect of this decision was to allow **thousands of vehicles (non emergency) to utilize the beach even though the DPR was required to apply for and receive all necessary protective permits prior to maintaining the ramp access to the beach for other users. These permits were required, of course, to make sure that certain safeguards were in effect.**

To say now that there are no substantial issues existing in this appeal is in effect allowing another "emergency" permit, pending something else (i.e., the convening of the TRT). **The destruction continues while we study. Ms. Langford needs to have due process in review of her appeal and not automatic preemption of her rights by the TRT.. Let us see how extensive the damage is to our beach and what solutions can be found. Let us perform an Environmental Impact Report! Do these FIRST!**

Several years ago the community rallied to keep the Oceano Airport from expanding, an action which would have threatened the quality of life for people and the beach, dunes, and wetlands ecosystem. We are rallying again to ask your support for saving our fragile beach, dune, creek, and wetlands ecosystem.

Thank you for taking your time on earth to protect ours!

Cordially,

Kathryn M. Shore Gordon Shore
Kathryn M. Shore and Administrative Law Judge Gordon Shore, Retired

W18c

RECEIVED

September 11, 2001

SEP 11 2001

CALIFORNIA COASTAL COMMISSION
Attention: Chairperson SARA WANCALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please read the following into the record with agenda date of September 12, 2001.

It is now time for the Coastal Commission to take what some may say is drastic action.

Temporary close the Oceano beach to all off-road vehicle traffic.

Nell Langford's application for relief should not be ignored. The Pier Avenue Ramp must be moved to the old timber-paved location. The last few weekends have turned the Oceano Beach into a freeway where even walking near the beach jeopardizes life and limb. Parks and Recreation acting for the Off-road Vehicle Commission have repeatedly shown complete disregard for the Coastal Commission's desires. When the Coastal Commission wants additional information from the Parks and Recreation they are repeatedly politely stalled and stonewalled. The independent handpicked technical advisory being announced is a sham. Any environmental information emanating from that committee will be very narrow in scope and ignore the massive damage being inflicted by thousands of vehicles on the shoreline and tidal area of Oceano Beach.

Please face the obvious and accept the charge given to you by the people of the State of California. If the Coastal Commission does not take action laws will be changed to eliminate all motorized traffic on California Beaches.

Respectfully submitted by:

John Fischer Dolores Fischer

John Fischer Dolores Fischer
1843 Strand Way, Oceano, CA 93445, (805) 489-6373 or 773-1963

W18c

September 11, 2001

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California Coastal Commission
725 Front Street #300
Santa Cruz, CA. 95060

SEP 10 2001

Issue Permit Number: A-3-SLO-01-061

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Applicant: California Department of Parks & Recreation, Attn: Steve Yamaichi

Appellant: Nell Langford

RE: Support Nell Langford's Appeal

Coastal Resources and Pedestrians

can not access the water's edge without threat of being hit by a car,
truck, Mobile Home, Hummer, or Emergency Vehicles.

Dear Coastal Commissioners,

Coastal Resources and Pedestrians can not access the water's edge without threat of being hit by a car, truck, Mobile Home, Hummer, or Emergency Vehicles. Following this letter is a wonderful letter written to the President of the United States that lives in Oceano! Please have a Moratorium on the Pier Avenue Ramp until the Scientific Review Team have made their recommendations on adaptive plan management.

I have lived in Oceano for 10 years and can not believe the changes that have occurred on Pier Avenue. The sand ramp keeps being moved from directly west of Pier Avenue to almost in front of Nell Langford's house. She even had to stand in front of a bull dozer as it was plowing the natural sand berm away from her house before extremely high tides and a storm approached on the horizon. I later saw the ramp completely under water. No cars could access or leave the beach, until the tides recessed and the storm calmed down.

The ramp was in a southerly direction with the State Parks Garbage Bins in front of the large white house 2-5 lots south of Pier Avenue. Then State Parks was trying to make a sand parking lot in front of Nell Langford's house. There were no Permits!!! An attorney for the owners, Williams Family, appealed the Pier Avenue Sand Ramp Permit in 1990 at a Coastal Commission meeting in Marina Del Rey. I was present and was surprised that there was no mention of the wildlife or pedestrian use of the beach.

There use to be more surfers on the beach. The following stores have closed in the past years: kite store, surf store, karate studio, T-shirt store and 2 restaurants have closed on Pier Avenue in the past 10 years. Most of the campers come in self-contained vehicles and carrying their own gas. The Avenue has become very depressed with little to help a pedestrian. The handicap wheelchair is only available outside the Kiosk when someone from coastal commission is visiting.

Please support Nell Langford's Appeal!!!! Have the meeting closer to San Luis Obispo County!

Sincerely,

Barbara Collins
364 Los Cerros Drive, San Luis Obispo, CA 93405

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.73

September 4, 2001

W18c

Wade Lousberg
6549 N. Palm #235
Fresno, CA 93704

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Permit # A-3-SLO-01-061, Item # W 18c - Grading Permit

To Whom It May Concern:

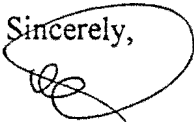
The Grading Permit for the sand ramp at Pier Avenue should be approved. The primary importance for the continued grading of the ramp is safety. When the ramps are graded, they allow for much safer vehicle ingress and egress on the beach. When the soft sand accumulates at the ramps it creates a hazardous and unsafe condition.

The graded sand at the ramps allows vehicles to enter the park at a safe speed without the fear of getting stuck. The vehicles can drive slowly and cautiously to reach the compacted sand at the tide line and travel safely down the beach.

When the ramps are not graded, soft sand accumulates at the ramps creating a hazardous condition. Vehicles have a tendency to get stuck in the soft sand on the ramp, which limits the ingress and egress of other vehicles. When vehicles get stuck on the ramp they not only obstruct access they further soften the sand. Both conditions require other vehicles entering or exiting the beach to speed up to avoid getting stuck. The additional speed and momentum a vehicle requires to reach the compacted sand at the tide line endangers all pedestrians and vehicles in the adjacent vicinity. Add in the vehicles that are stuck in the middle of the ramp and you can only imagine how dangerous this situation can be.

In closing the grading of the ramp should be continued.

Sincerely,


Wade Lousberg

W18c

Cathy Luna
112 E. Alhambra Rd. #16
Alhambra, CA 91801
626-576-8763

RECEIVED

SEP 10 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: **Opposition to the appeal, In favor of the permit for grading.**

California Coastal Commission,

I am writing this letter expressing my **OPPOSITION** to the appeal and my **APPROVAL** of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA.

Emergency response: It requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

W18c

Page 2

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Best Regards,

Cathy Luna

Cathy Luna

W18c

Doug Johnson
8591 St. Augustine Dr.
Huntington Beach, CA 92646
714-960-3301

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SEP 10 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, In favor of the permit for grading.

California Coastal Commission,

I am writing this letter expressing my **OPPOSITION** to the appeal and my **APPROVAL** of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA.

Emergency response: It requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)


Exhibit G, p.76_b

W18c

Page 2

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Best Regards,

A handwritten signature in black ink, appearing to read "Doug Johnson", with a stylized flourish extending from the end.

Doug Johnson

W18c

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

Christine Ellis

33279 Meadow Dr.

Springville, Ca., 93265



To whom it may concern:

It has been brought to my attention that the appeal for the permit to grade the Pier Avenue ramp will be discussed at the CCC meeting on September 12. There are many valid reasons to keep grading and maintaining the ramp, and what seems like nothing but hot air trying to appeal the permit. Some key factors include safety, the environmental effect and on plover, the economic impact that closing the ramp would have and has had, and the flawed basis of the appeal.

By taking the Grand Avenue ramp onto the beach, as opposed to the Pier Avenue ramp, another six to ten minutes is added to the drive time. There is a wide range of emergencies on the beach and in the dunes. Even five minutes can make the difference between life and death for people who are drowning or having a heart attack, not to mention those injured using OHVs.

The Snowy Plover is a concern of all ODSVRA users, but grading the ramp has had no effect on these birds whatsoever. There is no scientific evidence that show that the Western Snowy Plovers have attempted to nest near the ramp or adjacent houses. Nor is the ramp area a preferred habitat for the birds.

I personally saw the adverse effect on Pier Avenue businesses on Memorial day weekend. That is where most people go to pick up quick things when they do not want to go all the way to Grover Beach and the Grand ramp. All Pier Avenue businesses reported severe financial impact, on a weekend that should have been one of the busiest weekends all year. The results of the Pier Avenue ramp being closed were not only direct, but also significant.

Finally, the basis for the appeal is completely flawed. It simply does not make sense to dispute the grading of the Pier Avenue ramp, while encouraging the grading and removal

WIBC

of wind blown sand off of both Pier and Strand Avenues.

The Pier Avenue ramp must continue to be plowed. I believe you should by now have seen, by this letter and those of others like myself, that the Pier Avenue ramp is important to those who are just visiting the beach, and those who make a living there. I have been doing my best to stay involved with the struggle over the Oceano Dunes SVRA, and stay informed. I know that the information here is correct, and I hope that you will think seriously about the issues addresses in this letter.

I believe that it is important to heed the concerns of those who take the time to sit down and write letters to the Commission, especially those of the younger generation, like myself. I am a sixteen year old senior in high school, and I take my dirt bike riding fairly seriously, as you may have assumed. My friends and I are on the dunes at least every other weekend. We are just as concerned and involved in these issues as many older people. I hope you will not disregard my opinion , and I seriously hope that you will not overlook the facts in this letter, just because of my age.

Sincerely,

CHRISTILL ELLIS

W18C

Agenda # ~~48C~~ W18C
Application # A-3-SLO-01-061
Barry Stotts
Linda Tunnell
In Favor

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste 300
Santa Cruz, CA 95060

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: Oceano Dunes, Pier Avenue sand ramp

Ladies and Gentlemen:

As members of two families that have lived on the Central Coast for over 100 years, we urge you to maintain the existing sand ramp at Pier Avenue, Oceano.

It is a historical beach access. There are only two vehicle accesses on this stretch of beach for North Santa Barbara County and South San Luis Obispo County. To eliminate one would be a hardship for recreational camping, family use, equestrian use, seniors and persons with disabilities.

Unless the intent is to restrict or eliminate access to that beach area, except to the homeowners who are lucky enough to live there for their personal use.

Again we urge you to maintain the sand ramp. Your balanced consideration is greatly appreciated.

Thank you



Mr. & Mrs. Curtis J. Tunnell
3651 Tepusquet Rd.
Santa Maria, CA 93454

Barry Stotts

3651 Tepusquet Rd.

Santa Maria, CA 93454

9-10-2001

To: California Coastal Commission
Fr: Penelope Semrau, Ph.D.
Homeowner: 1620 Laguna Dr, Oceano
Phone: (323) 343-4397
Email: psemrau@calstatela.edu
Fax: (831) 427-4877

W18C

I am very concerned about Oceano beach and desire that it's function be for walkers, wildlife, and children -- instead of trucks. At present, walking on the beach is synonymous with suicide. It is a 4-lane highway. It is impossible to walk the beach during the day and much of the night without dodging cars, trucks, and semis (yes, even semi trucks drive the beach). I can't believe that Oceano does not have a safe beach where families can sun bathe, picnic, play, and walk. It is disgusting how Oceano beach has turned into a free for all for motor vehicles.

I am opposed to this highway on the Oceano beach and would like the Coastal Commission to protect this uniquely beautiful environment.

Thank you,
Penelope Semrau

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.81

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Sept 10 2001

TO: CALIFORNIA COASTAL COMMISSION SEP 10 2001

RE: OCEANO BEACH

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FAX (831) 427-4877

FROM: BARBARA A. BOYER, P.O. BOX 163, GROVER BEACH, CA

I am a resident of the Oceano 93483

Beach area and am deeply concerned about the usage and lack of access to the beach by pedestrians and children. The off road vehicles, large trucks, and SUV's completely take over the beach and dunes - making it unsafe for people, wild life and natural environment. It is ruining the habitat for birds and fish and the trucks pay no attention to signs that regulate speed or keep them out of endangered species areas. As the population continues to grow, the number of trucks on the beach increases causing an alarming number of accidents and near accidents to both adults and children. These off road vehicles and large trucks are damaging the beauty and natural environment of the central coast area. We would hope to see the Coastal Commission protect our Coast.

A-3-SLO-01-06 (Dier Ave. Sign Ramp)

Exhibit G p.82

CALIFORNIA COASTAL COMMISSION

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CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 27-4863

AUG 30 2001

W 18c



CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Page: 1

Date: August 23, 2001

IMPORTANT PUBLIC HEARING NOTICE NEW APPEAL

PERMIT NUMBER: A-3-SLO-01-061

APPLICANT(S): California Department Of Parks & Recreation, Attn: Steve Yamaichi

APPELLANT(S): Nell Langford

DECISION BEING APPEALED:

Maintain existing sand ramp by grading accumulated windblown sand and moving excess sand to the adjacent beach area.

PROJECT LOCATION:

Pier Avenue, Oceano (San Luis Obispo County) (APN(s) 060-381-010, 060-381-011, 060-382-002, 060-382-003, 061-091-019, 061-091-020, 075-111-001, 075-111-002, 092-391-013, 092-391-017, 092-391-018, 092-391-031)

HEARING DATE AND LOCATION:

DATE: Wednesday, September 12, 2001
TIME: Meeting begins at 9:00 AM ITEM NO: W 18c
PLACE: Eureka Inn
518 Seventh Street, Eureka, CA
PHONE (707) 442-6441

*"To whom it may concern
I am in favor
of Nel Langford's objective."*

HEARING PROCEDURES:

People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than 5:00 PM, the day before the hearing (staff will then distribute your materials to the Commission).
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.
- If you wish, you may obtain a current list of Commissioners' names and addresses from any of the Commission's offices and mail the materials directly to the Commissioners. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. Please mail the same materials to all Commissioners, alternates for Commissioners, and the four non-voting members on the Commission with a copy to the Commission staff person listed on page 2.
- You are requested to summarize the reasons for your position in no more than two or three pages, if possible. You may attach as many exhibits as you feel are necessary.

THE ENDORSEMENT OF THIS
INSTRUMENT DOES NOT
WAIVER ONE'S
CONSTITUTIONAL
RIGHTS OR A
BILL OF RIGHTS ENTITLEMENT
SO HELP ME GOD

A-3-SLO-01-061 (Pier Ave. Sand Rar

Exhibit G, p.8

Twree/Twree/Twree or Meow/Meow/Meow

"Twree, Twree, Twree,"
chirped a tiny little bird,
slumbering in a tree.

"Meow, Meow, Meow,"
meowed a nocturnal house cat,
having climbed the tree.

Alas!
"Twree, Twree, Twree"
is no more to be!

"Meow, Meow, Meow,"
on the prowl again
to climb a tree,
to feed on another
"Twree, Twree, Twree?"

Will it be the
"Twree, Twree, Twree" OR
Will it be the
"Meow, Meow, Meow,"
Around the house or
In the tree?

By:

Ralph Minnite

March 2, 2001 (Sand Ramp)

Exhibit G, p.84

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W18c SEP 04 2001

California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA
95060-4508TO:

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

E-Mail: TO:<rbrooke@coastal.ca.gov>

RE: Appeal No. A-3-01-61 (Parks & Rec., San Luis Obispo Co.) Appeal by Nell Langford from decision of County of San Luis Obispo granting permit with conditions to California Department of Parks & Recreation to maintain existing sand ramp at Pier Avenue, Oceano, San Luis Obispo County. (SM-SC).

Dear Coastal Commissioners,

I will be unable to attend hearing in Eureka on Sept. 12th. Please include my comments as part of the record.

I support the appeal and all efforts to protect the fragile Oceano Dunes ecosystem from State Parks' gross mismanagement. This includes the endangered western snowy plover, which has suffered a dramatic decline in population by 1/3 over just the last five years, with less than 1000 individual birds left in California.

Due to the fact that the California Least Terns and Western Snowy Plovers are currently being harassed and are dying in the ODSVRA, and that the State Parks has no incidental take permits, the State Parks is in violation of the Endangered Species Act.

The State Parks must be held accountable for allowing all but one of the 50 snowy plover chicks that hatched this year to die at the Oceano Dunes State Vehicular Recreational Area.

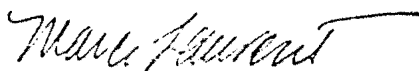
I request that the Coastal Commission take immediate action to close the ODSVRA to vehicles until State Parks can show it has obtained an incidental take permit for the demise of the endangered and threatened species killed during its watch.

A moratorium on vehicles must be imposed until State Parks can guarantee that no more threatened California least terns or snowy plovers will be harassed or die at the ODSVRA, or that Parks has obtained the necessary incidental take permits.

The dunes are the essential environment that these species must have to procreate. I ask you, HOW CAN THAT BE considered less a priority than our desire to recreate? Are we willing to tell the generations who will come after us that our fun was more important than the survival of another species?

Thank you for taking the right action.

Sincerely,



Marcia Laurent

1310 Kenwood, Santa Barbara CA 93109

A-3-SLO-01-061 (Pier Ave. Sand Ran

Exhibit G, p.8

W18c
RECEIVED

SEP 04 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 29, 2001

Coastal Commission
725 Front Street #300
Santa Cruz, CA., 95060
RE: Appeal No. A-3-01-61 (Parks & Rec., San Luis Obispo >>Co.)

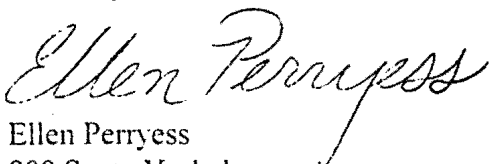
Greetings.

The California Department of Parks and Recreation is currently in violation of the Endangered Species Act by continuing to maintain and permit the use of the sand ramp at Pier Avenue in Oceano California. This ramp, due to the recreational vehicle activity it encourages, results in the harassment and potential death of California least terns, western snowy plovers and degradation of steelhead trout habitat. Due to the impact of recreational vehicles on the western snowy plover, State Parks would need an incidental take permit to be in compliance with the Endangered Species Act.

The western snowy plover has suffered a dramatic decline in population by over 1/3 in the last five years, with less than 1,000 individual birds left in California. State Parks must be held accountable for allowing all but one of the 50 snowy plover chicks that hatched this year to die at the Oceano Dunes State Vehicular Recreational Area.

Please do what you can to protect this fragile area and its vulnerable plants and wildlife.

Sincerely,



Ellen Perryess
800 Santa Ysabel
Los Osos, CA 93402

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.86

RECEIVED

September 7, 2001

SEP 07 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
Fax: (831) 427-4877

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W18c

Position: Opposition to the appeal, in favor of the permit for grading.

I am in opposition to the appeal; I am in favor of the permit for grading. There are over one million visitors to the beach. Without the grading, all of the visitors and local business's loose. As a matter of fact, the appellant will also loose because she will not have those who recreate on the beach to rent to. Just over the Labor Day weekend, her property was rented to some recreationist from Fresno.

Secondly, it is hard to understand how this landowner could appeal the permit for grading while she allows for sand to be removed from the beachfront in front of her property.

Other issues to consider are:

Emergency response: it requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. Those additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

We trust you will see that there are two sides to each story. Likewise, Friends of Oceano and our community expect that the California Coastal Commission will act responsibly.

Thank you.
Kim Kammer
330 West Paul Ave.
Clovis CA 93612

A-3-SLO-01-061 (Pier Ave. Sand Ram

Exhibit G, p.8

Permit # A-3-SLO-01-061

Item # W 18c

Position: Opposition to the appeal, in favor of the permit for grading.
Ben & Janice Ross

September 6, 2001

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California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Sand removal of access ramp for ODSVRA

We are in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, CA for the following reasons:

We feel it first and most important for the emergency vehicles be able to have access in the event of an emergency. The response time must be as little as possible for any life-saving efforts.

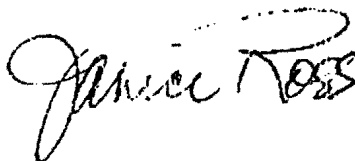
The entrance from Grand Avenue seems intrusive to those people who elect to go the beach with the added traffic of vehicles towing their off-highway toys. The beaches are divided so that people can enjoy their visit in their own way. On Memorial weekend when the Pier Avenue ramp was not graded the extra traffic was excessive to that end of the beach. Small children aren't used to that much added traffic.

Public access to the off road area has been open for decades and is enjoyed by thousands of people that have invested lots of money in their toys and campers. They spend money in the area on gas and food in the grocery stores or at local restaurants. Some people stay in hotels or in other campgrounds in the area and enjoy the day on the beach during the day.

It seems very unfair that the property owners who are appealing the permit get so much of your attention when automobile access was going on before there was houses there. That's like moving into a neighborhood under a flight pattern and then wanting to close the local airport. Who was there first?

Please grant the permit to keep the ramp graded.

Ben and Janice Ross
3305 Via Barba
Lompoc, CA 93436
805 733 1635



A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.88

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal. In favor of the permit for grading.

To: California Coastal Commission, 725 Front St., Ste. 300, Santa Cruz, CA. 95060 or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-roaders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

LARRY BUCKLEY
2364 LINCOLN AVE.
CLONIS CA. 93611

RECEIVED

SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061 (Pier Ave. Sand Ra

Exhibit G, p.8

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

Merrill Schneider

To: California Coastal Commission, 725 Front St., Ste. 300, Santa Cruz, CA 95060 or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.

2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.

3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?

4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?

5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-landers to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

Merrill E. Schneider
 855 E Peralta
 Fresno CA 93704

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SEP 10 2001

 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

P.S. The credibility of the person filling this appeal is suspect, since she blocked traffic on pier ave because of a large 4th of July party at which illegal fireworks were confiscated. source fire dept. report Public record

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.90

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

To: California Coastal Commission, 725 Front St., Ste. 300 Santa Cruz, CA 95060 or fax to (831) 427-4877

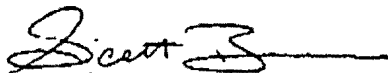
Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-roaders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,



Scott Beiden
5746 N McCaffrey
Fresno CA 93722

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061 (Pier Ave. Sand Ram)

Exhibit G, p.9

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

To: California Coastal Commission, 725 Front St., Ste 300, Santa Cruz, CA 95060

or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.

2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.

3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?

4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?

5. If vehicles do not have easy access from Pier Avenue they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-landers to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

Mike Henrichsen

353 W Nees

Fresno, CA 93711

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.92

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

September 4, 2001

Wade Lousberg
6549 N. Palm #235
Fresno, CA 93704California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

To whom it may concern,

The Oceano Dunes Recreational Area is very important to my family, friends and myself. We enjoy staying on the beach and riding our ATV's on a monthly basis and have done so for about 20 years. We feel very strongly about keeping the Oceano Dunes Recreational Area open indefinitely.

The Oceano / Pismo Beach recreation area has been open to vehicle use since the invention of the automobile. The majority of the dune and beach areas previously open to vehicles and OHV use have already been closed for environmental reasons. I understand the importance of protecting endangered species, but their needs to be a balance between man and nature. Closing the remaining five miles of vehicle accessible beach and dune areas will not save any endangered species.

The Sierra Club and *others* would like the world to believe that the Snowy Plover, Least Tern and Steelhead Trout will flourish if the Oceano beach and dune areas are closed to OHV and public use. If closure is the solution then why aren't these species thriving in the thousands of miles of beach including Oregon and Mexico that do not allow OHV use? Since these particular species are not flourishing anywhere the research needs to focus on factors other the OHV community.

Compromise has already been made on the part of the Oceano Dunes Parks and Recreation Department via previous closures; please return the favor by not closing what little area remains open to OHV use in the Oceano Dunes.

Sincerely,


Wade Lousberg

Dale Johnson
10319 Los Alamitos Blvd.
Los Alamitos, CA 90720
562-594-9418

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: **Opposition to the appeal, In favor of the permit for grading.**

California Coastal Commission,

I am writing this letter expressing my **OPPOSITION** to the appeal and my **APPROVAL** of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA.

Emergency response: It requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

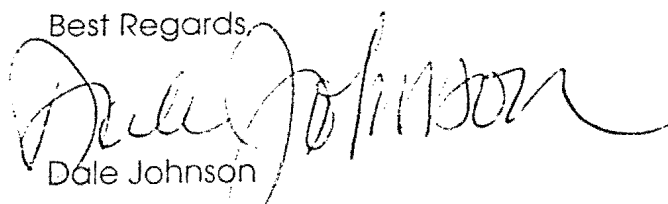
Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.94

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Best Regards,


Dale Johnson

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

California Coastal Commission

Central Coast Area Office

725 Front Street, Suite 300

Santa Cruz, CA 95060

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commission Members,

I have been a resident of the 5-cities area since moving here with my family in 1975. I have enjoyed many family outings at the Oceano Dunes State Vehicular Recreation Area even before formally becoming a state park. Easy access should not be denied to anyone wanting to enjoy the multiple recreation area. Not maintaining the Pier Avenue ramp greatly reduces safe access as well as creates a traffic jam that many people will remember as part of their trip to the ODSVRA.

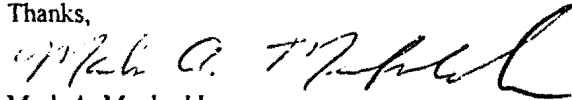
The economic impact to the business of Pier Avenue was shown on the Memorial Day weekend due to the closing of the ramp to traffic heading off the beach. Since the ramp was not maintained, vehicals were allowed only one way onto the beach, where exiting vehicals were directed to Grand Ave ramp. This reduced revenues at the Pier Avenue business to about nothing. Memorial Day is the first real boost to these people and their businesses after a slow winter season.

Emergency responses to the ODSVRA are greatly reduced when the emergency vehical must reroute to Grand Avenue ramp where they can make a safe entrance and exit from the park. This can add up to a 10 minute delay for someone who needs immediate medical attention which can make all the difference between life and death.

Also, how can a dispute against grading the Pier Avenue ramp due to pedestrian access and destruction to Snowy Plover habitat be an issue, when sand removal and grading in front of homes on Strand Way can be achieved? Neither one of these areas are considered preferred habitat for the plover to nest or want to nest.

Please allow a full permit for grading the Pier Avenue ramp. Easy access for visitiors to the State Park should be given so they can enjoy their time at the ODSVRA. We sweep our driveway for our company, lets clean our ramp for our visitors.

Thanks,



Mark A. Meulpolder

881 So. 4th St.

Grover Beach, CA 93433

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.96

September 4, 2001

Wade Lousberg
6549 N. Palm #235
Fresno, CA 93704

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SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Permit # A-3-SLO-01-061, Item # W 18c - Grading Permit

To Whom It May Concern:

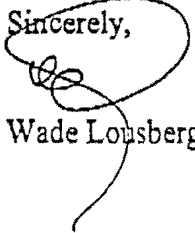
The Grading Permit for the sand ramp at Pier Avenue should be approved. The primary importance for the continued grading of the ramp is safety. When the ramps are graded, they allow for much safer vehicle ingress and egress on the beach. When the soft sand accumulates at the ramps it creates a hazardous and unsafe condition.

The graded sand at the ramps allows vehicles to enter the park at a safe speed without the fear of getting stuck. The vehicles can drive slowly and cautiously to reach the compacted sand at the tide line and travel safely down the beach.

When the ramps are not graded, soft sand accumulates at the ramps creating a hazardous condition. Vehicles have a tendency to get stuck in the soft sand on the ramp, which limits the ingress and egress of other vehicles. When vehicles get stuck on the ramp they not only obstruct access they further soften the sand. Both conditions require other vehicles entering or exiting the beach to speed up to avoid getting stuck. The additional speed and momentum a vehicle requires to reach the compacted sand at the tide line endangers all pedestrians and vehicles in the adjacent vicinity. Add in the vehicles that are stuck in the middle of the ramp and you can only imagine how dangerous this situation can be.

In closing the grading of the ramp should be continued.

Sincerely,


Wade Lousberg

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SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

September 5, 2001

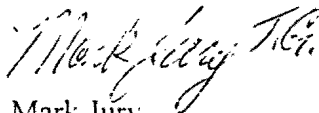
California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Permit: A-3-SLO-01-061
Item: W 18c
Position: Opposition to the appeal, In favor of the permit for grading.

Dear California Coastal Commission,

I am in opposition to the appeal in favor of the permit for grading. The following reasons should clarify my position. It requires six to ten minute's additional emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. Being the parent of a three year old you can never be too careful. Knowing that family, friends and others will be safer is always a positive impact. Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other serious injuries. Please take into consideration the positive impact of grading of the Pier Ave. ramp.

Thank you,



Mark Jury.
President
MJ/cg

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.98

Commercial Contractors

License # 701287 CA License # 42522 NV

Carolyn Suty
13289 Clayton Road
San Jose, CA. 95127
408-254-3385
cjsuty@worldnet.att.net

RECEIVED

September 7, 2001

SEP 07 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Subject: Permit A-3-SLO-01-061 Item W18C Position: Opposition to the Appeal –
Favor Grading

Dear Commissioners,

I applaud your decision in May to have a TRT provide the balance necessary for endangered species decisions at Oceano Dunes. Such a body can have a significant soothing effect on both sides of the discussions assuring an approach leading to responsible recreation by citizens while protecting species.

The current grading permit appeal is a good example of actions which constantly try to alarm and inflame emotions while doing it without facts...or honest debate so that you can hear each side. The appellant has not brought forth proof of harm to any species but instead seems to be driven by her perceived impact to her rental unit income shortfall which she chooses to blame on vehicles and beach traffic. Having rented her unit in the past, I can assure you that its advertisement far exceed its quality. Other "quality rentals" in the vicinity do not seem to have the same problem. That in itself is a very telling fact.

Please don't let this one individual stand in the way of removing a miniscule amount of loose sand causing innocent tourists, local citizens, and other visitors to become victims, getting stuck and ruining a pleasant relaxing experience of driving down to the water on our public beach. Picture your disappointment if you had looked forward to a picnic on the beach with your family and instead become hopelessly mired in the sand requiring hiring a tow truck. What a disappointment for everyone.

Please take the "high ground" and recognize this appeal for what it is...a disgruntled absentee landlord using this tactic to discourage visitors. It is very reminiscent of a person buying next door to an airport and wanting to shut the airport as it grew in patronage.

This isn't about grading sand, is it?

Carolyn Suty
Carolyn Suty

W18c
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SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Appeal # A-3-SLO-01-061

Position: Opposition to the appeal. In favor of the permit for grading
Karen Suty

To: California Coastal Commission

Subject: Continued grading and sand removal to maintain existing access ramp at Pier Avenue in Oceano

Dear Honorable Commission Members,

Once again we are poised to listen to yet another argument by the Santa Lucia Chapter of the Sierra Club and the Environmental Defense Center (EDC) regarding "closure" of the ODSVRA. Although this appeal is disguised by coming from a non-resident landlord who is solely concerned with the grading of the Pier Ave. ramp; the appellant is being represented by an EDC lawyer and orchestrated the chairperson of the Santa Lucia Chapter of the Sierra Club.

Although you may wonder why it matters who has brought the appeal, but rather concern yourselves solely with the merit of the appeal... It is important to consider the players and their intent because it is the same people using the same arguments that we have been hearing since last year. They have simply found yet another way to stomp their feet in a legal tantrum because they haven't gotten their way... a moratorium or "temporary" closure of the ODSVRA. They don't like the answers they have heard from you, the Commission members, so they bring up another threat of lawsuit or appeal to every permit concerning the ODSVRA hoping that this will be the one time that they can have you contradict your many final decisions.

As for the merits of the appeal... they're laughable. The appellant has changed her "cause" for the appeal more times than I can count, and done so in public forums - her lack of rational is no secret. It would take too much time addressing each "issue" - including her claims the area should be zoned for a hotel. That fact alone should demonstrate her so-called concern for the plover.

In her original appeal to the board of supervisors the appellant wanted to show the Sierra Club movie "Easing the Throttle"... of course it worked well at the February CCC meeting, why not the supervisors? However, the supervisors agreed that the movie has nothing to do with the continued grading of the Pier Ave. ramp. The appeal at hand is the grading of the ramp, not whether or not there should be vehicles on the beach. Please do not let this "appeal" become yet another argument for or against the ODSVRA... please remind them that this is not the forum!

Thank you for your time,

Karen Suty
San Jose, California

To: California Coastal Commission, 725 Front St., Ste. 300, Santa Cruz, CA 95060 or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-roaders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

Donald Weaver
1999 Cesitas St
Oceano, Ca
93445

RECEIVED

SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dale Johnson
10319 Los Alamitos Blvd.
Los Alamitos, CA 90720
562-594-9419

W18c
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SEP 05 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Permit #: A-3-SLO-01-061

Item #: W18c

Position: **Opposition to the appeal, in favor of the permit for grading.**

California Coastal Commission,

I am writing this letter expressing my **OPPOSITION** to the appeal and my **APPROVAL** of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA.

Emergency response: It requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

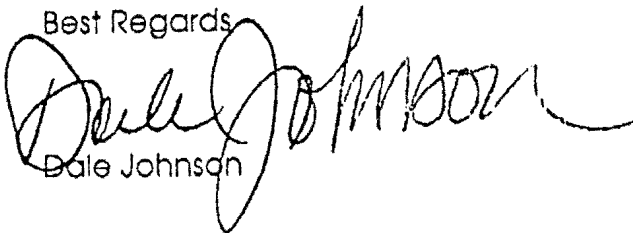
A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.102

Page 2

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Best Regards


Dale Johnson

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SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

To: California Coastal Commission, 725 Front St., Ste 300, Santa Cruz, CA 95060 or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.

2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.

3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?

4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?

5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-riders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

Tony Roza
1335 Shirley
Clovis CA 93611

Tony Roza

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.104

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SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

To: California Coastal Commission, 725 Front St., Ste. 300, Santa Cruz, CA 95060 *Ed Zahariades* or fax to (831) 427-4877

Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard. Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
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The California Coastal Commission's charter tells it to: "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

ED ZAHARIADES
3268 E. LOS ALTOS
FRESNO CA 93710

Ed Zahariades

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.105

To: California Coastal Commission

From: Mark A. Men/polder

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SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Permit #: A-3-SLO-01-061

Item #: V 18c

Position: Opposition to the appeal, In Favor
of the permit for grading Pier
Avenue ramp.

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, in favor of the permit for grading.

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commission Members,

I have been a resident of the 5-cities area since moving here with my family in 1975. I have enjoyed many family outings at the Oceano Dunes State Vehicular Recreation Area even before formally becoming a state park. Easy access should not be denied to anyone wanting to enjoy the multiple recreation area. Not maintaining the Pier Avenue ramp greatly reduces safe access as well as creates a traffic jam that many people will remember as part of their trip to the ODSVRA.

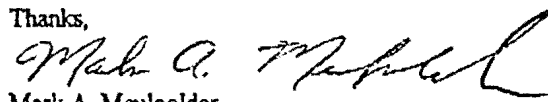
The economic impact to the business of Pier Avenue was shown on the Memorial Day weekend due to the closing of the ramp to traffic heading off the beach. Since the ramp was not maintained, vehicles were allowed only one way onto the beach, where exiting vehicles were directed to Grand Ave ramp. This reduced revenues at the Pier Avenue business to about nothing. Memorial Day is the first real boost to these people and their businesses after a slow winter season.

Emergency responses to the ODSVRA are greatly reduced when the emergency vehical must reroute to Grand Avenue ramp where they can make a safe entrance and exit from the park. This can add up to a 10 minute delay for someone who needs immediate medical attention which can make all the difference between life and death.

Also, how can a dispute against grading the Pier Avenue ramp due to pedestrian access and destruction to Snowy Plover habitat be an issue, when sand removal and grading in front of homes on Strand Way can be achieved? Neither one of these areas are considered preferred habitat for the plover to nest or want to nest.

Please allow a full permit for grading the Pier Avenue ramp. Easy access for visitors to the State Park should be given so they can enjoy their time at the ODSVRA. We sweep our driveway for our company, lets clean our ramp for our visitors.

Thanks,


Mark A. Meulpolder
881 So. 4th St.
Grover Beach, CA 93433

[Click here and type return address]

Grant D. Elwood B.A. Biological
Sciences

W18C
RECEIVED

SEP 05 2001

September 5, 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front St. Ste. 300
Santa Cruz CA
95060-4508

Re; Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the Appeal In favor of the permit for grading.

Dear Commission Members,

The basis of this appeal to grading is flawed on several grounds. First, the appellant and the county both want and permit grading and removal of wind blown sand on Strand Ave. and Pier Ave. streets.

The species du jour...the Western Snowy Plover is not scientifically shown to be trying to build nests near the ramp or the adjacent houses. Nor has this area been scientifically or historically shown to be their preferred habitat.

The limited access of the Pier Ave. ramp directly and significantly affects businesses located on Pier Ave. Over the Memorial Day holiday when the Pier ramp was closed every Pier Ave. business owner reported severe economic hardship on a historically busy weekend.

The Emergency Health needs of the many people using this popular State Park is critically hampered if the Pier Ave. ramp is not available to ER vehicles. Emergencies include drowning, heart attacks and other injuries.

To let one person or a small cadre of greedy individuals benefit personally by increased property values due to a decrease in use of possibly the most popular State Park is a moral and ethical sin against all California residents and visitors. Citizen use of this Coastal Recreation Area predates any private residence in question.

Sincerely,

Grant D. Elwood
980 Ocean Blvd.
Shell Beach CA 93449
Dunes visitor since 1968

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.108

August 27, 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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AUG 27 2001

Permit #: A-3-SLO-01-061
Item #: W 18c
Position: In favor of the permit for grading.

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

To whom it may concern,

I have been enjoying the Pismo Sand Dunes for 32 years. The Pier Avenue entrance to the ODSVRA is vital to allow the diverse visitors access to the beach experience. Without this ramp, emergency response time would be lengthened and could mean the difference between life and death. Many handicapped Americans use this ramp as their access to the beach. Law enforcement agencies and other authorities also use this ramp for access.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. You have already closed hundreds, if not thousands of acres to protect wildlife. Enough is enough. Let people have the few scraps of beach that is left.

The economic impact of past dune closures was already impacted the local economy. Any further closures would create more economic distress to local businesses.

If the County permits removal of wind blown sand on Strand Avenue and Pier Ave. streets then it should allow grading of this ramp.

I urge you to grant the grading permit for the Pier Avenue entrance.

Sincerely,



William C. Jones
20092 Swansea Lane. Huntington Beach, CA 92646

cc: (831) 427-4877

W18C
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Lorraine L'Herrou Unger
2815 La Cresta Drive
Bakersfield, CA 93305-1719
August 28, 2001

AUG 31 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, CA 95060-4508

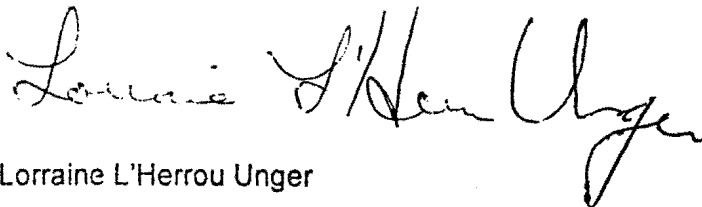
Re: Appeal No. A-3-01-61 (Parks & Rec., San Luis Obispo Co.)

I am writing in support of the appeal to the County of San Luis Obispo granting a permit with conditions to California Department of Parks & Recreation to maintain existing sand ramp at Pier Avenue, Oceano, San Luis Obispo County.

The dunes are quite fragile and this area is habitat for endangered species. They are being "taken" by the efforts of the Park. This area has California Least Terns and Western Snowy Plovers which cannot compete with vehicles and the State Park has no incidental take permits. The Snowy Plovers have less than 1000 individual birds left in California. State Parks should be held accountable for allowing all but one of the 50 snowy plover chicks that hatched this year to die at the Oceano Dunes State Vehicular Recreational Area (ODSVRA).

The Coastal Commission should take immediate action to close the ODSVRA to vehicles until State Parks can show it has obtained an incidental take permit for the demise of the endangered and threatened species killed during its responsibility. A moratorium on vehicles is necessary until State Parks can guarantee that no more threatened California least terns or snowy plovers will be harassed or die at the ODSVRA, or that Parks has obtained the necessary incidental take permits. And what about protecting the steelhead trout in Arroyo Grande Creek from millions of vehicle crossings every year?

Please uphold the appeal,



Lorraine L'Herrou Unger

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.110

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AUG 3 1 2001

Permit #: A-3-SLO-01-061

Item #: W 18c

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Position: Opposition to the appeal, In favor of the permit for grading.
Gerard Forgnone

To: California Coastal Commission

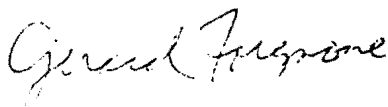
Subject: Sand removal of access ramp for ODSVRA

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been motorized since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental units. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, needs this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it begins to pile up, yet the appellant wishes to stop sand removal from the access ramp. To me, this is a double standard: Why is removal of sand ok if it benefits a few homeowners, but not ok when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-roaders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,



Gerard Forgnone
1587 Turquoise Ct.
Santa Maria, CA 93455
805-937-3050

1/2
A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.111

Exhibit 1

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, In favor of the permit for grading

Gerard Forgnone

A-3-SLO-01-061 (Pier Ave. and Ramp)
Exhibit G, 0.112

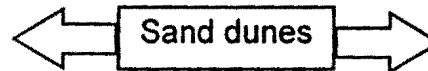
Pier Ave.

Appellant's Rental Property

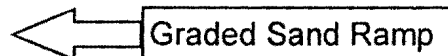
Strand Way



Kiosk



If it is ok to remove sand from here to benefit a few homeowners...



...then it should be ok to remove sand from here to benefit the public.

Gerard Forgnone

Gerard Forgnone

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AUG 31 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Drawing not to scale

2/2

Joel Suty
13239 Clayton Road
San Jose, CA 95127
408-254-3385
joel.suty@worldnet.att.net

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AUG 28 2001

August 28, 2001

W18CCALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: Permit A-3-SLO-01-061 Item W18C Position: Opposition to the Appeal -
Favor Grading

Dear Commissioners,

I urge you to reject the appeal which eliminates grading at the base of the Pier Avenue ramp. An area smaller than the average house.

As you know, one of the negative aspects of buying beachfront property are the problems associated with waves bringing in sand and the resultant wind action of moving large volumes of it, as is the case of homes on Strand Way, the surrounding streets, intersections, Kiosk and ramp area. The homes have historically had major problems with dunes forming against their fences and homes to the point of causing property damage. Documented Dunefite History records severe damage to their homes from drifting sand, destroying at least one. The same phenomenon occurs worldwide. Strand Way, at Pier Avenue, has long been inundated with blowing sand, 8-10 inches deep with the resultant necessity for frequent removal to avoid stuck vehicles becoming traffic hazards. Common sense and practicality would dictate sand removal much as one might do with snow. Huge berms of sand also build up in front of the homes on Strand Way, with high potential property damage. This sand removal has been authorized periodically, including the Appellant's. The dry sand in front of the homes is thought not to be conducive for Plover reproduction.

We might then ask what is different about the bottom of the legally authorized access ramp? It too feels the brunt of storms, but with one major difference, each year seasonal storms excavate huge amounts of sand from the beaches including the bottom of the Pier Ramp. Later, subsequent seasonal storms redeposit those same huge sand volumes. Winds then add their destruction by excavating and blowing large volumes of sand and depositing it loosely at the base of the ramp, on adjacent streets and against the homes. Local elected officials in authority over the Grand Avenue Ramp as well as Pier Ramp have long recognized this natural phenomena and merely approved removal of the sand, returning it to the Ocean environment.

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

W18c

RECEIVED

AUG 29 2001

Permit #: A-3-SLO-01-061

Item #: W18c

Position: Opposition to the appeal, In favor of the permit for grading.

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I want to express my OPPOSITION to the appeal. I want to express my overall APPROVAL of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA.

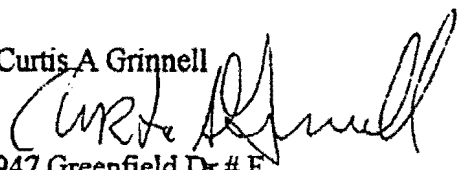
The ramp should be maintained for emergency response: it requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. Using animals as an excuse to close areas is flawed. With education people can camp, and enjoy wilderness with out destruction of habit.

By limiting access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Curtis A Grinnell



947 Greenfield Dr # F
El Cajon, Ca 92021

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.114

Position: Opposition to the appeal. In favor of the permit for grading.

To: California Coastal Commission 725 Front St. Ste. 201 Santa Cruz, CA 95060

Subject: Sand removal of access ramp for ODSVRA

W18C

I am in favor of removal of sand for access to the beach at the end of Pier Avenue in Oceano, Ca, for the following reasons:

1. Public access to this beach has occurred for over 100 years, and has been maintained since the dawn of the automobile. Motor vehicles were on this beach long before anyone built any homes on Strand Way. It is my opinion that the appellant wants to remove vehicles to increase the amount she can charge for her rental. This benefits the appellant's pocketbook, not the general public, who continue to show their desire to access this beach with vehicles, as witnessed by ODSVRA attendance figures. It is San Luis Obispo County's most popular park, drawing half again as many visitors as the prestigious and well-advertised Hearst Castle.
2. The appellant states that the endangered species, Western Snowy Plover, nests this area in front of her rental property to survive. This is a falsehood, as any reputable biologist will testify that Snowy Plovers do not nest in areas where there are adjacent predator hiding areas, such as structures. The very structure that the appellant owns precludes Snowy Plovers from nesting.
3. The appellant and other property owners along Strand Way regularly petition the County of San Luis Obispo to remove wind-blown sand from the areas fronting their structures when it becomes an annoyance. This is a double standard. Why is removal of sand OK if it benefits a few homeowners, but not OK when it benefits the visitors to a popular park?
4. Emergency vehicles must access the ODSVRA for life-saving services. If they can not use the Pier Avenue ramp to help injured or sick people, their response times are delayed by having to use the Grand Avenue ramp a mile or so to the north. I, for one, would not want to be responsible for a death if emergency vehicles are delayed by not being able to get on the beach at Pier Ave. Do you?
5. If vehicles do not have easy access from Pier Avenue, they will divert to the Grand Avenue ramp. Many of the visitors to this area are destined for the off-road riding area of ODSVRA, and simply add extra traffic to the licensed-vehicle-only area between Grand and Pier. Forcing the off-road riders to enter at Grand Avenue degrades the beach experience for those who use the beach between Grand and Pier.

The California Coastal Commission's charter tells it to, "Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners." This ramp leads to a popular public recreation area. The appellant does not own the property where she is trying to have grading stopped. The public does. The public has proven, with their high attendance figures, that they want this ramp maintained for access. Please do what the public wants, and continue to allow State Parks full permission to grade the access ramp at Pier Avenue.

Thank you,

Your name
Address
City, State, Zip

Respectfully,
1770 Shoreway Blvd.
Oceano Beach, Calif 93433-1860

RECEIVED

AUG 31 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

AUG 30 2001

August 27, 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061

Item #: W 18c

Position: Opposition to the appeal, In favor of the permit for grading.

I'm in OPPOSITION to the appeal and ask for your overall APPROVAL of granting State Parks the permit for grading and maintaining the sand ramp at the Pier Avenue entrance to the ODSVRA, for the following reasons.

Emergency response: it requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

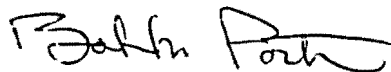
Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Thank you for your consideration in this matter.

Yours Truly



Bob M. Porter
9661 Linden Ave.
Bloomington, CA 92316

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.116

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August 27, 2001

AUG 30 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Permit #: A-3-SLO-01-061
Item #: W 18c
Position: In favor of the permit for grading.

To whom it may concern,

I have been enjoying the Pismo Sand Dunes for 32 years. The Pier Avenue entrance to the ODSVRA is vital to allow the diverse visitors access to the beach experience. Without this ramp, emergency response time would be lengthened and could mean the difference between life and death. Many handicapped Americans use this ramp as their access to the beach. Law enforcement agencies and other authorities also use this ramp for access.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. You have already closed hundreds, if not thousands of acres to protect wildlife. Enough is enough. Let people have the few scraps of beach that is left.

The economic impact of past dune closures was already impacted the local economy. Any further closures would create more economic distress to local businesses.

If the County permits removal of wind blown sand on Strand Avenue and Pier Ave. streets then it should allow grading of this ramp.

I urge you to grant the grading permit for the Pier Avenue entrance.

Sincerely,



William C. Jones
20092 Swansea Lane, Huntington Beach, CA 92646

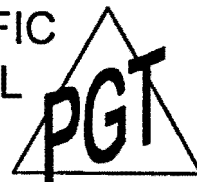
RECEIVED

Neal Frost
125 Bethany Dr, Suite C
Scotts Valley, CA 95066-2821
Phone: (831) 439-1788
Fax: (831) 439-1788

AUG 30 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PACIFIC
GENERAL
TECHNOLOGY



To: California Coastal Commission From: Neal Frost
Re: Permit #: A-3-SLO-01-061 Date: August 27, 2001
Item #: W 18c

California Coastal Commission,

I am in opposition to the appeal and in favor of the permit for grading.

The sand ramp at the Pier Avenue entrance to the ODSVRA has a long history of operation that benefits the users of the ODSVRA. The ramp also provides benefits to local businesses and has not been proven to impact any species to such a degree that it requires removal.

Emergency response would be negatively impacted by closing this ramp. Closure would increase the liability of the State Parks Dept. for inadequate access to the ODSVRA. Safety officials estimate closure would require six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death. Not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries. This additional response time would be a significant increase over existing prompt emergency response.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. If these nesting birds are found to be impacted by the ramp in question, the impact is offset by the already significant areas set aside for wildlife refuge.

The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

Sincerely,

Neal Frost

Owner, Pacific General Technology

Cc: Friends of Oceano Dunes
P.O. Box 398
Oceano, CA 93445
A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.118

Joel Suty
13289 Clayton Road
San Jose, CA. 95127
408-254-3385
joel.suty@worldnet.att.net

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AUG 30 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

August 28, 2001

California Coastal Commission
Central Coast Area Office
725 Front Street , Suite 300
Santa Cruz, CA 95060

Subject: Permit A-3-SLO-01-061 Item W 18C Position: Opposition to the Appeal –
Favor Grading

Dear Commissioners,

I urge you to reject the appeal which eliminates grading at the base of the Pier Avenue ramp. An area smaller than the average house.

As you know, one of the negative aspects of buying beachfront property are the problems associated with waves bringing in sand and the resultant wind action of moving large volumes of it, as is the case of homes on Strand Way, the surrounding streets, intersections, Kiosk and ramp area. The homes have historically had major problems with dunes forming against their fences and homes to the point of causing property damage. Documented Dunnite History records severe damage to their homes from drifting sand, destroying at least one. The same phenomenon occurs worldwide. Strand Way, at Pier Avenue, has long been inundated with blowing sand, 8-10 inches deep with the resultant necessity for frequent removal to avoid stuck vehicles becoming traffic hazards. Common sense and practicality would dictate sand removal much as one might do with snow. Huge berms of sand also build up in front of the homes on Strand Way, with high potential property damage. This sand removal has been authorized periodically, including the Appellant's. The dry sand in front of the homes is thought not to be conducive for Plover reproduction.

We might then ask what is different about the bottom of the legally authorized access ramp? It too feels the brunt of storms, but with one major difference, each year seasonal storms excavate huge amounts of sand from the beaches including the bottom of the Pier Ramp. Later, subsequent seasonal storms redeposit those same huge sand volumes. Winds then add their destruction by excavating and blowing large volumes of sand and depositing it loosely at the base of the ramp, on adjacent streets and against the homes. Local elected officials in authority over the Grand Avenue Ramp as well as Pier Ramp have long recognized this natural phenomena and merely approved removal of the sand, returning it to the Ocean environment

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.119

August 28, 2001

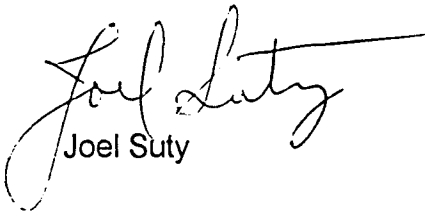
from whence it came. Grading permits were given based on common sense, attention to the natural environmental phenomena, and recognition by biologists that the areas were not conducive to endangered or protected species reproduction.

The appellant can bring forth no, generally accepted, scientific proof that the Western Snowy Plover is affected by removing sand from adjacent streets or the miniscule area at the bottom of the ramp.

Based on the above comments I urge you to reject the appeal and not cause tourists, park attendees, fishermen, and the many others who drive down onto the beach to get unnecessarily stuck in the loose sand. The few inches of sand removed in an area the size of an average house while grading, should be compared to the few feet that nature removes and returns each year along the entire Central Coast. Translating those few inches of sand into a threat to endangered/protected species is a stretch of your imagination and mine. If you choose not to reject the appeal, I recommend that you delegate the analysis of such claims to the TRT, which you helped to create to study such issues.

Doesn't Yosemite remove snow from some of their unimproved roads for safety?
Why not sand for safety?

Sincerely,



Joel Suty

Neal Frost
125 Bethany Dr, Suite C
Scotts Valley, CA 95066-2821
Phone: (831) 439-1788
Fax: (831) 439-1788

PACIFIC
GENERAL
TECHNOLOGY



To: California Coastal Commission From: Neal Frost

RECEIVED

Re: Permit #: A-3-SLO-01-061 Date: August 27, 2001

AUG 27 2001

Item #: W 18c

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission,

I am in opposition to the appeal and in favor of the permit for grading.

The sand ramp at the Pier Avenue entrance to the ODSVRA has a long history of operation that benefits the users of the ODSVRA. The ramp also provides benefits to local businesses and has not been proven to impact any species to such a degree that it requires removal.

Emergency response would be negatively impacted by closing this ramp. Closure would increase the liability of the State Parks Dept. for inadequate access to the ODSVRA. Safety officials estimate closure would require six to ten minutes additional emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death. Not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries. This additional response time would be a significant increase over existing prompt emergency response.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. If these nesting birds are found to be impacted by the ramp in question, the impact is offset by the already significant areas set aside for wildlife refuge.

The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

Sincerely,

Neal Frost

Owner, Pacific General Technology

Cc: Friends of Oceano Dunes
P.O. Box 398
Oceano, CA 93445

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.121

Liz Fuchs

W18C

From: Sanders [dak4x@pacbell.net]
Sent: Monday, August 27, 2001 10:16 AM
To: SLOReview@coastal.ca.gov
Subject: Permit A-3-SLO-01-061

Hello,

This letter is to express my support for permit A-3-SLO-01-061, which would allow the grading of the Pier Avenue ramp to Oceano Dunes SVRA. I am in opposition to the appeal, which would prevent grading the ramp.

I have been visiting Oceano Dunes for years, as my father did before me, and I find it truly ludicrous that persons owning property in the area surrounding Pier Avenue would buy property there, then attempt to prevent access to the beach. Surely they knew what types of activities took place before they purchased their property. Oceano Dunes is a last bastion of rationality in a state which consistently has prevented vehicles equal access to the land. Property Owners' attempts to prevent the vehicular recreation at Oceano Dunes by moves such as preventing the grading of the ramp only make the dunes unsafe by limiting access by emergency vehicles and rangers in vehicles that are ill-equipped to handle the soft sand that results. It is my contention that attempts to close the dunes by the few area residents that oppose the activities there are analogous to a person buying a home adjacent to a golf course, then attempting to outlaw golf balls.

I consider myself an environmentalist, however I also consider myself a rational person. Oceano Dunes is a veritable postage stamp on the football field that is California. With all of the other environmental protections in place in California, not to mention the effective conservation programs in place at Oceano Dunes for the protection of the Snowy Plover, and the amount of land that has been "saved" from the public in California and at Oceano Dunes already, are further steps to restrict public access at Oceano Dunes really necessary? I would answer that question with a whole-hearted "no".

Please grant the permit for grading the ramp, and continue to do so in the future.

Respectfully,
Marc and Jennifer Sanders
3001 Hahn Drive #369
Modesto, Ca 95350
209/526-9224

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.122

Liz Fuchs

From: Dan Peterson [petersondan@hotmail.com]

Sent: Monday, August 27, 2001 12:20 PM

To: SLOReview@coastal.ca.gov

Subject: Opposition to the appeal, In favor of the permit for grading. Permit #: A-3-SLO-01-061 Item #: W 18c

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

The Permit #A-3-SLO-01-061 Has all ready been granted for the clearing of the Grand Ave. ramp. I believe that the Coastal Commission has been very diligent in coming to the conclusion to approve this permit. Unless there is absolute proof of damage to the beach or wild life no consideration should be given to the appeal.

>> Emergency response: it requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

>> Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

>> Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

>> Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Thank You

Dan Peterson
CORVA ND

August 27, 2001

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Permit #: A-3-SLO-01-061
Item #: W 18c
Position: In favor of the permit for grading.

To whom it may concern,

I have been enjoying the Pismo Sand Dunes for 32 years. The Pier Avenue entrance to the ODSVRA is vital to allow the diverse visitors access to the beach experience. Without this ramp, emergency response time would be lengthened and could mean the difference between life and death. Many handicapped Americans use this ramp as their access to the beach. Law enforcement agencies and other authorities also use this ramp for access.

There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat. You have already closed hundreds, if not thousands of acres to protect wildlife. Enough is enough. Let people have the few scraps of beach that is left.

The economic impact of past dune closures was already impacted the local economy. Any further closures would create more economic distress to local businesses.

If the County permits removal of wind blown sand on Strand Avenue and Pier Ave. streets then it should allow grading of this ramp.

I urge you to grant the grading permit for the Pier Avenue entrance.

Sincerely,

William C. Jones
20092 Swansea Lane, Huntington Beach, CA 92646

W18c

Liz Fuchs

From: CopNDaddy@aol.com
Sent: Monday, August 27, 2001 4:21 PM
To: SLOReview@coastal.ca.gov
Subject: regarding Oceano (Pismo Beach) Dunes....

Here are some reasons NOT to close the Ramp

>> Emergency response: it requires six to ten minutes addition emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

>> Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

>> Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

>> Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets.

Please feel free to use some or all of the information provided above in a letter to the California Coastal Commission.

Leave things ALONE !!!!!

Memorandum

To: CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

From: MICHAEL GORZO

40583 EYOTA CT.

MURRIETA, CA. 92562

Re: PERMIT #: A-3-SLO-01061 ITEM#: W 18c POSITION: OPPOSITION TO THE
APPEAL-IN FAVOR OF THE PERMIT FOR GRADING

GENTLEMEN,

FACTS TO CONSIDER:

THE EMERGENCY RESPONSE TIMES THAT WILL BE AFFECTED BY HAVING TO USE THE
GRAND AVE. RAMP VS. THE PIER AVE. RAMP.

THERE ARE NO FACTS THAT THE WESTERN SNOWY PLOVER HAVE ATTEMPTED TO
BUILD NESTS NEAR THE RAMP OR THE ADJACENT HOUSES. (THIS IS NOT CONSIDERED
THEIR PREFERRED HABITAT.)

LIMITED ACCESS OF THE PIER AVE. RAMP WILL DIRECTLY AND SIGNIFICANTLY
AFFECT THE BUSINESSES LOCATED ON PIER AVE.

GRADING OF WIND BLOWN SAND ON STRAND AVE AND PIER AVE STREETS IS
ALLOWED BY THE HOMEOWNERS AND THE COUNTY.

THINK THIS THROUGH AND ALLOW ACCESS FOR ALL.

THANK YOU FOR YOUR TIME,

MICHAEL GORZO

Liz Fuchs

W18C

From: Sam Costa [Sam.Costa@Latitude.COM]
Sent: Wednesday, August 29, 2001 8:35 AM
To: 'SLOReview@coastal.ca.gov'
Subject: Keep Oceano Dunes open FOR the public, not FROM the public!!

Hello, my name is Sandro Costa and this is my concern about grading the "Pier ave." ramp. I only hope that this letter can help educate people who oppose against this appeal, Please help us keep Oceano Dunes open for the public and not FROM the public! Keeping this area graded only means better economic growth especially for the business's that pertain to this area and safer environment for people using this area. There's NO reason not to grade this area and keeping it accessible to everyone.

Emergency response: it requires six to ten minutes additional emergency response time by using the Grand Ave. Ramp versus the Pier Ave. Ramp. These additional minutes could determine the difference between life and death (maybe your own). Remember, not all emergencies are vehicle related and can include drowning, heart attacks, and other injuries.

Plover: There are no facts or scientific evidence that Western Snowy Plovers have attempted to build nests near the ramp or the adjacent houses. Nor is this considered their preferred habitat.

Economic Impact: The limited access of the Pier Avenue ramp directly and significantly impacts businesses located on Pier Avenue. As witnessed over the Memorial Day weekend, when the Pier Avenue ramp was closed to traffic exiting the beach. Every Pier Ave. business owner reported severe financial impact during a weekend that should have been one of the busiest of the year.

Flawed basis of the appeal: It is hypocritical to dispute the grading of the Pier Ave. ramp when the homeowners (including the appellant) and county permit grading and removal of wind blown sand on Strand Avenue and Pier Ave. streets. Please feel free to use some or all of the information provided above in a letter to the California Coastal Commission.

Sandro "Sam" Costa
Audio Conferencing Consultant
Latitude Communications

Liz Fuchs

W18c

From: User724188@aol.com
Sent: Wednesday, August 29, 2001 9:05 PM
To: SLOReview@coastal.ca.gov
Subject: Permit # A-3-SLO-01-061

Dean E. Coleman
2231 Concord Ave.
Pomona Ca, 91768-1019
Phone 909-3747-1815
Home Phone 909-623-4676
Email User724188@AOL.COM

Aug 29, 2001

TO:
Cal Coastal Commission

Retime # W 198c
Permit # A-3-SLO-01-061

Dear Commission members,;

First let me say thank you for taking the time to consider my point of view.
And second let me day that I am a davit off roared, dune, and Bow hunter, I am
also a good environmentalist. These points of view do not have to be at odds
we
each other. You will find that most outdoorsmen and yes dunes and off-roared
are
outdoorsmen, are good enviromentialest.

We enjoy the world around us, we don't want to see it torn up or distorted, we
enjoy the natural beauty around us.

Today I Righting to you in regard to the permit for grading of Pier Ave. Ramp
in
the Ocean Dunes. I am opposed to the appeal of the ruling for the permit. The
permit was granted so let it stand. It seems like a case of "Not in my back
yard"
The homeowner and the county have been granted permits to grade and remove
windblown sand in other area. Such as the Strand AVE. and Pier Ave. streets
thus
limiting access to the beach and dunes. Why Is one group more entitled to the
dune
then anther?

Secondly is the point of safety, The area is enjoyed by people of all ages
and walks
of life, from the grandfather surf fishing, or the elderly couple walking the
surf
line at low tide collecting sand pallor, to the surfer and body boarder, or
the young
family enjoying the dunes, Having to tell there loved ones that they did not
make it
because of the extra 6 or 8 min, it took to get to them because the and to go
around to anther entry point. Sincerely,

A-3-SLO-01-061 (Pier Ave. Sand Ramp)

Exhibit G, p.128

Thirdly there is No evidence that the Western Snowy Plover have attempted to build nests Any were near the ramp or near by houses. Nor is this consider to be here preferred habitat.

The permit was granted for all the right reason Please do not change it for all the young ones

Dean E Coleman

Dean E Coleman

CENTURY 21 FILER REALTOR

RECEIVED

(805) 489-2100

(805) 489-6753 FAX

SEP 12 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FACSIMILE TRANSMITTAL SHEET

TO: Coastal Commission FROM: Joanne Jacoby

COMPANY: DATE:

FAX NUMBER: TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER: SENDER'S REFERENCE NUMBER:
(805) 481-3692

RE: YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

We need a solution to the Beach Problem in Oceano, it's completely out of control.

Labor Day -- Rangers arrested half-dozen people driving under the influence.

We had 7 injuries. the worst a 28 year with a possible broken back.

It's a zoo with large trucks, ATV's, Hummers giving wild rides over the dunes, autos, dune buggies are back in full swing, and of course Motor Homes.

Thank of th havoc to the sensitive areas, the Plovers are gone, all sensitive species of plants destroyed, water and air pollution and steelhead trout endangered.

The noise all night long is worse then any freeway.

Please we need help and it's time.

604 GRAND AVE Joanne Jacoby
ARROYO GRANDE, CA 93420 A-3-SLO-01-061 (Pier Avenue Sand Ram

Joanne Jacoby
Exhibit G, p.13

RECEIVED

SEP 12 2001

CRAHTAC
County Riding and Hiking Trails Advisory Committee
610 Mission Canyon Road
Santa Barbara, CA 93105

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda # W 18.C
Application # A-3-SLO-01-061
In Favor

California Coastal Commission
Central Coast Area Office
725 Front Street, Ste 300
Santa Cruz, CA 95060

RE: Oceano Dunes, Pier Avenue sand ramp

Ladies and Gentlemen:

The Santa Barbara County Riding and Hiking Trails Advisory Committee urges you to maintain the existing sand ramp at Pier Avenue, Oceano.

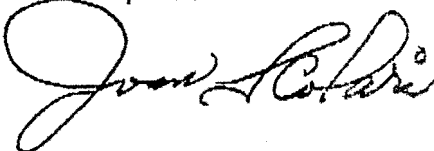
It is a historical beach access. There are only two vehicle accesses on this stretch of beach for North Santa Barbara County and South San Luis Obispo County. To eliminate one would be a hardship for recreational camping, family use, seniors and persons with disabilities. That access would allow a manageable recreation equestrian corridor from Oceano to Guadalupe-Nipomo Dunes (naturally, during non-nesting season and with-in the high tide line).

Unless the intent is to restrict or eliminate access to that beach area, except to the homeowners who are lucky enough to live there for their personal use.

Again we urge you to maintain the sand ramp. Your balanced consideration is greatly appreciated.

Thank you

Joan Scolari
Chairperson



A-3-SLO-01-061 (Pier Avenue Sand Ramp)

Exhibit G, p.131

