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STAFF REPORT
PERMIT REVIEW & RENEWAL

Application Number 4-82-300-A5

Applicant.....**California Department of Parks and Recreation (DPR)**

Project Location .....Oceano Dunes State Vehicular Recreation Area (ODSVRA[1]), approximately 1 mile south of the City of Pismo Beach, San Luis Obispo County.

Project Description .....Annual Review and Renewal of Coastal Development Permit Amendment 4-82-300-A5 establishing use limits and a Technical Review Team at Oceano Dunes State Vehicular Recreation Area.

Original Project Description..Construct 35,000 linear feet of fencing to keep off-highway recreational vehicles out of sensitive vegetated dunes and wetland environments; place kiosks for access control at Grand Avenue and Pier Avenue (4-82-300).

Substantive File Documents...Administrative records for 4-82-300, 4-82-300-A, 4-82-300-A2, 4-82-300-A3, 4-82-300-A4, and 4-82-300-A5; San Luis Obispo County certified Local Coastal Program.

Procedural Summary: In 1982 the Coastal Commission approved Coastal Development Permit (CDP) No. 4-82-300 for the construction of habitat fencing and entrance kiosks at Oceano Dunes State Vehicular Recreation Area (ODSVRA). That permit and subsequent amendments have established limits to the numbers of vehicles and campsites allowed, and required ongoing reviews to ensure that off-highway vehicle (OHV) recreation is managed consistent with the protection of sensitive dune habitats.

Various processes have been used to comply with this requirement. On February 14, 2001, the Commission endorsed State Park's proposal to establish a Technical Review Team (TRT)[2] as an

[1] Oceano Dunes SVRA was known as Pismo Dunes SVRA until the mid-1990s; for clarity, references herein are to Oceano Dunes SVRA (ODSVRA), except where Pismo Dunes SVRA is found in direct quotations from previous documents.

alternative to the carrying capacity study required in 1994. The TRT was created to oversee monitoring of environmental and use trends in the Park and advise the Superintendent on resource management issues. As a condition of Commission approval, the TRT was required to include a scientific subcommittee that was to identify, develop and evaluate the scientific information needed by decision makers to ensure that the natural resources are adequately managed and protected. The Commission also required the amendment to be renewed annually. Specifically, Special Condition 2 states:

> ***Renewal of Permit.*** *Annually, the Commission shall review the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If the Commission is satisfied with the review, this amendment will remain in effect for an additional year. A longer permit may be requested in the future. Otherwise, an alternative approach to resource management, or set of management measures, may be instituted through this review process.*

In accordance with the above condition, the Commission must now decide whether to renew Amendment 5 of CDP 4-82-300. There are two primary issues that must be considered: whether the TRT is providing an effective process for addressing environmental analysis and resource management needs at the park; and, whether use limits established pursuant to 4-82-300-A5 are protecting coastal resources consistent with the requirements of the Coastal Act in the interim[3].

Summary of Staff Recommendation: Commission staff recommends the Commission **renew** Amendment A5 to CDP 4-82-300 **with revised conditions** that call for a reorganization of the TRT. State Parks has carried out CDP 4-82-300-A5 consistent with the terms of the Coastal Commission's approval. However, this experience has shown that the current organization of the TRT limits its ability to effectively and expeditiously identify and resolve critical research and management issues.

In keeping with the original intent of providing technical review and analysis, staff recommends that the TRT's composition be modified from a stakeholder group to a technical review panel whose membership is limited to the parties responsible for collecting and analyzing data; i.e., park managers, regulatory agency staff, and scientists with expertise in the environmental resources supported by the park. To ensure that adequate technical analysis takes place, the recommendations for renewal call for an increase in the number of scientists on the scientific subcommittee. Although the interest groups would no longer be members of the TRT, they will be kept informed of the TRT's progress and actions through the distribution of meeting minutes. The interest groups will also have the opportunity to review and respond to the data and conclusions of the TRT during public hearings associated with the renewal of this permit amendment. The research and analysis conducted by the

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[2] The Coastal Commission adopted Revised Findings in support of this action on May 7, 2001.

[3] 4-82-300-A5 limits day use to 2,580 street-legal vehicles per day, 1,720 off-highway vehicles at any given time, and 1,000 camping units (i.e., 1,000 street legal vehicles) per night. These limits may be exceeded on Memorial, July 4th, Labor Day, and Thanksgiving weekends.

TRT will also benefit the Habitat Conservation Plan (HCP) currently under development, a process that will also involve stakeholder participation.

In addition to this reorganization, staff recommends that the Commission provide more specific direction on the TRT's scope of work. In order to effectively identify and evaluate the ways in which access and recreation can be managed to protect natural resource areas from overuse, the TRT should be directed to: identify the important habitat areas of the park assuming no recreational use; analyze the significance of these habitat areas to the long term survival and recovery of rare and endangered species; and, develop alternative measures to ensure that recreational activities do not disrupt the habitat areas upon which the survival and recovery of such species depends.

With this reorganization and additional direction the TRT will better ensure that recreational uses of the park are managed consistent with Coastal Act Sections 30210, 30230, 30231, 30232, and 30240. These changes will also facilitate the research, analysis, and interagency coordination essential to the success of the HCP effort.

The recommended changes to the TRT's organization and scope of work will also help resolve outstanding questions regarding the adequacy of current use limits and management approaches. The extremely low fledgling rate of the 2001 snowy plover nesting season underscores the importance of this issue. The response currently recommended by the TRT and scientific subcommittee is to avoid changing management variables (e.g., the location of habitat fencing) that may have influenced fledgling rates so that a better understanding of the cause of low fledgling rates and the appropriate response (currently focused on predator management) can be gained. As a TRT member, Commission staff has recommended a more precautionary response, involving both predator controls *and* an increase in protected nesting habitat that would also preserve opportunities for OHV recreational activities within the primary riding areas in the of the back dunes. Rather than revising the interim limits established by the Commission's 1991 approval of 4-82-300-A5, staff recommends that the Commission provide the reorganized TRT with additional time to address this issue and present its findings at the 2003 permit renewal hearing.

TABLE OF CONTENTS

I. Staff Recommendation 4
II. Conditions of Amendment Renewal 4
III. Findings and Declarations 7
A. Policy Framework 7
B. Analysis 10
1. 2001 Data Regarding Biological Resources in the ODSVRA 10
2. TRT Activities 13
3. TRT Evaluation 15
4. Interim Use Limits and Management Measures 17
V. California Environmental Quality Act (CEQA) 18

Exhibit 1: ODSVRA Map
Exhibit 2: 2001 Nest Locations and Seasonal Exclusion Areas
Exhibit 3: TRT Annual Report for 2001
Exhibit 4: TRT Memo Transmitting Scientific Subcommittee Recommendations and Associated Scientific Subcommittee Report
Exhibit 5: Commission Staff Memo to Superintendent
Exhibit 6: Facilitator's Report
Exhibit 7: Scientific Subcommittee Report on Predator Management
Exhibit 8: Correspondence

Appendix A: Revised Findings Staff Report for Coastal Development Permit Amendment 4-82-300-A5 adopted by the Coastal Commission on May 7, 2001

I. STAFF RECOMMENDATION

Staff recommends that, after public hearing, the Commission adopt the following resolution:

MOTION: ***I move that the Commission renew Coastal Development Permit Amendment No 4-82-300-A5 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in renewal of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby renews the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to maintain a Local Coastal Program conforming to the provisions of Chapter 3. Renewal of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. CONDITIONS OF AMENDMENT RENEWAL

All Standard and Special Conditions of 4-82-300-A5, as adopted by the Coastal Commission on May 7, 2001 continue to apply, with the exception of Special Conditions 4 and 5, which are replaced with the following new conditions:

4. **Technical Review Team.** Within 30 days from the 2002 annual renewal of coastal development permit amendment 4-82-300-A5 the Technical Review Team (TRT) shall be established as follows:

   a. **TRT Membership.** Members of the TRT shall be limited to:

      i. **Park Managers** – the ODSVRA Superintendent, Resource Ecologist, and Park and Recreation Specialist

      ii. **Regulatory Representatives** – a primary and alternate representative from the U.S. Fish and Wildlife Service, California Coastal Commission, California Department of Fish and Game, and San Luis Obispo County Department of Planning and Building. A representative from the National Marine Fisheries Services shall be invited to participate in discussions regarding the protection of rare or endangered species of fish (i.e., Steelhead trout).

      iii. **Planning and Support Staff** – State Parks shall provide the staffing necessary to organize the TRT, plan for its meetings, and complete the work products required by these conditions.

      iv. **Scientific Subcommittee** – The Scientific Subcommitee shall be a distinct and independent subset of the TRT, responsible for collecting and analyzing the technical data needed to address the TRT objectives listed below. It shall be composed of eight independent scientists as follows: two Western snowy plover experts; two California least tern experts; two experts in other species that may require protection (e.g., steelhead trout); and, two experts in and ecological processes. The two scientists assigned to each issue area shall be from different organizations. State Parks and the regulatory agencies listed above shall each be able to appoint an additional resource expert/scientist to the Scientific Subcommitee at their discretion, provided that it is not the same person as that agency's TRT representative. The Executive Director shall approve all members of the Scientific Subcommittee. In the event that it is not possible to obtain the suggested amount of scientific expertise, the Executive Director shall have the discretion to approve a lesser number. All recommendations and reports completed by the Scientific Subcommittee shall be submitted directly to the Coastal Commission as well as to the larger TRT.

   b. **TRT Meetings.** The TRT or the Scientific Subcommittee shall meet at least once every four months. Minutes of all TRT and Scientific Subcommittee meetings and shall be provided to all interested parties requesting copies of meeting minutes.

   c. **TRT Purpose and Objectives.** The purpose of the TRT is to identify and evaluate the measures that should be implemented by State Parks to manage access and recreation in a manner that protects natural resource areas from overuse, as required by Coastal Act Section 30210. Particular attention should be given to the protection of natural resource areas upon which the survival and recovery of rare and endangered species depend. Towards this end, the TRT shall fulfill the following objectives:

i. **Identify the Type and Location of Important Habitat Areas.** The TRT shall identify the various types and physical locations of habitat areas within the park unit that would likely support rare or endangered plant and animal species assuming the absence of human activity. The first priority shall be to identify the potential nesting habitat areas for the Western snowy plover and California least tern.

ii. **Analyze the Significance of these Habitat Areas to the Survival and Recovery of Rare Species.** The TRT shall analyze the role that the existing and potential habitat areas for rare and endangered species play in supporting the survival and recovery of such species, particularly the Western snowy plover and California least tern. Any habitat area that may be essential to the species survival and recovery shall be considered to be a significant habitat area. All existing and potential habitat for rare and endangered species shall be presumed to be significant unless the TRT provides technical data and reasoning to support findings that a specific habitat area is not significant in terms of species preservation.

iii. **Evaluate Impacts on Significant Habitat Areas.** The TRT shall conduct a comprehensive analysis of impacts to the identified significant habitat areas. This study shall include a comparison of impacts associated with varying levels of use, including the highest (peak-use) attendance periods. ODSVRA park managers shall be responsible for implementing the study with continued oversight by the TRT.

iv. **Update Monitoring and Adaptive Management Protocols.** The TRT shall review and update monitoring and management procedures to: a) ensure that the information needed to fulfill the above objectives is being obtained by State Park monitors; and, b) identify where existing or proposed monitoring and management measures need to be revised or supplemented to effectively protect significant habitat areas.

v. **Recommend Alternative Management Measures that Protect Significant Habitat Areas.** Where recreational uses are identified as having adverse impacts on significant habitat areas, the TRT shall identify and evaluate a range of management and/or mitigation measures that will prevent the recreational activities from jeopardizing the survival and recovery of rare and endangered plants and animals. This shall include consideration of additional limitations on the type, intensity and location of recreational activities and, where necessary, the evaluation of alternative access routes, staging areas[4], and camping locations.

vi. **Respond to Urgent Management Needs and Issues.** Where critical time-sensitive resource management issues arise, the TRT is authorized to use discretion to redirect its efforts to address matters requiring immediate attention.

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[4] Staging Area refers to the location where OHV's are launched from street legal vehicles. An interim staging area has been designated in the vicinity of post marker 2 pursuant to 4-82-300-A1.

5. Annual Reports. By December 1st of each year, the TRT shall submit to San Luis Obispo County and the California Coastal Commission annual reports for the period of October to September that summarizes habitat data and TRT and scientific subcommittee activities including projects, correspondence, and recommendations. The annual reports shall also describe the TRT's progress in meeting the objectives of the TRT established by this Permit. Specifically, the annual report for the 2002-2003 season shall include a preliminary delineation of the significant habitat areas determined in accordance with subsections i-ii of Special Condition 4c; and recommendations for interim measures to protect areas these pursuant to Special Condition 4c.iv while alternatives are being developed and evaluated. The annual report for the 2003-2004 season shall include an updated delineation of significant habitat areas and provide the information required to fulfill subsection v of Special Condition 4c. The ODSVRA Superintendent shall submit a separate annual report to San Luis Obispo County and the California Coastal Commission identifying annual recreational use levels shall as soon as possible following the conclusion of each summer season.

III. FINDINGS AND DECLARATIONS

Note: The staff report documenting the Commission's approval of 4-82-300-A5 is attached to this report as Appendix A, and its findings are incorporated herein. Please refer to Appendix A for a complete description of the project location, background, use data, and an analysis of environmental resource issues for the period leading up to the May 2001 hearing. For purposes of this report, the findings and declaration are limited to those issues directly related to the renewal of the amendment required by Special Condition 2 of 4-82-300-A5, which states:

> ***Renewal of Permit.*** *Annually, the Commission shall review the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If the Commission is satisfied with the review, this amendment will remain in effect for an additional year. A longer permit may be requested in the future. Otherwise, an alternative approach to resource management, or set of management measures, may be instituted through this review process.*

A. Policy Framework

As stated by Special Condition 2 of 4-82-300-A5, the purpose of this review is to evaluate whether the TRT is effectively managing vehicle impacts at the ODSVRA, and to institute any changes to resource management measures and approaches necessary to achieve this objective. The Coastal Act standards that must be applied to this evaluation are Coastal Act Sections 30210, 30230-30232, and 30240, which state:

> **Section 30210**
> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs*

and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30230
Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231
The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232
Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30240
(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Although not a standard of review for this permit amendment renewal, policies of the San Luis Obispo County LCP provide a useful context for this review:

Policy 1 for Environmentally Sensitive Habitats: Land uses Within or Adjacent to Environmentally Sensitive Habitats. *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further*

removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resource shall be allowed within the area.

Policy 18 for Environmentally Sensitive Habitats: Coastal Stream and Riparian Vegetation. *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

Policy 27 for Environmentally Sensitive Habitats: Protection of Terrestrial Habitats. *Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.*

Policy 34 for Environmentally Sensitive Habitats: Protection of Dune Vegetation. *Disturbance or destruction of any dune vegetation shall be limited to those projects which are dependent upon such resources where no feasible alternatives exist and then shall be limited to the smallest area possible. Development activities and uses within dune vegetation shall protect the dune resources and shall be limited to resource dependent, scientific, educational and passive recreational uses.*

Policy 35 for Environmentally Sensitive Habitats: 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.*

Planning Area (South County) Standards for Pismo State Beach and State Vehicular Recreation Area.

4. *General Development Plan Revisions.*
   ...Should the terms and conditions of the coastal development permit [4-82-300] *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.*

7. *Alternative Camping Areas.*
   Beach camping...shall be permitted where it can be established that: a) administration of the entire park unit can be maintained within acceptable carrying enforcement/capacity.... Consistent with the provisions of Coastal Development Permit No. 4-82-300A, this limit can be adjusted either upward or downward based on monitoring of the impacts of this use.

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.

8. *Habitat Protection. Natural buffer areas for sensitive habitat areas shall be identified and fenced, consistent with the provisions of Coastal Development Permit No. 4-82-300A and the stabilized dune areas.*

B. Analysis

1. 2001 Data Regarding Biological Resources in the ODSVRA

Data regarding use trends and environmental resources at the ODSVRA provides critical information regarding the effectiveness of various management approaches and use limitations. A detailed analysis of multiple years of data is presented in Appendix A. The analysis below updates that data with the information generated during 2001 germane to this permit renewal.

Number and Location of Snowy Plover and Least Tern Nests

Point Reyes Bird Observatory (PRBO) and ODSVRA staff monitored the 2001 Western snowy plover and California least tern breeding season and documented the presence of thirty three Western snowy plover nests, 29 of which were within fenced portions of the riding area and eighteen Least Tern nests, all of which were in the fenced portion of the riding area. The location of these nests in relationship to the riding area and habitat fencing is shown by Figure 2 of the 2001 monitoring report prepared by Laird Henkel of PRBO for State Parks (the Henkel Report), attached to this report as Exhibit 2.

In comparison to previous years, the Henkel report states that the 33 plover nests represent an increase of 94% over the 17 plover nests found in 2000. The presence of 29 nests within the seasonal exclosures established in the riding area during 2001 was slightly above the average of 22 nests found in the riding area since monitoring began in 1993. The 18 least tern nests in 2001 represents an increased of 260% over the 5 nests found in 2000, and was above the average number of 11.9 nests per season documented since 1991.

Some notable aspects of nest locations is that 28 of the 29 plover nests in the riding area, and all 18 of the tern nests, were found within large seasonal exclosures; only one plover nest was found outside of this seasonal exclosure areas and protected by a single nest exclosure (see Exhibit 2). Most of the large seasonal exclosures were installed prior to the onset of the breeding season. However, the primary seasonal exclosure was extended north from post marker 7.5 to 7 (a distance of approximately one quarter mile) in June 2001. The Henkel report states:

The extension of the southern exclosure, approximately from Post 7.5 to Post 7, in June was very successful, resulting in four SNPL [snowy plover] nests in this new extension during the end of the nesting season. The swift colonization of this extension by SNPL indicates that vehicle use is likely limiting available nesting habitat. Although SNPL have nested in the open riding area in previous years, the high level of human use in mid-summer probably discourages birds from choosing to nest in this unprotected area. Degradation and displacement of nesting habitat by human use is one of the primary causes for declines in Pacific Coastal SNPL populations (USFWS 2001b).

Clutch Hatching and Chick Fledgling Rates

The Henkel report states that between 71 and 74 snowy plover chicks hatched, and that 65-68 of these chicks hatched in the fenced portions of the riding area; the highest hatching rate since intensive monitoring and banding was initiated in 1998. Hatching of least terns were measured in terms of nests, with thirteen of the eighteen nests (72%) hatching, which was above the average of 55% between 1998 and 2000.

The report states that the primary cause for snowy plover nest loss was abandonment; 2 plover nests were abandoned after single nest exclosures were installed, and 2 other nests were abandoned for unknown reasons potentially related to high winds. 2 plover nests in the Oso Flaco area, and one within the southern seasonal exclosure were reported as being lost due to predation. The Henkel report attributes the loss of 2 least tern nests to abandonment (1 for unknown reasons and 1 due to non-viability of the eggs), and the loss of one nest to predation.

Perhaps the most significant piece of data gained form the 2001 nesting season was the record low snowy plover fledgling rates. As described on pages 3 - 4 of the Henkel Report:

Fledgling rate is defined as the number of banded chicks confirmed surviving to the age of 28 days divided by the total number of chicks banded. Fledgling rate of banded chicks was 3% (2 juveniles) in the riding area, and 0% in the Oso Flaco section. This was the worst fledgling rate since intensive monitoring and banding was initiated in 1998 (Fig. 7c). This resulted in an estimated 0.07 chicks fledged per nest in the riding area (App. C). ...

A considerable amount of chick mortality was attributable to depradation by Loggerhead Shrikes (Lanius ludovivianus). Shrikes were seen regularly hunting within the Post 8 seasonal exclosure, and perching on the exclosure fence. In June, two shrike nests were found near the Post 8 exclosure (figs. 1 and 3b). Around these nests, and near regular perching sites, ODSVRA staff found shrike pellets containing SNPL color bands and USFWS metal bands. USFWS bands from at least 7 chicks were found in pellets (undigestable material). These band recoveries came from nests in the Post 8 exclosure and the Postt 7 extension (App. A; Fig 3b). Most chick loss was in the Post 8 exclosure, and chicks that were lost

from nesets in the Post 7 extension may have moved south to Post 8 before being depredated.

...

Four chicks were found dead of unknown causes. Two from the same brood (nest 21) appeared to have been abandoned in the Arroyo Grande Creek exclosure. After this nest hatched on 22 June, the adults were seen leading the chicks toward the AG Creek Lagoon. The chicks were found dead on 27 June. In addition, the third chick from nest 21 was found dead at the nest, apparently in the process of hatching. The dead chick and eggshell were found buried near the nest, with no known cause of death. The fourth chick (nest 18) was found dead in a closed are below the Post 8 exclosure on 4 July. It may have been abandoned or separated from its parent as well. The cause of death of all four chicks is unknown, but the cause of death did not appear to be directly related to either humans or predators.

A dead juvenile SNPL was found near Post 2on 21 August. This bird fledged from Monterey Bay in 2001 (band combination OG YP), and was apparently associated with a regular post-breeding season flock near the 1.5 exclosure, south of Arroyo Grande creek. The bird was found being pecked at by a Western Gull (Larus occidentalis), but cause of death is unknown. A necropsy of this bird was inconclusive. The psot breeding flock at this location was usually within 100 m of a high-use vehicle traffic corridor, and within an area of high equestrian use, both potential risks to SNPL.

The Henkel Report states that since least tern chicks are not banded, an estimate of fledgling rates was not possible. Nevertheless, the report indicates that there was likely chick mortality attributable to depredation and, in one case, a moving vehicle. As stated on page 5 of the Henkel Report:

Loggerhead shrikes were seen regularly on the Boneyard exclosure fence, and may have prevented any LETE chicks from fledging from that area. Chicks from nests 7 and 10 in the Boneyard were not seen after a few days after hatching, and are assumed to have been depredated by shrikes. No chicks were ever seen moving out of the Boneyard exclosure. ...

An adult LETE was found dead near Post 7 on 21 May. A necropsy determined the cause of death to be blunt trauma. It is assumed that this blunt trauma was related to a moving vehicle.

In summary, the 2001 nesting season presented very disappointing results because although there were above average number of nests and hatchings, very few of the chicks survived. Of the 72-74 chicks estimated to have hatched, only 2 survived. This underscores the need for a critical assessment of current management practices. The TRT was established not only to address

immediate management issues such as these, but to also conduct the research and analysis needed to provide a more comprehensive long-term approach to resource management.

2. TRT Activities

Following the adoption of the Revised Findings for approval of 4-82-300-A5 on May 7, 2001 approximately 6 months passed before the TRT was organized and convened for its first meeting on October 30, 2001. Two additional meetings were held in 2001, with a new TRT facilitator being selected after the TRT's second meeting. As described in the Annual Report submitted pursuant to Special Condition 5 and attached to this report as Exhibit 3, these meetings focused on the creation of a charter and other procedural issues such as formation of a Scientific Subcommittee and the process for ranking research and management question priorities, all of which were specific requirements established by Special Condition 4 of the Commission's approval. A copy of the Charter as partially approved by the TRT is included as an attachment to the annual report. The remainder of the Charter was adopted by the TRT at its meeting of January 14, 2002.

The Scientific Subcommittee was established in January 2002, and met for the first time on January 18, 2001. A list of the scientists selected to participate on the subcommittee and approved by the Executive Director is included on pages 23 and 24 of Exhibit 3. Although it was hoped that a larger scientific group could be assembled, it was important to establish the subcommittee as soon as possible to address concerns for the 2002 nesting season. Approval of the scientific subcommittee by the TRT and the Executive Director was granted with the understanding that additional scientists would likely be needed as research tasks and priorities were further developed. Additional scientists have not yet been added to the subcommittee.

In response to the critical issues raised by the low fledgling rate and high levels of depredation documented during the 2001 nesting season, the TRT selected an evaluation of the recommendations contained in the Henkel report as its top priority for the scientific subcommittee at its meeting of January 14, 2002. The Scientific Subcommittee responded to this directive, and provided a draft consensus report regarding those recommendations on February 5th, 2002. This report was discussed by the TRT at its meeting of February 11, 2002, at which time the TRT requested the Scientific Subcommittee to complete its review of the recommendations contained in the Henkel Report and respond to particular questions regarding the recommendations and the draft report. The TRT also requested the Scientific Subcommittee to participate in the development and review of a Predator Management Plan for the 2002 nesting season, which has been the primary topic at the Subcommittee's recent meetings. The Subcommittee has prepared a report on the Predator Management Plan, attached as Exhibit 7, which has not yet been discussed by the TRT.

On March 12, 2002 the TRT reviewed the Scientific Subcommittee's revised report entitled *Recommendations of the ODSVRA Scientific Subcommittee (Revised March 6, 2002): Review of "Nesting of the Western Snowy Plover and California Least Tern at Oceano Dunes SVRA in 2001 prepared by Laird Henkel, Point Reyes Bird Observatory, November 2001*. At that meeting, the TRT approved a memorandum transmitting the Scientific Subcommittee's report to the Superintendent that indicated the TRT's concurrence with all but one of the Scientific Subcommittee

conclusions regarding which recommendations contained in the Henkel report should or should not be implemented by the Superintendent. A copy of this memo and the Scientific Subcommittee's report is attached as Exhibit 4.

As indicated by the TRT's transmittal memo, there was a minority opinion that the Superintendent should implement Recommendation 8 of the Henkel Report, which was not recommended for implementation by the Scientific Subcommittee. That recommendation states:

> *Extend the Southern Seasonal Closure North to Post 6.*
> *Increasing the size of the large seasonal exclosure would provide additional nesting habitat for SNPL and provide an additional buffer between nesting areas used in 2001 and vehicle traffic. The seasonal exclosure should be extended [from Post Mile 7 to] at least to Post 6, and an extension beyond Post 6 would probably be beneficial.*

The Subcommittee's rejection of this recommendation is summarized in their Recommendations Report of March 6, 2002 as follows:

> *The Subcommittee members agreed that they are not in favor of encouraging breeding in other areas until they know what the long-term management plan will be. Although a bigger area may lead to more snowy plovers, expansion should not occur until researchers determine the outcome of predator control. Expanding the area now would change too many variables at once. If current predation levels are causing ODSVRA to be a population sink, then expanding the nesting area may simply create a bigger population sink.*[5] *Although the exclosures appear to be allowing eggs to hatch, with shrikes being largely responsible for failure to fledge, nobody know[s] what will happen once shrike predation is removed from the equation. Slightly older chicks tend to run around more. If for example, chicks survive a few days longer only to run out of the exclosures and then become subject to take, bigger exclosures may simply mean more failure for even more birds. Other predators, such as corvids, could also move in and thus require a new response from managers. If the predator control measures implemented in 2002 work, then the scientific subcommittee will consider recommending expansion of the exclosure for 2003. Regardless of the size of the exclosures, conditions can change, and adaptive management will be important. The members discussed that the Sc. .Sub. will also need to consider how ODSVRA fits into SNPL and LETE recovery in the region.*

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[5] Subsequent to the January [subcommittee] meeting [subcommittee member] Robert Patton provided the following summary of his analysis of this recommendation:
While increasing available habitat and/or buffer areas is generally desirable, I agree that it not be increased this season except as nest initiation outside of the seasonally closed areas requires. This will allow assessment of exclosure success and development of a long-term plan without rendering habitat available that may be shortly unavailable.

The Coastal Commission staff TRT member represented the minority position disagreeing with the Scientific Subcommittee's conclusion regarding this recommendation. The basis for this TRT member's dissention is detailed in a memorandum to the Superintendent dated March 22, 2002 and attached to this report as Exhibit 5. The memo presents an opinion that predator management *and* the protection of additional breeding and foraging habitats is necessary to ensure adequate protection of the plover. It should be noted that the Commission's representative to the Scientific Subcommittee did not affirmatively object to that subcommittee's recommendation to not expand an exclosure, but deferred to the methodological argument put forward by the subcommittee's plover expert. Both are legitimate approaches; one places more emphasis on methodology, the other more emphasis on the larger policy concerns of the Commission regarding management of habitat in relation to existing public access patterns, particularly OHVs.

The next meeting of the TRT is scheduled for April 29, 2002. The agenda for that meeting includes the continued discussion and prioritization of management and research questions for scientific subcommittee review and consideration, and a presentation and discussion of a facilitator's report attached to this staff report as Exhibit 6.

3. TRT Evaluation

Members of the TRT have extended a great deal of effort towards fulfilling the objectives set out by the State Park proposal and Coastal Commission conditions. It has been a challenging process that has necessitated a lot of groundwork in organization, process, and team building. The TRT's late start, combined with the time spent addressing ground rules and procedural issues, has impeded its ability to address the substantive and complex concerns regarding habitat management at the park. Given these time limitations and the March 1 start of this year's nesting season, the evaluation of the Henkel Report and predator management plans have been appropriate topics for TRT consideration. However, it is essential that progress be made in developing a more comprehensive approach that will enable the TRT to systematically collect and analyze the technical information needed to effectively address the management needs of the park.

The current makeup of the TRT presents a particular challenge in meeting this need. The involvement of representatives of interest groups results in an adversarial dialogue that limits the ability of other members to maintain a technical focus. Moreover, pending legal actions have not facilitated the cooperative sharing of information. In order to allow for a more efficient and effective technical approach, the TRT membership should be limited to agency representatives and scientists. This will also provide for the interagency coordination needed for the parallel Habitat Conservation Planning process.

The reorganization of the TRT called for by this permit renewal does not diminish the important role that interest groups play in the decision making process. Rather, it facilitates the ability of the involved government agencies to gather and analyze the <u>technical</u> information that may then be presented to the interest groups and decision makers through the public hearing process. In recognition of the high levels of public interest in these matters, the conditions of this renewal provide for the distribution of TRT meeting minutes to the interested parties. This will enable the

interest groups to keep abreast of information as it develops and enhance their ability to participate in the annual permit reviews conducted by the Commission. Interests groups will also have the opportunity to provide input on environmental and management issues during public hearings associated with the development and adoption of the Habitat Conservation Plan, currently in administrative draft form.

An additional change needed to improve upon the TRT's ability to effectively address the Coastal Act issues associated with park operation and management is greater specification of the TRT's scope of work. The terms of this permit renewal therefore spell out the purpose and objectives of the TRT. As called for by Coastal Act Section 30210, the purpose of the TRT is to identify and evaluate the measures that should be implemented by State parks to ensure that access and recreation is managed in a way that protects natural resource areas from overuse. To prevent significant disruption of environmentally sensitive habitat areas and to protect biological resources and coastal water quality consistent with Coastal Act Sections 30230, 30231, 30232, and 30234, the TRT objectives called out by this permit renewal are to:

- **Identify the Type and Location of Important Habitat Areas.** A fundamental step towards understanding the resources that require protection pursuant to the Coastal Act is locating the habitat areas that would likely support rare or endangered plant and animal species in the absence of human activities. The most critical need, given the current status of the species, is the identification of potential nesting habitat areas for the Western snowy plover and California least tern.
- **Analyze the Significance of these Habitat Areas to the Survival and Recovery of Rare Species.** To develop management measures that ensure that recreation activities do not significantly disrupt the sensitive habitat values of the park, the TRT needs to analyze the role that the existing and potential habitat areas for rare and endangered species play in supporting the survival and recovery of these species. The precautionary policy approach established by the habitat protection and access policies of the Coastal Act calls for a presumption that all existing and potential habitat for rare and endangered species require protection. In order to allow recreational uses within and adjacent to these habitat areas, the burden of proof is placed on establishing a basis to conclude that such activities are compatible with species preservation.
- **Evaluate Impacts on Significant Habitat Areas.** Determining the compatibility between recreational uses and natural resource protection necessitates a better understanding of the short and long-term impacts on significant habitat areas. The TRT therefore needs to develop and undertake a comprehensive and systematic study of these impacts, including a comparative analysis of the impacts on natural resources associated with varying levels of use, including the highest (peak-use) attendance periods.
- **Update Monitoring and Management Protocols.** A review of current monitoring procedures is needed to ensure that adequate and accurate data is being obtained to complete effective analyses of the resource issues. Ongoing management measures should also be evaluated and updated by the TRT where necessary to preserve significant habitat areas.

- **Recommend Alternative Management Measures that Protect Significant Habitat Areas.** Once habitat protection needs are better understood, there may be a range of management measures that would provide for adequate protection, such as alternative use limitations, staging areas[6], camping areas, and vehicle access routes[7]. TRT should identify and evaluate the range of management and/or mitigation measures that will prevent the recreational activities from jeopardizing the survival and recovery of rare and endangered plants and animals.
- **Respond to Urgent Management Needs and Issues.** Finally, the TRT provides an effective forum to addres time-sensitive resource management issues as they arise. The TRT should therefore be provided with the flexibility needed to respond to matters requiring immediate attention.

Finally, to maximize the TRT's ability to compile all the necessary data and consider a broad range of viewpoints, the terms of this permit renewal increases the number of scientists and technical experts participating on the TRT. Only with this reorganization and additional direction will the TRT provide an effective means of ensuring that recreational uses of the park are managed consistent with Coastal Act Sections 30210, 30230, 30231, 30232, and 30240. These changes will also facilitate the research, analysis, and interagency coordination essential to the success of the HCP effort.

4. Interim Use Limits and Management Measures

The terms of 4-82-300-A5 currently limits vehicle use and camping at the park as follows: 2,580 street-legal vehicles per day for day use; 1,720 off-highway vehicles at any given time; and, 1,000 camping units (i.e., 1,000 street legal vehicles) per night. These limits may be exceeded on Memorial, July 4th, Labor Day, and Thanksgiving weekends. Appendix A provides the history and basis for these limits.

As discussed above, the TRT and scientific subcommittee have evaluated the potential benefits and drawbacks of further limiting recreational uses by expanding seasonal exclosures. The TRT reorganization and direction required by this permit should help resolve this issue and other outstanding questions regarding the adequacy of current use limits and management approaches. Therefore, as an alternative to mandating the expansion of seasonal exclosures as a required management measure, and in support of the updated TRT process, this amendment renewal calls for the TRT's analysis of these issues must be findings at the 2003 permit renewal hearing, at which time the Commission may require implementation of such measures.

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[6] Staging Area refers to the location where OHV's are launched from street legal vehicles. An interim staging area has been designated in the vicinity of post marker 2 pursuant to 4-82-300-A1.
[7] As described on pages 32 – 34 of Appendix A, alternative entrances to the park were previously evaluated in 1991. This analysis predated the listing of the Western snowy plover, and therefore may not have placed adequate emphasis on the impact that current access patterns could be having on this species.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit amendment applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The findings of this staff report have evaluated whether the TRT, and current use limits, are effectively protecting environmental resources. In accordance with this analysis, the renewal of this permit amendment is subject to conditions that prevent the Commission's action from having a significant adverse effect on the environment within the meaning of CEQA.

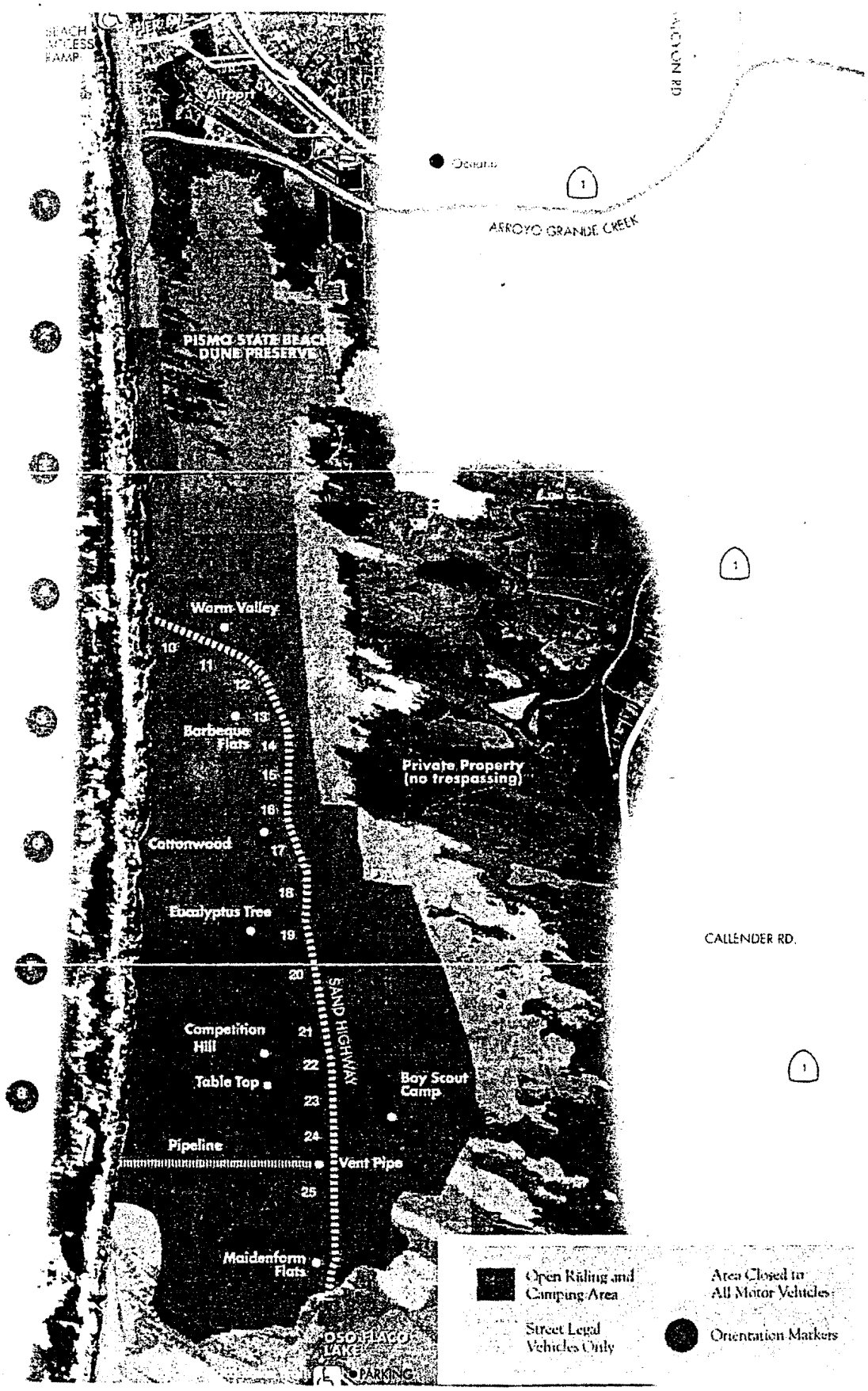

Exhibit 1: ODSVRA Map
4-82-300-A5 Renewal

Figure 2. Nest Locations at ODSVRA in 2001.

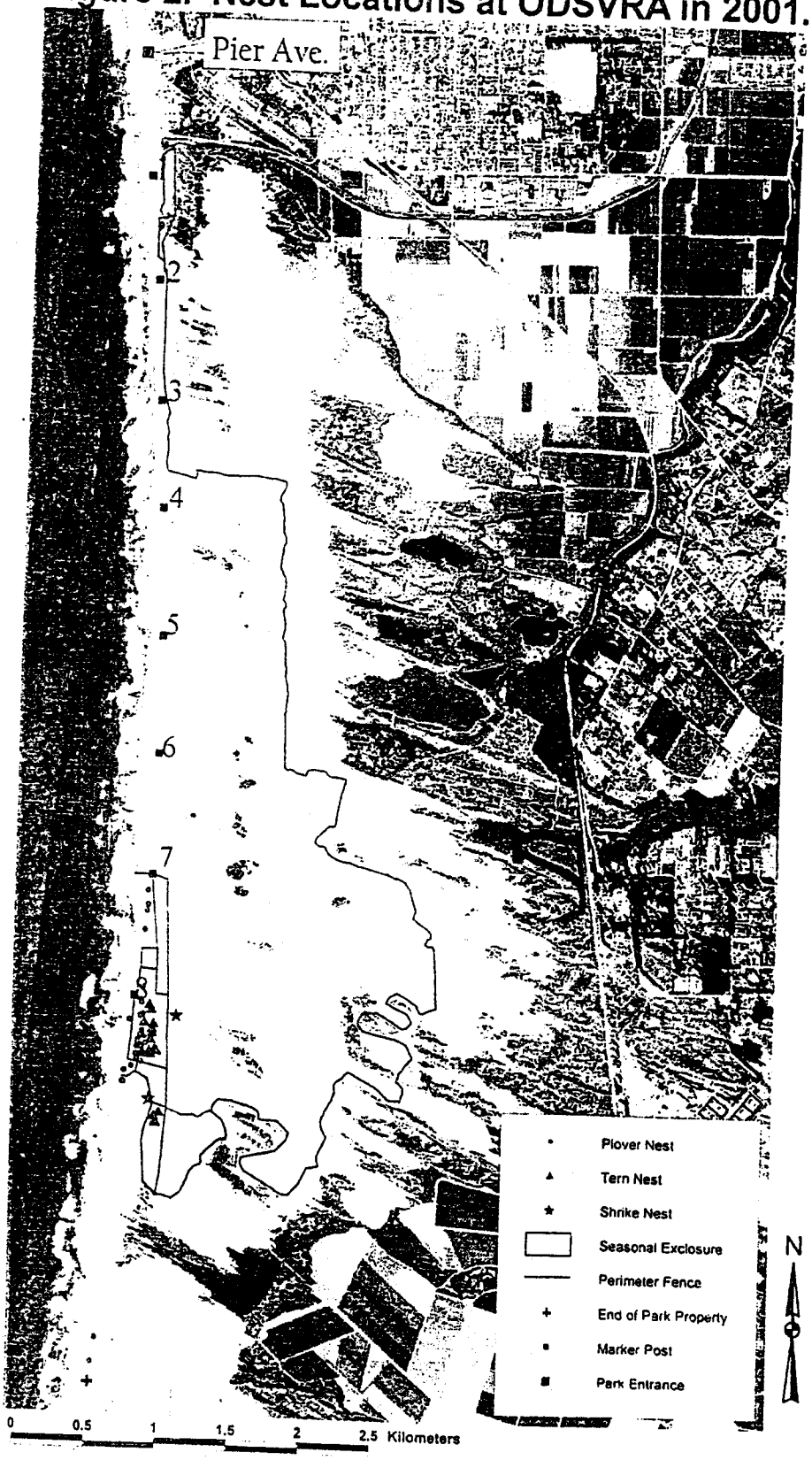

Exhibit 2: 2001 Nest Locations and Seasonal Exclosures
4-82-300-A5 Renewal

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Environmental Impact Analysis • Ecological Studies • Resource Management

January 16, 2002

Peter M. Douglas
Executive Director
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: Oceano Dunes State Vehicular Recreation Area (ODSVRA) Technical Review Team (TRT) First Annual Report

Dear Mr. Douglas:

As required by the conditions and findings in Permit Amendment No. 4-82-300-A5, the TRT and the ODSVRA Superintendent are submitting this annual report (for the period of October to December 2001). This first annual report summarizes TRT activities to-date and includes an adopted Charter for the TRT (Attachment 1), a list of TRT members (Attachment 2), copies of Year 2001 meeting summaries (Attachments 3 and 4), a brief description of the next anticipated TRT activities, a list of proposed Scientific Subcommittee members for Coastal Commission approval (Attachment 5), and a process for ranking research and management questions (Attachment 6).

The TRT held its first meeting on October 30, 2001 (see Attachment 3). That first meeting was largely an organizational meeting, and focused largely on process issues, especially the charter, and formation of the Scientific Subcommitteee. The TRT held its second meeting on December 4, 2001 (see Attachment 4). That meeting also focused heavily on process, including the critical aspect of how the TRT will take action on items (see Charter, Section E). The TRT held its third meeting on January 14, 2002. At that meeting, the TRT members were able to adopt the remaining portions of the charter and concentrate on the Scientific Subcommittee, including ratifying the membership of the Scientific Subcommittee, adopting criteria for adding subcommittee members, and specifying a process for ranking research and management questions. A discussion document prepared to assist the TRT in this latter task is included with Attachment 6. Although this meeting occurred in 2002, the resulting Charter and Scientific Subcommittee work products are included in this report.

The CCC has not yet had a chance to approve the proposed Scientific Subcommittee roster. Nonetheless, the TRT and the Superintendent recognize that one of the issues of greatest concern at ODSVRA is the status of western snowy plovers and California least terns. The breeding

EXHIBIT NO. 3, p. 1
APPLICATION NO. 4-82-300-A5 Renewal
Annual Report for 2001

season for these species starts March 1. The TRT would very much like the Subcommittee to be able to provide some meaningful input into plover and tern issues by the start of the breeding season. To do so, the Subcommittee needs to hold its first meeting in January. Because the immediate concern focuses on terns and plovers, the TRT and State Parks recommend that the independent scientists on the Subcommittee be well versed in plover and tern biology. A proposed list of Subcommittee members, including independent scientists adding plover and tern expertise, is provided in Attachment 6 for your approval. Due to the urgency of the issue, this roster was provided to CCC staff earlier this month and again earlier today after formal TRT approval. The TRT has received and transmitted the 2001 report on western snowy plover and California least tern nesting at ODSVRA by Point Reyes Bird Observatory (PRBO) ornithologist Laird Henkel to its Scientific Subcommittee. The goal is to convene a meeting of the Scientific Subcommittee on January 18 to review the PRBO report. The TRT anticipates receiving the resulting Scientific Subcommittee's review and recommendations and will take appropriate action during its February meeting in anticipation of the March 1 nesting season. As the TRT members have discussed, additional scientists will likely be needed at varying levels of commitment. The TRT will follow the criteria it has now adopted for adding members and deciding upon additional research priorities.

Because the January 1 deadline for the annual report does not coincide with the monitoring, analysis, and reporting schedule at ODSVRA, 2001 reports documenting annual recreational use and habitat trends at ODSVRA are not available for this first annual report. The Coastal Commission received copies of the 2000 annual monitoring reports in December, along with the 2001 western snowy plover and California least tern nesting report prepared by PRBO. These reports represent the latest available information.

The next TRT meeting will be held on February 11 with a key goal being to consider the Scientific Subcommittee's review of the PRBO report. The TRT looks forward to 2002 and the opportunity to assist the Superintendent of ODSVRA with adaptive management of the park's resources.

Sincerely yours,

/signed/

Paula Hartman
Senior Associate

cc: TRT Members
Steve Yamaichi
John Jostes

Attachments

Attachment 1

CHARTER

TECHNICAL REVIEW TEAM
OCEANO DUNES STATE VEHICULAR RECREATION AREA

A. Mission

The mission of the Technical Review Team (hereafter referred to as the "TRT") is to provide on-going recommendations on the management of the Oceano Dunes State Vehicular Recreation Area (hereafter referred to as the "ODSVRA") to the ODSVRA Superintendent.

B. TRT Responsibilities

(1) Assist the ODSVRA Superintendent in the protection of the ODSVRA natural resources by helping identify and review needed research and recommend management measures and restoration efforts to rebuild or protect ODSVRA resources. The TRT will rank research and management questions and priorities. In identifying and selecting the priority research and management questions and projects, the TRT shall consider information developed by the US Fish and Wildlife Service and shall include the following:

a. Appropriate management techniques for the western snowy plover, California least tern, and steelhead trout including an evaluation of:

i. How the geographic location of nests, proximity of nests to foraging areas, and nest closure techniques affect the hatching and fledgling success of the species.

ii. What studies may be necessary to determine appropriate management techniques, or what known management techniques could be put in place, for protecting each species of concern.

iii. The potential environmental, recreational, and economic costs and benefits of alternative beach/dune habitat protection strategies.

b. Appropriate management techniques for protecting water quality and dune habitats from potential pollutants that might result from motor vehicle fluids or other contaminants that might enter the ODSVRA and ocean through polluted runoff or direct discharges.

c. The success of past revegetation efforts within the ODSVRA and the potential need for continuing or expanding those efforts, including expansion of vegetation exclosures.

d. Conduct a comprehensive, long-term monitoring and comparative analysis of the resources impacts associated with varying levels of use, including the highest (peak-use) attendance periods.

If the TRT identifies alternative research and management questions and projects as a higher priority than items a through d above, it shall discuss the basis for such a determination in its Annual Report to the California Coastal Commission (see section H below).

(2) Create a scientific subcommittee to identify, develop, and evaluate the scientific information needed by decision makers to ensure that the ODSVRA's natural resources are adequately managed and protected. (see section F below).

(3) Evaluate monitoring results and reevaluate monitoring protocols contained in the ODSVRA annual reports for the Habitat Monitoring System; reports on the breeding, nesting, and fledgling success of the western snowy plover and California least tern populations in the ODSVRA; and other reports related to the environmental impacts of recreational activities.

(4) Develop recommendations to the ODSVRA Superintendent regarding additional monitoring focuses, adjustments to day and overnight use limits, and management strategies.

(5) Provide oversight review for various research studies.

(6) Assist the ODSVRA Superintendent in building community support for management and restoration efforts through problem solving, consensus building, new constituency development, and increasing understanding about the ODSVRA.

C. TRT Membership and Member Commitments

The TRT shall be composed of no less than nine (9) and no more than thirteen (13) voting members employed by federal, state, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple-use management of the ODSVRA resources.

(1) **Current Membership**. The current membership is ten (10) voting members: one representative from each of the following government agencies and constituent groups: California Coastal Commission, San Luis Obispo County, US Fish and Wildlife Service, California Department of Fish and Game, the California Department of Parks and Recreation (Off-Highway Motor Vehicle Division Commission), the off-highway vehicle community, the environmental community, local government from the five-cities area, the business community, and the residential community. The Superintendent of the ODSVRA is a non-voting member of the TRT.

(2) **Member Additions**. Without further approval by the California Coastal Commission, the TRT and the Superintendent of the ODSVRA may add up to three (3) members to the TRT to reflect a balance in interests or changing dynamics of stakeholder and/or issues. More than three (3) additional members will require Commission approval.

(3) **Member Principals and Alternates**. The TRT consists of one principal representative from each of the government agencies and constituent groups and may include one alternate representative from each agency and group.

a. **Participation.** Only the principal (or, in his or her absence, the alternate) may participate in TRT deliberations and actions.

b. **Member Terms**. There are no term limits to member participation.

c. **Member Resignations**. When a member principal or alternate finds the need to resign, the appropriate agency or constituent group shall provide a replacement.

(4) **Member Commitments**. By participating in the TRT, all member principals and alternates commit themselves to:

a. Respect one another.

i. Focus on issues and interests.

ii. Avoid personal attacks or other behavior that might indicate disrespect.

iii. Use appropriate language.

b. Take actions based on scientific criteria, data, findings, and conclusions.

c. Keep their agencies or constituencies informed about potential TRT actions and test the acceptability of those potential actions with their agencies or constituencies.

d. Pursue a consensus-building process.

D. TRT Meetings

(1) **Openness**. Each TRT meeting shall be open to the public and publicized at least one week prior to the meeting.

(2) **Meeting Frequency**. The TRT must meet no less than two times a year. The TRT may meet as frequently as it desires.

(3) **Meeting Quorum.** Eighty (80) percent of the members (principals or alternates) shall be required to hold a TRT meeting.

(4) **Meeting Confirmation.** One week prior to the holding of any meeting, the California Department of Parks and Recreation (DPR) shall poll members to confirm whether a quorum is likely to be present at the meeting.

(5) **Meeting Agendas.**

a. Agenda items may come from a number of sources including, but not limited to, the Superintendent of the ODSVRA, TRT members, and TRT working groups, subcommittees, and task forces. Members of the public or constituency groups are encouraged to contact a member of the TRT to recommend an agenda item.

b. The TRT may prioritize agenda items.

c. The agenda for each meeting (and any supporting material) shall be distributed to TRT members at least one week prior to the meeting.

d. Each meeting shall be limited to items on the distributed agenda unless unanimous consent at the meeting allows additions.

(6) **Meeting Facilitation.** Each meeting shall be chaired and facilitated by an independent professional facilitator.

(7) **Meeting Records.**

a. Actions and key discussion points of each meeting shall be recorded by the facilitator on an easel pad and the summary of those actions and key discussion points distributed to each member. Any additions, deletions, and corrections provided to the facilitator shall be incorporated into the summary for adoption at the next meeting

b. To provide a full backup record, the deliberations of each meeting shall be electronically recorded. Tapes of each meeting shall be provided to anyone on request.

(8) **Public Participation.** Each TRT meeting shall be open to the public. The TRT shall set the rules for public participation in each meeting.

a. **Meeting Notice.** DPR shall publicize each meeting at least one week prior to the meeting. Potential publicity measures include news releases distributed to the print media; display advertising placed in area print media; posting of the meeting notice on the ODSVRA web site; posting of the meeting notice at ODSVRA kiosks, chamber of commerce offices, and government offices; and mailings to individuals and organizations expressing a desire to receive the meeting notice. The notice shall include the meeting agenda.

b. **Public Mailing List.** DPR, on behalf of the TRT, shall maintain a list of nonmembers attending the TRT meetings and notify all persons on that list of upcoming meetings.

c. **Public Participation Rules.** An early agenda item at each meeting shall be for public comment. The meeting facilitator may set a time limit for such comments depending on the number of people wanting to comment.

E. TRT Actions

(1) **Actions by Consensus.** In taking actions, the TRT shall seek consensus among all voting members, if possible. Consensus is defined as all voting members either supporting an action or abstaining (to be interpreted as "will not oppose").

(2) **Non-Unanimity Decision Rule.** If the TRT is not able to reach consensus on any action, the TRT will take action by overwhelming agreement: Eighty (80) percent of all members (a principal or alternate representing each agency or constituency group) required for passage.

(3) **Action Reconsideration.** Following any meeting at which an action is taken by the TRT, a member not present at that meeting may ask the TRT to reconsider its action at the next subsequent

meeting. Similarly, any member on the prevailing side of an action may ask the TRT to reconsider its action.

(4) **Dissenting Views.** If the TRT employs the non-unanimity decision rule on any action, dissenters shall have the opportunity to summarize their dissent and reasons—to be part of the action record.

F. Scientific Subcommittee

(1) **Purpose.** The TRT shall create a scientific subcommittee to identify, develop, and evaluate the scientific information needed by decision makers to ensure that the ODSVRA's natural resources are adequately managed and protected.

(2) **Membership.** The subcommittee shall be composed of resource experts representing the five government agencies on the TRT (California Coastal Commission, San Luis Obispo County, US Fish and Wildlife Service, California Department of Fish and Game, California Department of Parks and Recreation) and at least two independent scientists with expertise in Western snowy plover, California least tern, steelhead trout, or other species of concern, as well as ecological processes to analyze technical data and provide scientific recommendations to the TRT.

(3) **Membership Approval.** The Executive Director of the California Coastal Commission shall approve the members of the scientific subcommittee.

(4) **Subcommittee Responsibilities.**

a. Recommend to the TRT the scientific studies and investigations that may be necessary to develop information needed by resources managers.

b. Advise the TRT regarding the protection of the ODSVRA's natural resources by helping identify and review needed research measures and restoration efforts to rebuild or protect the ODSVRA natural resources.

c. Evaluate monitoring results and reevaluate monitoring protocols contained in ODSVRA annual reports for the Habitat Monitoring System, reporting on the breeding, nesting, and fledgling success of the Western snowy plover and California least tern populations in the ODSVRA, and other reports related to the environmental impacts of recreational activities.

d. Provide comments on the adequacy of various scientific research studies and make management recommendations to the TRT.

e. Submit full scientific subcommittee recommendations to the California Coastal Commission and make them available to the public as part of the annual review process with respect to the Commission's consideration of permit renewal.

f. Receive and consider guidance from the TRT in carrying out its responsibilities.

(5) **Subcommittee Meetings.** The subcommittee shall establish the times, frequency, and rules of subcommittee meetings, subject to the approval of the TRT.

(6) **Subcommittee Actions.** A complete set of the scientific Subcommittee's recommendations shall be provided to the California Coastal Commission with sufficient lead time to be considered as a part of the Commission's Annual Permit Review.

G. Other Subcommittees, Working Groups, and Task Forces

To aid in fulfilling its responsibilities, the TRT may create other subcommittees, working groups, and/or task forces. At the time such groups are created, the TRT will establish group rules consistent with applicable provisions of this charter.

H. Annual Reports

The TRT and the ODSVRA Superintendent shall prepare and submit to the California Coastal Commission annual reports (October to September) summarizing annual recreational use and habitat

trends at the ODSVRA, highlighting the TRT's major accomplishments (including progress made towards meeting the objectives of the TRT), projects, correspondence, and recommendations as well as a summary of subcommittee, working group, and task force activities. In addition:

(1) The first annual report, due January 1, 2002, shall include:

a. A draft or final TRT Charter.

b. A description of the process by which the TRT will rank research and management questions and priorities.

(2) The second annual report, due January 1, 2003, shall include:

a. The final TRT Charter (if not submitted with the first annual report).

b. The TRT's ranking of research and management questions and priorities.

c. A scope of work for those projects identified as the highest priorities.

(3) Subsequent annual reports shall include a status report on the progress of those projects as well as updates to research and management priorities and the corresponding scopes of work for addressing those new priorities.

I. TRT Correspondence

(1) All correspondence prepared or received by individual TRT members in relation to their TRT responsibilities shall be provided to all TRT members.

(2) All correspondence received by the TRT as a whole shall be reviewed by the TRT, which shall either prepare a response or direct staff to prepare a response subject to review and approval by the TRT.

J. TRT Support

(1) DPR shall provide administrative support (meeting rooms, supplies, audio-visual equipment, etc.) to the TRT.

(2) DPR shall maintain TRT records, including, but not limited to: meeting notices, agendas, and summaries (including electronic backup tapes); reports, correspondence, and other records considered by the TRT; records of subcommittee, task force, and working group deliberations and actions; and recommendations to Superintendent of the ODSVRA (including dissenting views, if any).

K. Charter Amendments

Following the action rule in section E above, the TRT may amend this Charter so long as it is in accordance with the California Coastal Commission's permit for the ODSVRA.

Attachment 2

ODSVRA--Technical Review Team Members			
Agency/Interest Group	**Name**	**Phone**	**Email**
CCC	Steve Monowitz Coastal Planner, Central Coast District Office, Santa Cruz	831-427-4896	smonowitz@coastal.ca.gov
CCC Alternate	Charles Lester District Manager, Central Coast District Office, Santa Cruz	831-427-4863	clester@coastal.ca.gov
San Luis Obispo County	Nancy Rollman Environmental Specialist, Dept. of Planning and Building	805-781-5008	nrollman@co.slo.ca.us
San Luis Obispo County Alternate	John Euphrat Principal Planner, San Luis Obispo County Dept. of Planning and Building,	805-781-5194	jeuphrat@co.slo.ca.us
USFWS	Steve Henry Fish and Wildlife Biologist, Ventura Fish and Wildlife Office	805-644-1766 ext. 307	Steve_henry@r1.fws.gov
USFWS Alternate	None		
CDFG	Bob Stafford CDFG Biologist for SLO County	805-528-8670	bstaffor@dfg2.ca.gov
CDFG Alternate	None		
CDPR, OHV Division Commission	Rick LeFlore Senior Park and Recreation Specialist, Sacramento	916-324-1609 fax 916-324-1610	rlefl@parks.ca.gov
CDPR, OHV Division Commission Alternate	None at this time		
OHV Community	Jim Suty Beach multi-use advocate; Founder and Co-President Friends of Oceano Dunes	408-274-6951	jandksuty@earthlink.net
OHV Community Alternate	Suzy Johnson Member of OHV user groups, including Cal. Assoc. of 4 Wheel Drive Clubs	805-467-2449 fax 805-467-2450	typeexpress@tcsn.net

ODSVRA--Technical Review Team Members			
Agency/Interest Group	**Name**	**Phone**	**Email**
Environmental Community	Gordon Hensley Biologist; Environmental Analyst, Environmental Defense Center, San Luis Obispo	805-781-9932 fax: 805-781-9384	edcgrh@west.net
Environmental Community Alternate	Tarren Collins Attorney; Co-chair SLO Coast Alliance and Chair of the Santa Lucia Chapter of the Sierra Club	805-773-0233	tarren@slocoastalliance.org
Local Government	Ronald Arnoldsen Councilman, Grover Beach City Council	805-481-6060 fax to Donna at City Hall: 805-489-9657	For now, email care of gbadmin@grover.org
Local Government Alternate	Dave Angello Director, Oceano Community Services District	Work 805/481-0355 & 805/481-4163 Cell 805/801-4285	
Business Community	Peter Keith Businessman; Former Mayor, City of Grover Beach	805-489-7586 Fax 805-489-0188	pkeith@charter.net
Business Community Alternate	Jay Jamison General Manager of Pismo Beach resort property (Pismo Coast Village)	805-773-5649	rv@pismocoastvillage.com jnjbird@aol.com
Residential Community	Bobbi Brosnan Strand Way Resident, Oceano	805-474-8880 Fax: 805-474-8890	B0bbiB@aol.com
Residential Community Alternate	Diane Briegleb Strand Way Resident, Oceano	805-489-2205	idiane@yahoo.com
Facilitator	John Jostes Santa Barbara	805-687-7032	john@interactiveplans.com
ODSVRA Superintendent Non-voting member	Steve Yamaichi ODSVRA Park Superintendent	805-473-7232 ext. 17	syama@parks.ca.gov
TRT Support	Paula Hartman Thomas Reid Associates	650-327-0429 ext. 83	Hartman@traenviro.com

Attachment 3

OCTOBER 30, 2001, MEETING SUMMARY

Technical Review Team
Oceano Dunes State Vehicular Recreation Area

TUESDAY, OCTOBER 30, 2001

The Technical Review Team (TRT) of the Oceano Dunes State Vehicular Recreation Area (ODSVRA) held its first meeting on Tuesday evening, October 30, 2001, at the South County Regional Center in Arroyo Grande. Thirteen TRT members (principals and/or alternates) and six other citizens attended the meeting. All ten TRT agencies and interests were represented. Jim Ragan, professional facilitator, facilitated the meeting. We present the attendance roster at the end of this summary.
This summary organizes the discussion and actions around topics and does not necessarily reflect their order of discussion in the meeting.

ODSVRA SUPERINTENDENT TRT PARTICIPATION

Discussion. The ODSVRA Superintendent is a non-voting member of the TRT. He was not present at the first meeting. The facilitator sought TRT guidance as to whether the superintendent should attend TRT meetings.

TRT Action. There was consensus that the superintendent or Andy Zilke should attend TRT meetings.

DRAFT TRT CHARTER

The facilitator distributed a draft TRT charter for member review and discussion. The California Coastal Commission (CCC) permit for the ODSVRA requires a TRT charter. The draft charter was based on conditions of the permit for the TRT, individual discussions with TRT members, and the facilitator's experiences with groups of this type. The facilitator stated that this was simply a proposal that the TRT was free to work with or not. He did not expect action on the charter at this meeting, but that he did want to go through the draft document with the TRT. He asked for member comments on the draft prior to the next meeting so that he could prepare a revised draft for potential TRT action at its next meeting.
TRT members discussed some of the potential charter provisions and took action on several of them, as summarized below.

MEETING PARTICIPATION BY TRT PRINCIPALS AND ALTERNATES [Charter Item C(3)(a)]

The draft charter says that " Member principals and alternates may participate in all TRT deliberations. When the TRT takes any action, only the principal (or, in his or her absence, the alternate) may vote."

Discussion. Some TRT members expressed concern that meeting participation by principals and alternates might be redundant and unnecessarily extend the discussions.

Others said that it was important for both principals and alternates to participate in the discussions to ensure their full understanding and involvement.

Action. There was consensus that both principals and alternates should be allowed to participate in the discussions subject to their own sensitivity to the entire TRT and facilitator interventions to ensure that the discussions are focused and non-repetitive.

TRT MEMBER COMMITMENTS [Charter Item C(4)]

The draft charter suggested several principles for members and alternates to commit themselves to.

Discussion. Some TRT members suggested reordering, edits, and a deletion.

Action. There was general agreement with respect to the following principles:

1) Respect one another focus on issues and interests; avoid personal attacks or other behavior that might indicate disrespect; and use appropriate language).
2) Take actions based on scientific criteria, data, findings, and conclusions.
3) Keep their agencies or constituencies informed about potential TRT actions and test the acceptability of those potential actions with their agencies or constituencies.
4) Pursue a consensus-building process.

There was no discussion of item 4e, "ex parte communications."

TRT MEETING RECORDING AND RECORDS [Charter Item D(6)]

Discussion. In addition to meeting summaries, TRT members generally expressed the desire for electronic recording of its meetings in order to provide a full backup record of TRT deliberations should anyone which to review them.

Action. There was consensus that:

1) Actions and key discussion points of each meeting shall be recorded by the facilitator on an easel pad and the summary of those actions and key discussion points distributed to each member. Any additions, deletions, and corrections provided to the facilitator shall be incorporated into the summary for adoption at the next meeting

2) To provide a full backup record, the deliberations of each meeting shall be electronically recorded. Tapes of each meeting shall be provided to anyone on request.

PUBLIC PARTICIPATION IN TRT MEETINGS [Charter Item D(7)(c)]

The draft charter says that "Each TRT meeting shall be open to the public. The TRT shall set the rules for public participation in each meeting."

Discussion. There was general agreement that a time should be set aside at the beginning of each meeting for the TRT to receive public comment. Some TRT members also expressed the desire to make certain that public participation rules comply with the Brown Act.

Action. There was consensus that:

1) An early agenda item at each meeting shall be for public comment. The meeting facilitator may set a time limit for such comments depending on the number of people wanting to comment.

2) The CCC and the California Department of Parks and Recreation (DPR), in consultation with the Attorney General, should provide the TRT with guidance as to whether the TRT falls under the Brown Act. This should also include a determination as to whether there are any conflict-of-interest requirements for TRT members.

TRT Scientific Subcommittee

Discussion. TRT members discussed the composition of the scientific subcommittee representing five government agencies: CCC, San Luis Obispo County, US Fish and Wildlife Service (USFWS), California Department of Fish and Game (DFG), and DPR, plus at least two independent scientists. DPR staff presented a list of potential candidates.

Some TRT members expressed concern about whether the agency representatives on the subcommittee would have to filter their comments and recommendations through the hierarchies of their respective agencies. TRT members representing those agencies said that they would be able to comment independently as scientists without hierarchical review.

One TRT member asked whether the subcommittee members would be compensated. The response was that the subcommittee members representing the CCC, USFWS, DFG, and DPR would not be separately compensated. The independent scientists and the scientist representing San Luis Obispo County would be separately compensated.

Before selecting subcommittee members (subject to CCC approval), TRT members expressed a desire to receive more information about the subcommittee scientists and to make certain that the subcommittee covers the principal areas of scientific concern.

Action. There was consensus that DPR staff should provide information as to the expertise, qualifications, and experience of the potential agency and independent scientist subcommittee members with respect to the following principal areas of scientific concern: snowy plover, least tern, freshwater resources, marine invertebrates, vegetation, and statistical and experimental design.

There was also general agreement that the subcommittee should be flexible, but focusing first on "what we know now."

Discussion. The TRT environmental representatives requested picking the subcommittee members and getting them on board before the end of the year. The other TRT members generally said that subcommittee member selection was premature until they had more information on potential subcommittee members.

First Annual Report

The CCC permit requires the TRT and the ODSVRA Superintendent to prepare and submit to the CCC annual reports (October to September) summarizing annual recreational use and habitat trends at the ODSVRA, highlighting the TRT's major accomplishments (including progress made towards meeting the objectives of the TRT), projects, correspondence, and recommendations as well as a summary of subcommittee, working group, and task force activities. In addition, the first annual report, due January 1, 2002, shall include a draft or final

TRT Charter and a description of the process by which the TRT will rank research and management questions and priorities.

Discussion. TRT members stressed the need for a joint TRT/superintendent effort. They said that they need the superintendent's data for the December TRT meeting.

Action. There was consensus that the superintendent should produce, at the December TRT meeting, the information it is generating for the annual monitoring report. ODSVRA Resource Ecologist Laura Gardner clarified that not all the data would be available by the December meeting. Paula Hartman agreed to work with ODSVRA staff to obtain available data.

Discussion. The TRT environmental representatives asked for additional meetings between November and the end of the year to focus on the annual report and Oceano Dunes data. They said that, at the current TRT pace, the TRT would not be able to make recommendations for species protection before the next nesting season. Other TRT members said that while more meetings would be desirable, time commitments of TRT members, particularly around the holidays, made more meetings impractical. It was suggested that the TRT itself would not be writing the first annual report.

PUBLIC COMMENTS

One citizen attending the meeting suggested that the TRT consider adding to its membership a representative of the Dune Forum.

FUTURE AGENDA TOPICS

Some TRT members suggested the following topics for future TRT meetings:

1) Adaptive management: what it is, and what the results have been at the ODSVRA.
2) An alternative entrance at the ODSVRA.
3) Egress/ingress to the beach.

NEXT TRT MEETING

TRT members agreed that their next meeting will be Tuesday evening, December 4, 2001, 6:00 PM. DPR staff is responsible for finding a location.

Summary prepared by:
Jim Ragan, facilitator

MEETING ATTENDANCE LIST

TRT Member Agencies/Interests	Members
Business Community	Peter Keith, principal Jay Jamison, alternate
California Coastal Commission	Charles Lester, alternate
California Department of Fish and Game	Bob Stafford, principal
California Department of Parks and Recreation	Rick LeFlore, principal
Environmental Community	Gordon Hensley, principal Tarren Collins, alternate
Local Government	Ronald Arnoldsen, principal
Off-Highway Vehicle Community	Jim Suty, principal Suzy Johnson, alternate
Residential Community	Diane Briegleb, alternate
San Luis Obispo County	John Euphrat, alternate
US Fish and Wildlife Service	Steve Henry, principal

TRT Support	Role
Jim Ragan	Facilitator
Paula Hartman, Thomas Reid Associates	DPR Support
Laura Gardner	ODSVRA Resource Ecologist

Public Attendees	Affiliation
Daryn Dyar	Friends of Oceano Dunes
Jesse Hill	Nipomo Community Advisory Council
Christine Porter	Oceano resident
Michael Reynolds	Friends of Oceano Dunes
Rich Richardson	Oceano resident
Ginger Schenk	Friends of Oceano Dunes

Attachment 4

DECEMBER 4, 2001, MEETING SUMMARY

Technical Review Team
Oceano Dunes State Vehicular Recreation Area

TUESDAY, DECEMBER 4, 2001

The Technical Review Team (TRT) of the Oceano Dunes State Vehicular Recreation Area (ODSVRA) held its second meeting on Tuesday evening, December 4, 2001, at the South County Regional Center in Arroyo Grande. Fifteen TRT members (principals and/or alternates) and nine other citizens attended the meeting. All ten TRT agencies and interests were represented. Jim Ragan, professional facilitator, facilitated the meeting. We present the attendance roster at the end of this summary.
This summary organizes the discussion and actions around topics and does not necessarily reflect their order of discussion in the meeting.

ENVIRONMENTAL DEFENSE CENTER LAWSUIT AGAINST THE DEPARTMENT OF PARKS AND RECREATION

On November 30, the Environmental Defense Center (EDC), on behalf of the Sierra Club, filed suit against the Department of Parks and Recreation (DPR), alleging mismanagement of the ODSVRA and violation of the U.S. Endangered Species Act. Since EDC and Sierra Club members represent the environmental community on the TRT, the first meeting agenda item was to discuss the effects of the lawsuit on TRT deliberations.

The environmental representatives said that there is no relationship between the TRT and the lawsuit. The processes are completely separate. The DPR representative said that DPR remains committed to the TRT process. In joining the TRT, members can't leave their rights behind them. Lawsuits don't tend to resolve the underlying issues and conflicts. "We still have to meet at the table with the same folks. The TRT will work." The off-highway vehicle community representative said that filing the suit potentially represents a conflict of interest for the environmental representative. The California Coastal Commission (CCC) representative said that the purpose of the TRT is to get away from the "bureaucratic mode." But other DPR and Commission processes will continue.

DRAFT TRT CHARTER

Based on TRT decisions at its first meeting on October 30, 2001, the facilitator revised the draft TRT charter and distributed it to members prior to the December 4 meeting. The TRT discussed and acted on five sections of the ten-section charter.
One issue outstanding from the October 30 meeting was a query as to whether the TRT falls under the state's Ralph M. Brown Act with respect to meeting openness and other requirements of the Act. TRT members representing the CCC and DPR consulted with their agency attorneys, who advised that the TRT does not fall under the Brown Act because the TRT is an advisory body to the State Parks Superintendent.

TRT members then went through the draft Charter section by section. We repeat here the sections and the TRT action.

A. Mission

The mission of the Technical Review Team (hereafter referred to as the "TRT") is to provide on-going recommendations on the management of the Oceano Dunes State Vehicular Recreation Area (hereafter referred to as the "ODSVRA") to the ODSVRA Superintendent.

TRT Action. The TRT agreed to the mission statement.

B. TRT Responsibilities

(1) Assist the ODSVRA Superintendent in the protection of the ODSVRA natural resources by helping identify and review needed research and recommend management measures and restoration efforts to rebuild or protect ODSVRA resources. The TRT will rank research and management questions and priorities. In identifying and selecting the priority research and management questions and projects, the TRT shall consider information developed by the US Fish and Wildlife Service and shall include the following:

a. Appropriate management techniques for the western snowy plover, California least tern, and steelhead trout including an evaluation of:

i. How the geographic location of nests, proximity of nests to foraging areas, and nest closure techniques affect the hatching and fledgling success of the species.

ii. What studies may be necessary to determine appropriate management techniques, or what known management techniques could be put in place, for protecting each species of concern.

iii. The potential environmental, recreational, and economic costs and benefits of alternative beach/dune habitat protection strategies.

b. Appropriate management techniques for protecting water quality and dune habitats from potential pollutants that might result from motor vehicle fluids or other contaminants that might enter the ODSVRA and ocean through polluted runoff or direct discharges.

c. The success of past revegetation efforts within the ODSVRA and the potential need for continuing or expanding those efforts, including expansion of vegetation exclosures.

d. Conduct a comprehensive, long-term monitoring and comparative analysis of the resources impacts associated with varying levels of use, including the highest (peak-use) attendance periods.

If the TRT identifies alternative research and management questions and projects as a higher priority than items a through d above, it shall discuss the basis for such a determination in its Annual Report to the California Coastal Commission (see section H below).

(2) Create a scientific subcommittee to identify, develop, and evaluate the scientific information needed by decision makers to ensure that the ODSVRA's natural resources are adequately managed and protected. (see section F below).

(3) Evaluate monitoring results and reevaluate monitoring protocols contained in the ODSVRA annual reports for the Habitat Monitoring System; reports on the breeding, nesting, and fledgling success of the western snowy plover and California least tern populations in the ODSVRA; and other reports related to the environmental impacts of recreational activities~~on the social impacts of recreational impacts and habitat conditions within the ODSVRA~~.

(4) Develop recommendations to the ODSVRA Superintendent regarding additional monitoring focuses, adjustments to day and overnight use limits, and management strategies.

(5) Provide oversight review for various research studies.

(6) Assist the ODSVRA Superintendent in building community support for management and restoration efforts through problem solving, consensus building, new constituency development, and increasing understanding about the ODSVRA.

TRT Action. The TRT agreed to the above section with the above changes made to paragraph B(3) and with the understanding that water quality with respect paragraph B(1)b includes Arroyo Grande Creek. It was also agreed that the above responsibilities include evaluation of impacts on recreational users of the ODSVRA.

C. TRT Membership and Member Commitments

The TRT shall be composed of no less than nine (9) and no more than thirteen (13) voting members employed by federal, state, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple-use management of the ODSVRA resources.

(1) **Current Membership.** The current membership is ten (10) voting members: one representative from each of the following government agencies and constituent groups: California Coastal Commission, San Luis Obispo County, US Fish and Wildlife Service, California Department of Fish and Game, the California Department of Parks and Recreation (Off-Highway Motor Vehicle Division Commission), the off-highway vehicle community, the environmental community, local government from the five-cities area, the business community, and the residential community. The Superintendent of the ODSVRA is a non-voting member of the TRT.

(2) **Member Additions.** Without further approval by the California Coastal Commission, the TRT and the Superintendent of the ODSVRA may add up to three (3) members to the TRT to reflect a balance in interests or changing dynamics of stakeholder and/or issues. More than three (3) additional members will require Commission approval.

(3) **Member Principals and Alternates.** The TRT consists of one principal representative from each of the government agencies and constituent groups and may include one alternate representative from each agency and group.

a. **Participation.** Only the principal (or, in his or her absence, the alternate) may participate in TRT deliberations and actions ~~Member principals and alternates may participate in all TRT deliberations. When the TRT takes any action, only the principal (or, in his or her absence, the alternate) may vote~~.

b. **Member Terms.** There are no term limits to member participation.

c. **Member Resignations.** When a member principal or alternate finds the need to resign, the appropriate agency or constituent group shall provide a replacement.

(4) **Member Commitments.** By participating in the TRT, all member principals and alternates commit themselves to:

a. Respect one another.

i. Focus on issues and interests.

ii. Avoid personal attacks or other behavior that might indicate disrespect.

iii. Use appropriate language.

b. Take actions based on scientific criteria, data, findings, and conclusions.

c. Keep their agencies or constituencies informed about potential TRT actions and test the acceptability of those potential actions with their agencies or constituencies.

d. Pursue a consensus-building process.

~~e. Ex parte Communications. At the beginning of each TRT meeting, members shall disclose any ex parte communications that they have had with other members in between meetings.~~

TRT Action. The TRT agreed to the above section with the above changes. To try to make TRT deliberations more efficient, members agreed to only let the principals (or, in their absence, the alternates), speak at the table and take action—the change reflected in paragraph C(3)a. The TRT encourages alternates to attend all meetings and coordinate with their principals. Members also agreed to strike the paragraph on ex parte communications.

D. TRT Meetings

(1) **Openness.** Each TRT meeting shall be open to the public and publicized at least one week prior to the meeting.

(2) **Meeting Frequency.** The TRT must meet no less than two times a year. The TRT may meet as frequently as it desires.

(3) **Meeting Quorum.** Eighty (80) percent of the members (principals or alternates) shall be required to hold a TRT meeting.

(4) **Meeting Confirmation.** One week prior to the holding of any meeting, the California Department of Parks and Recreation (DPR) shall poll members to confirm whether a quorum is likely to be present at the meeting.

(4~~5~~) **Meeting Agendas.**

a. Agenda items may come from a number of sources including, but not limited to, the Superintendent of the ODSVRA, TRT members, and TRT working groups, subcommittees, and task forces. Members of the public or constituency groups are encouraged to contact a member of the TRT to recommend an agenda item.

b. The TRT may prioritize agenda items.

b~~c~~. The agenda for each meeting (and any supporting material) shall be distributed to TRT members at least one week prior to the meeting.

c~~d~~. Each meeting shall be limited to items on the distributed agenda unless unanimous consent at the meeting allows additions.

(~~5~~6) **Meeting Facilitation.** Each meeting shall be chaired and facilitated by an independent professional facilitator.

(~~6~~7) **Meeting Records.**

a. Actions and key discussion points of each meeting shall be recorded by the facilitator on an easel pad and the summary of those actions and key discussion points distributed to each member. Any additions, deletions, and corrections provided to the facilitator shall be incorporated into the summary for adoption at the next meeting

b. To provide a full backup record, the deliberations of each meeting shall be electronically recorded. Tapes of each meeting shall be provided to anyone on request.

(~~7~~8) **Public Participation.** Each TRT meeting shall be open to the public. The TRT shall set the rules for public participation in each meeting.

a. **Meeting Notice.** DPR shall publicize each meeting at least one week prior to the meeting. Potential publicity measures include news releases distributed to the print media; display advertising placed in area print media; posting of the meeting notice on the ODSVRA web site; posting of the meeting notice at ODSVRA kiosks, chamber of commerce offices, and government offices; and mailings to individuals and organizations expressing a desire to receive the meeting notice. The notice shall include the meeting agenda.

~~a. Meeting Notice.~~

~~Option i. Meeting notices shall be distributed by news release to the area print media and to other parties desiring to receive such notices.~~

~~Option ii. Meeting notices shall be published as display advertising in area print media.~~

b. **Public Mailing List.** The TRT shall maintain a list of nonmembers attending the TRT meetings and notify all persons on that list of upcoming meetings.

c. **Public Participation Rules.** An early agenda item at each meeting shall be for public comment. The meeting facilitator may set a time limit for such comments depending on the number of people wanting to comment.

TRT Action. The TRT agreed to the above section with the above changes. While members made suggestions with respect to how to publicize TRT meetings, they did not require specific measures because of possible budget constraints [paragraph D(6)a above).

E. TRT Actions

(1) **Actions by Consensus.** In taking actions, the TRT shall seek agreement among all members if at all possible. Consensus is defined as all voting members either supporting an action or abstaining (to be interpreted as "will not oppose").

~~Option a. Every member will either support an action or abstain (taken to mean "will not oppose"). On some actions (e.g., small process issues), the facilitator may simply ask if there are any objections. If any member opposes a proposed action, he or she must provide an alternative that takes into account the needs and interests of all members.~~

~~Option b. The TRT shall pursue consensus according to a seven-point consensus gauge:~~

~~1)Yes and I support it.~~

~~2)Okay and I support it.~~

~~3)I can live with it and I support it.~~

~~4)Willing to step aside and not oppose it.~~

~~5)Formal disagreement but willing to go with the majority.~~

~~6)Blocking and do not support it (must give an alternative).~~

~~7)~~3)~~Need more information.~~

(2) **Non-Unanimity Decision Rule.** If the TRT is not able to reach consensus on any action, the TRT will take action by overwhelming agreement: Eighty (80) percent of all members (a principal or alternate representing each agency or constituency group) required for passage.

(3) **Dissenting Views.** If the TRT employs the non-unanimity decision rule on any action, dissenters shall have the opportunity to summarize their dissent and reasons—to be part of the action record.

TRT Action. The TRT agreed to the above section with the above changes.

ADDING TRT MEMBERS

Discussion. The TRT discussed whether it should add members and what its process should be to do so. At the October 30 meeting, a citizen in attendance recommended that the TRT add representatives from the Nipomo Area Council and the Guadalupe Community Forum. The business community representative suggested that a recreation

representative broader than from the off-highway vehicle community was needed. The residential representative said that she would be a willing representative of other recreation interests. The CCC and DPR representatives said that, in selecting the categories for TRT representation, they were most concerned about the "big picture" core issues with which they were grappling. This was why the off-highway vehicle community was specified and the residential community added later. But the permit provides for up to three more TRT members to allow the TRT to bring additional core interests to the table.

The TRT agreed that that the issue involves both process and selection. With regard to process, the TRT Charter must specify how the TRT goes about adding members. The draft Charter does not now do so. Once the TRT agrees on the process, it can then move toward selection, if needed. The TRT took no action at the December 4 meeting on this issue.

FIRST ANNUAL REPORT TO THE CCC

The CCC permit requires the TRT and the ODSVRA Superintendent to prepare and submit to the CCC annual reports (October to September) summarizing annual recreational use and habitat trends at the ODSVRA, highlighting the TRT's major accomplishments (including progress made towards meeting the objectives of the TRT), projects, correspondence, and recommendations as well as a summary of subcommittee, working group, and task force activities. In addition, the first annual report, due January 1, 2002, shall include a draft or final TRT Charter and a description of the process by which the TRT will rank research and management questions and priorities.

Discussion. TRT members discussed what they and DPR had the ability to present in the first annual report given that the TRT did not begin to function until October 30, 2001. There was general acknowledgement that this first report could only summarize TRT efforts to date and include the draft TRT Charter, minutes of the two meetings held to date, information provided to the TRT, the most reports now available on the ODSVRA, and future TRT action items (including selection of the Scientific Subcommittee and agreement on the process to rank research and management questions and priorities. Staff would circulate the report to TRT members for comment, but not seek formal TRT approval. Basically, the first annual report would be a compilation of actions to date.

When asked whether such a submittal would meet CCC permit requirements, the CCC TRT representative responded that the CCC's main concerns are whether the TRT is being productive and moving ahead within the intent of the permit. He acknowledged that the TRT started late in 2001. It is probable, he said, that only CCC staff will read the annual report, and he has been participating in TRT meetings (therefore knows what has been going on). And DPR will be updating the CCC on the ODSVRA on December 13 in San Francisco. The more important "first-year" date for commissioners is probably May 2002 when they will act on permit renewal.

The CCC TRT representative also said that, given what he has heard at the TRT meetings, the January 1 annual reporting deadline may be unrealistic. The DPR TRT member said that July 1 is more realistic.

PUBLIC COMMENTS

4) There are a lot of TRTs operating. Study them. Build on what they are doing regarding advertising and everything else.

5) Thank you for your work.
6) Post all documents on your web site.
7) You need south coast input from Arroyo Grande Creek to the Santa Maria River. The Nipomo Community Advisory Council has the expertise in flora, fauna, and equestrian use. A representative of the council should be a TRT member.
8) You have to consider access for all potential beach users. You shouldn't focus only on the needs of off-highway vehicles.

AGENDA TOPICS FOR NEXT TRT MEETING

TRT members suggested the following topics for the next TRT meeting:

9) Appointment of Scientific Subcommittee members.
10) Process to rank research and management questions and priorities.
11) Current ODSVRA data.

NEXT TRT MEETING

TRT members agreed that their next meeting will be Monday evening, January 14, 2002, 6:00 PM. DPR staff is responsible for finding a location.

Summary prepared by:
Jim Ragan, facilitator

MEETING ATTENDANCE LIST

TRT Member Agencies/Interests	Members
Business Community	Peter Keith, principal
California Coastal Commission	Charles Lester, alternate
California Department of Fish and Game	Bob Stafford, principal
California Department of Parks and Recreation	Rick LeFlore, principal
Environmental Community	Gordon Hensley, principal Tarren Collins, alternate
Local Government	Dave Angello, alternate
Off-Highway Vehicle Community	Jim Suty, principal Suzy Johnson, alternate
Residential Community	Bobbi Brosnan, principal Diane Briegleb, alternate
San Luis Obispo County	Nancy Rollman, principal, John Euphrat, alternate
US Fish and Wildlife Service	Steve Henry, principal
ODSVRA Superintendent	Steve Yamaichi

TRT Support	Role
Jim Ragan	Facilitator
Paula Hartman, Thomas Reid Associates	DPR Support
Laura Gardner	ODSVRA Resource Ecologist

Public Attendees	Affiliation
Lori Angello	Grover Beach resident
Bob Cardona	Santa Maria 4 Wheelers
Jeri Ferguson	Calif. Assoc. of 4-Wheel Drive Clubs
Gerald Forgnone	Friends of Oceano Dunes
Bruce Hatch	Calif. Assoc. of 4-Wheel Drive Clubs
Jesse Hill	Nipomo Community Advisory Council
Jerry Miller	Friends of Oceano Dunes
Christine Porter	Oceano resident
Donald Weaver	Friends of Oceano Dunes

Attachment 5
Proposed Scientific Subcommittee Members

ODSVRA—Proposed Scientific Subcommittee Members' Expertise		
Organization/ Agency	**Name**	**Experience/Expertise**
CCC	John Dixon, CCC staff biologist	Ecologist, especially sampling and experimental design and analysis. Most of his personal research has been done in marine systems. However, he is currently working on a couple of manuscripts about the effects of fire on herbaceous vegetation in CSS and chaparral in southern Ca. Currently has a contract with the California Department of Fish and Game to study the temporal and spatial dynamics of sea urchin recruitment in California. Recent work has included evaluating the sustainability of the sea cucumber fishery in California, studying environmental impact assessment techniques, studies of the population dynamics of red sea urchins. Resume available.
San Luis Obispo County	V.L. Holland	Professor and Chair, Plant and Restoration Ecology, Biological Sciences Department, California Polytechnic State University, San Luis Obispo
USFWS	Steve Henry	Senior Biologist, Ventura Fish and Wildlife Office Ten plus years experience working for the Fish and Wildlife Service. Experienced with western snowy plover management for 8 years. One of the lead plover biologist for the Ventura Fish and Wildlife Office. Responsible for plover management oversight (all section 7 consultations and HCPs) in San Luis Obispo County and northern Santa Barbara County (including Vandenberg Air Force Base).
CDFG	Bob Stafford	Extensive Endangered Species Act focus. Mammalogist and herpetologist. Has previously worked with San Joaquin Valley species.
CDPR	Laura Gardner Assoc. State Park Resource Ecologist	Experience: State Park Ecologist at ODSVRA.: Coordinate all Ecological Monitoring (this includes but is not limited to, Plovers, terns, all vegetation, small and large mammals, terrestrial birds, shore birds etc..) Coordinate all revegetation efforts, collection of site specific seed, Greenhouse work, and permitting at the park. Coordinate all Biological contractors. Previous work and background experience in: Integrated Weed and Pest Management Biologically Integrated Farming Systems Land and Park Restoration. Coordinated numerous, educational workshops (200-300 attendees)small and large; Coordinated Community Alliance of Family Farmers; Supervised large construction crews. Education: B.S. in Environmental Science 2 years towards Masters in Land Ecology. Member of the Dune Stewardship Collaborative; The Wildlife Society; Cal EPPC; CNPS

ODSVRA—Proposed Scientific Subcommittee Members' Expertise		
Independent Scientists		
Name	**Organization**	**Expertise**
Elizabeth Copper	Independent consultant	Extensive experience with California least tern. Will work with Robert Patton.
Gary Page	Point Reyes Bird Observatory	Director of Wetlands Research, came to PRBO in 1971 from his native Canada, where he had studied shorebirds as part of his job as warden of Long Point Bird Observatory. During his tenure at PRBO his work has included an ecological study, focused on shorebirds, of Bolinas Lagoon; a long-term study of the geographic distribution, status, life history, and population ecology of the Snowy Plover in central California; waterbird surveys of Point Reyes wetlands; assessment of the effects of several major oil spills on marine bird populations; a large study of the distribution and abundance of shorebirds in wetlands west of the Rocky Mountains; and currently with other researchers at PRBO, an intensive study of bird use of San Francisco Bay wetlands. Resume available.
Robert Patton	Independent consultant	Extensive experience with California least tern. Will work with Elizabeth Copper.

At its January 14, 2002, meeting, the TRT adopted the following additional criteria to guide the addition of members to the Scientific Subcommittee:

a. That the appointment of an additional member to the Scientific Subcommittee would provide valued expertise that is not currently present on the Subcommittee;

b. That changes in the existing membership of the Scientific Subcommittee result in the need for additional expertise that is no longer represented on the panel; and/or,

c. That the Subcommittee itself identifies the need for additional expertise that is not currently represented on the Subcommittee.

Attachment 6
Ranking Research and Management Questions and Priorities

The TRT adopted a process for use by the Scientific Subcommittee in prioritizing research and management questions. The process recognizes the following six factors in establishing priority research questions and management recommendations:

a. That timing of the research activity or management strategy is critical to restoration or protection efforts;

b. That the research question or management activity is directly related to the satisfaction of a permit condition imposed by the California Coastal Commission;

c. That the research question or management activity is directly related to the satisfaction of a permit condition imposed by another regulatory body;

d. That the research question or management strategy is in direct response to a question posed by the California Coastal Commission; and/or,

e. That the research question or management strategy is directly related to the identification or migration of a potentially significant environmental or resource impact.

In specifying these criteria, the TRT also explicitly recognized the need for flexibility at the discretion of the Scientific Subcommittee in prioritizing its research questions and management strategies as specific conditions warrant.

Ranking Research and Management Questions and Priorities[1]

The first annual report to the Coastal Commission, due January 1, 2002, requires **a description of the process** for ranking research and management questions and priorities. The second annual report, due January 1, 2003, requires the TRT's actual ranking of these research and management questions and priorities. The TRT's immediate task, therefore, is to agree on the **ranking process.** This task would seem to require a set of criteria. The information in this paper: 1. provides a summary of the questions raised by the Coastal Commission Amendment Analysis of the ODSVRA permit, and 2. provides the limited guidance given in the permit to assist the TRT members in ranking their priorities.

Questions

The Coastal Commission Amendment Analysis of the ODSVRA permit identifies issues of particular importance as potential initial tasks of the TRT (page 46):

(1) Evaluate the location and size of single nest and seasonal enclosures.

(2) Complete a shorebird impacts study.

(3) Establish a study plot for research on successional events in dune stabilization.

(4) Assess motor vehicle fluids contamination.

(5) Initiate an Arroyo Grand Creek vehicle crossing study.

(6) Improve the retrophoto baseline archive.

(7) Study the response of western snowy plovers and California least terns to vehicle activity at night.

The TRT may also identify and initiate the investigation of other issues reasonably related to the carrying capacity and ongoing management of the ODSVRA.
The Amendment Analysis also says that one logical task for the TRT is to become familiar with the four main categories of natural resource areas (systems) and answer a series of questions raised as a result of the completion of the Carrying Capacity Study. The four categories are:

(1) The **ocean**, especially the intertidal (wet) beach which is home to the Pismo clam and other species, as well as a feeding area for various shorebirds and a possible breeding area for grunion on certain high tide nights.

(2) The **barren sand areas,** including the dry sand beach and adjacent barren dunes, which are either devoid of vegetation (or nearly so), are used by the endangered snowy plover for nesting.

(3) The **vegetated dunes**, generally located further from the shoreline.

(4) **Freshwater streams and ponds.**

The Amendment Analysis poses a series of issues and questions to address each of these natural resource areas (pages 47-51).

[1] Discussion document prepared to assist the TRT with the ranking process.

The Amendment Analysis also suggests that the TRT consider how protection of the western snowy plover habitat has been addressed at Vandenberg Air Force Base and Wilder Ranch (page 54). To give you a sense of the types of issues to be considered, all the questions and issues raised in the Amendment Analysis as items for potential consideration by the TRT are listed on Attachment 1. Doubtless many other questions would be of interest to the TRT and Scientific Subcommittee. As stated above, the first annual report only requires **a description of the process** for ranking research and management questions and priorities, not the actual ranking.

Ranking Priorities

The Amendment Analysis notes (page 8) that in identifying and selecting the priority research and management questions and projects, the TRT shall consider information developed by the USFWS and shall include the following:

1. Appropriate management techniques for the western snowy plover and California least tern, including an evaluation of:
   a. How the geographic location of nests, proximity of nests to foraging areas, and nest closure techniques affect the hatching and fledgling success of the species, and
   b. The potential environmental, recreational, and economic costs and benefits of alternative beach/dune habitat protection strategies;
2. Appropriate management techniques for protecting water quality and dune habitats from potential pollutants that might result from motor vehicle fluids or other contaminants that might enter the ODSVRA and ocean through polluted runoff or direct discharges;
3. The success of past revegetation efforts within the ODSVRA and the potential need for continuing or expanding those efforts, including expansion of vegetation exclosures; and
4. Conduct a comprehensive, long-term monitoring and comparative analysis of the resource impacts associated with varying levels of use, including the highest (peak-use) attendance periods.

If alternative research and management questions and projects are identified as a higher priority than those listed in 1-4 above, the annual reports shall discuss the basis for such a determination.

The Department of Parks and Recreation has indicated that from its perspective, the Department would prioritize from a "Must," "Should," "Would like to" perspective. Those projects with direct connection to legal/regulatory mandates are be top priority, as those projects have to be completed, with a further cascade down from there depending upon what is being proposed. Additionally, as its work proceeds, the Scientific Subcommittee may be a good source of guidance on research priorities.

Attachment 1.
Potential TRT Research and Management Questions, Issues, and Projects

The CCC's recommended list (page 8):

1. **Snowy Plover/Least Tern.** Identify appropriate management techniques for the western snowy plover and California least tern, including an evaluation of:
   a. How the geographic location of nests, proximity of nests to foraging areas, and nest closure techniques affect the hatching and fledgling success of the species, and
   b. The potential environmental, recreational, and economic costs and benefits of alternative beach/dune habitat protection strategies;
2. **Water Quality.** Identify appropriate management techniques for protecting water quality and dune habitats from potential pollutants that might result from motor vehicle fluids or other contaminants that might enter the ODSVRA and ocean through polluted runoff or direct discharges; and
3. **Vegetation Management.** Review the success of past revegetation efforts within the ODSVRA and the potential need for continuing or expanding those efforts, including expansion of vegetation exclosures.
4. **Recreation Carrying Capacity.** Conduct a comprehensive, long-term monitoring and comparative analysis of the resource impacts associated with varying levels of use, including the highest (peak-use) attendance periods.

Questions, Issues, and Projects

The following items are found on pages 47-53 of the Amendment Analysis. Although the issues as worded in the text tend to focus on OHV impacts, it is important to note that a variety of recreational users contribute to impacts on sensitive species and resources.

1. Wet Beach (clams and other infaunal organisms)—Research with respect to compaction, petrochemical contamination, reproductive success, growth rates, etc. would be appropriate.

2. Wet Beach (shorebirds):

a. How often does OHV activity stress the resident shorebird population, as compared to similar non-OHV recreational beaches?

b. Are wildlife population balances being upset by the presence of OHVs? Are there particularly skittish species that flee, resulting in overcrowding by another, more tolerant species such as gulls?

c. Are there direct impacts on food supply attributable to OHVs running on the wet beach, such as from vibrations or trace hydrocarbon residues?

d. Are there indirect impacts on food supply attributable to OHV activity, such as competition from crows or gulls, which are attracted to left-behind picnic scraps?

e. Is the level of disruption attributable to OHV activity significant? Is there evidence of the local populations of any of the shorebirds naturally occurring at this beach being placed in jeopardy?

f. If there is a significant local disruption, is it also significant in terms of cumulative impacts over the whole system? (Which, in this case, could be considered the entire wet beach from Pismo Beach to Point Sal.)

g. If there are significant impacts to the system, are there available mitigation measures that could reduce the impacts to a less than significant level?

h. If the appropriate mitigation measures include testing a reduced OHV use level, what level would be appropriate to test? (Such reduction should be, at a minimum, statistically significant.)

3. Wet Beach (grunion):

a. Will their nests (if any) be smashed by daytime OHV use?

b. If so, would this be significant?

c. Can such impacts be mitigated by banning driving on the wet beach after a grunion run?

d. Would such a ban be practical to enforce?

4. Barren Sand—Western Snowy Plover Habitat (no specific questions listed)

5. Barren Sand—Other:

a. It is critical that the TRT evaluate past revegetation efforts both inside and outside the ODSVRA and the feasibility o expanding vegetation exclosures and monitor the ability of barren dunes to revegetate if given the chance (i.e., OHV impacts are eliminated).

b. The TRT may play a role in developing a dune management plan for the Strand Way area.

6. Vegetated Dunes—(no specific questions listed)

7. Freshwater Ponds and Streams: The relationship between the intensity of use at the ODSVRA and the impacts on the Arroyo Grande stream ecosystem. A better understanding of potential cumulative effects is needed, especially with respect to petrochemical contamination.

8. Equilibrium Between Barren and Vegetatively Stabilized Dunes

a. The historic photographic record should be found, protected, and analyzed to better understand long-term trends especially as they concern the equilibrium between barren and vegetated areas.

b. Research test plots should be established to better understand actual OHV impacts on the successional process.

c. Interim vehicle limits should be reduced proportionately in the event that management capability is reduced (e.g., because of budget reduction) or natural resources are being degraded.

9. Western Snowy Plovers and Least Terns—Take avoidance and minimization measures prescribed by the USFWS and CDFG should be reviewed and considered for future management action. [*TRT members please note that these measures are summarized in Attachment 2.*] The TRT may also consider the following alternative management measures:

a. Limiting all street-legal vehicle travel to the hard-packed wet sand in the area between the park entrances and the OHV riding area.

b. Increasing the size of single nest exclosures.

c. Constructing single nest exclosures to be contiguous with adjacent single nest or seasonal exclosures, and expand all exclosures to the water.

Attachment 2

Specific Measures Implemented by Oceano Dunes States Vehicular Recreation Area as Mandated by the U.S. Fish and Wildlife Service and the California Department of Fish & Game's Plan to Avoid Take of California Least Tern and Western Snowy Plover (No Take Agreement)

The Oceano Dunes State Vehicular Recreation Area (ODSVRA), in consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, implemented the following measures during the 2001 nesting season of the western snowy plover (WSP) and California least tern (CLT) (see attachment 2 for specific measures mandated by the U.S. Fish and Wildlife Service and the California Department of Fish and Game):

- Rules governing recreational activities at the ODSVRA: During the 2001 nesting season the ODSVRA peace officer staff aggressively enforced the vehicle speed limit of 15 miles per hour, trespass in the fenced vegetated islands and seasonal nesting exclosures, dog leash laws and the flying of kites (see attached Superintendent's order prohibiting kite flying).

  Each vehicle that entered the park at either of the primary sand access ramps (Pier Avenue and Grand Avenue) for day use or camping was issued plastic trash bags to encourage packing trash out of the SVRA.

  Camping and OHV use was restricted to the area south of Mile Post #2 and all OHV's were transported to that location prior to operation.

- Sand access ramp inspection for nesting sites before any maintenance activities: The entire SVRA is inspected daily during the nesting season by certified plover/tern monitors. In addition, the sand access ramps are inspected prior to any sand ramp maintenance activity. There has been no nesting activity at either of the sand access ramps during the 2001 nesting season.

- Beach raking activities: Beach raking activities were discontinued years ago. No beach raking activity took place during the 2001nesting season.

- ODSVRA public education and interpretive program: The ODSVRA has developed and extensive public education and interpretive program related to educating the public about the importance of protecting the WSP and CLT. Several publications and informational flyers are handed out to visitors entering the park (see samples attached of The Oceano Dunes SVRA Park Brochure, WSP/CLT informational flyer, kite informational flyer and dog informational handout).

  In addition, all seasonal nesting exclosures are posted with western snowy plover/California least tern informational and regulatory signs, signs advising visitors to stay at least 50 feet from nesting exclosure fencing and other regulatory signs prohibiting entry into the exclosed areas.

Other measures taken to provide information and education to the public include our ODSVRA radio station (AM 1620) and the Dunes Information Center (see attached photos). Both access sites provide educational and informational

All park field staff receive annual training. The training includes recognition of the CLT and WSP adults and chicks, regulations governing the protection of both species, the habitat and bird protection program at ODSVRA and the location of nesting and seasonal nesting exclosures. In addition, maintenance staff is trained on the erection of single nest exclosure and large nesting exclosures.

All field staff receives daily reports throughout the nesting season on the CLT and WSP (see sample attached).

- Approximately 2000 acres of the ODSVRA have been fenced and are managed for non-motorized vehicle recreational use and resource management.

- ODSVRA implements a CLT and WSP monitoring and management program during the nesting season (refer to No Take Agreement for specific of the monitoring and management program). Additional recommended actions have been implemented to reduce the risk of take during the 2001nesting season. These measures include:

  Exclosures for California least tern, western snowy plover and other measures specific to the WSP, CLT and management actions in the non-OHV area of the ODSVRA: ODSVRA maintained approximately 160 acres of seasonal exclosure to protect the species. Specific locations are outlined in the No Take Agreement. In addition, all measures specific to the western snowy plover, California least tern and management actions within the non-OHV area of the ODSVRA were implemented in the 2001nesting season (refer to No Take Agreement for specific measures).

  Public information and interpretation: All suggested measures were implemented in the 2001nesting season (specifics are listed above under section labeled ODSVRA public education and interpretation program).

  Trash dumpsters were moved further south from the usual Post #2 location to avoid disturbance to the seasonal nesting exclosure at Post 1.5.

  WSP and CLT biological monitoring: Resource monitoring staff level met or exceeded the staffing level required of the No Take Agreement for the nesting season and peak holidays. Hours of monitoring activities met or exceeded those levels required for the nesting season and peak holiday periods.

  Point Reyes Bird Observatory (PRBO) was contracted during the 2001nesting season to furnish a lead biologist. The lead biologist, Mr. Laird Henkel, will make recommendations, has presented findings and will coordinate modifications to the CLT and WSP protocols when approved by the Service and State Parks.

  Other measures related to bird banding and monitoring actions related to tracking of

banded birds, incidents of predation and human-related disturbance were shared with neighboring land managers, such as the Guadalupe-Nipomo Dunes National Wildlife Refuge, Rancho Guadalupe County Park and the Unocal Oil Field.

Maintenance activities: All maintenance protocols established under the biological opinion were implemented during the 2001nesting season.

Maintenance staff had a vehicle outfitted with all the tools and supplies necessary to respond immediately to any seasonal nesting exclosure fencing problems.

Maintenance staff carried additional trash bags in each of their vehicle to distribute to park visitors as needed.

Patrol activities: All mandated enforcement measures were implemented during the 2001nesting season.

Ranger staffing level and hours of operation mandates during the nesting season and peak holiday periods were met or exceeded.

District Superintendent orders: A District Superintendent's Order prohibiting kite flying in the ODSVRA was implemented during the 2001nesting season (see attached order).

An Order prohibiting the stopping or standing of vehicles within 50 feet of the exclosure perimeter fencing was implemented (see attached).

An Order closing the Oso Flaco Lake footbridge to all public use and occupancy during those periods when CLT chicks are present and being taught to fish was implemented (see attached).

- Adaptive management: Adaptive management practices will be developed as a result of data compiled during the 2000 and 2001 nesting season as it relates to the development of a Predation Management Plan for the management of the Loggerhead Shrike.

  The Ocean Dunes Technical Review Team (TRT) has been established and met for the first time in October 2001.

The ODSVRA will continue to implement all measures and actions requested of the U.S. Fish and Wildlife Service and the California Department of Fish and Game related to the protection and management of the CLT and WSP.

Oceano Dunes State Vehicular Recreation Area
Technical Review Team

MEMORANDUM

TO: Steve Yamaichi, ODSVRA Superintendent
FROM: ODSVRA Technical Review Team
DATE: March 12, 2002
SUBJECT: Transmittal of Scientific Subcommittee Recommendations on 2001 PRBO Report

Attached please find the consensus recommendations of the Scientific Subcommittee regarding the 2001 report, prepared by Laird Henkel, concerning proposed management actions to be taken with regard to the Western Snowy Plover (SNPL) and the California Least Tern (LETE) during the 2002 nesting season. These recommendations are based upon their review of the November 2001 report entitled "Nesting of the Western Snowy Plover and California Least Tern at Oceano Dunes SVRA in 2001", and should be implemented as soon as possible for the 2002 nesting season.

The measures unanimously recommended by both the Scientific Subcommittee and the Technical Review Team include the following:

Recommendation #4: Conduct Counts of Adult Plovers and Terns

Recommendation #5: Continue to Minimize Researcher Disturbance

Recommendation #6: Maintain Consistency of Monitors

Recommendation #7: Enhance Habitat in Oso Flaco Section

Recommendation #10: Continue Use of 2x4 Mesh Fencing

Recommendation #11: Consider Use of Single-nest Exclosures at Oso Flaco

Recommendation #12: Consider Using More Symbolic Fencing at Oso Flaco

Recommendation #13: Continue to Find and Protect nests in the Open Riding Area

Recommendation #14: Develop a Predator Management Plan

Recommendation #15: Reduce Shrike Perches – recommend removal of all extraneous fencing and use of Nixalite as appropriate

Recommendation #16: Continue Enforcement of Closures and Leash Law

Recommendation #17: Close Horse trail South of Arroyo Grande Creek

Recommendation #18: Continue to track Chicks Carefully – Careful Tracking recommended; escort plan development not deemed necessary at this time

Recommendation #19: Deploy LETE Chick Shelters Before the Nesting Season

Recommendation #20: Enhance SNPL Nesting Habitat with Driftwood

Recommendation #21: Continue Use of Post 8 Extension Fence

Recommendation #22: Enforce (and Possibly reduce) Speed Limit Near Arroyo Grande Creek – Enforcement recommended; Speed limit reduction not recommended

Recommendation #23: Complete a Habitat Conservation Plan (HCP) covering ODSVRA

The above numbering system does not reflect a priority ranking or status of any given recommendation.

EXHIBIT NO. 4, p.1
APPLICATION NO. 4-82-300-A5 renewal
TRT Memo

The measures not recommended by the Scientific Subcommittee are as follows:

Recommendation #1: Band Adult Male Snowy Plovers – Not recommended because of potential risk of nest abandonment and flight out of exclosures.

Recommendation #2: Float Least Tern Eggs – Not recommended because of increased research intensity and potential disturbance/egg breakage; however, monitoring frequency should be increased.

Recommendation #3: Band Least Tern Chicks – Split Opinion (see report for additional detail).

Recommendation #8: Extend the Closure North to Post 6 – Not recommended to encourage breeding in other areas until long term management plan is completed.

Recommendation #9: Consider Removing Non-native Vegetation in the Dunes Preserve – Not recommended at this time because of additional coordination requirements; could be considered in the future.

There also exists a minority opinion that Recommendation #8 should be implemented by the Superintendent.

Additional consensus was reached by the Technical Review Team on the following four points:

1. That Habitat Conservation Plan (HCP) development and implementation should be a high priority, and the TRT would like to be involved in its review;

2. Log books and monitoring protocols should be provided to the Scientific Subcommittee to facilitate and enhance their assessment of the success of the monitoring and management recommendations, including recommendations regarding enhancement using driftwood and other shelters;

3. Regarding Recommendations #7 and 14, the Scientific Subcommittee should become involved with the ongoing review and evaluation of the Predator Management Plan and "Chestnut" Study; and,

4. Regarding Recommendation #17, references to "trail closure" should be reworded to "redirect access away from nesting sites".

The TRT may provide additional perspective to the Superintendent in the future regarding those outstanding or unresolved issues through constructive discussion and dialogue.

Because each member of the Technical Review Team brings valued perspectives to the process and substance of determining an appropriate set of management recommendations, allowance will be made for individual members to provide their own written comments to the Superintendent regarding the recommendations of the Scientific Subcommittee until the close of business on March 22, 2002. These comments should also be forwarded as part of the overall package to the California Coastal Commission.

The Technical Review Team also requests that the Superintendent provide a written response to the TRT indicating which of the recommendations will be implemented along with the details of such implementation (i.e., plans, timeframes, reporting procedures, etc.). As a courtesy to TRT members providing written comments, the Superintendent should also provide responses to the issues raised by those written comments submitted by individual TRT members.

Recommendations Report of the ODSVRA Scientific Subcommittee (*Revised March 6, 2002*):

Review of "Nesting of the Western Snowy Plover and California Least Tern at Oceano Dunes SVRA in 2001" prepared by Laird Henkel, Point Reyes Bird Observatory, November 2001

The Scientific Subcommittee convened on Friday, January 18, 2002, in Arroyo Grande to discuss the recommendations contained on pages 7-9 of the above referenced PRBO report. The Subcommittee members then discussed outstanding PRBO report issues during a conference call held on Friday, February 15, 2002. The meeting rosters are included in Attachment 1. Their opinion as to each recommendation in the report follows. For ease of reference, each recommendation proposed by Laird Henkel is numbered in the order in which it appears in the report and includes the title as listed in the report. The Subcommittee's recommendation for or against is listed first. The recommendation represents consensus (e.g., all members agree) unless otherwise noted. In addition to specific recommendations included in the PRBO report, Subcommittee members provided additional recommendations relevant to the 2002 SNPL/LETE breeding season. Those recommendations are included here. Some Subcommittee members provided additional comments and background information outside of the meetings. This additional information is included in endnotes.

1. Band Adult Male Snowy Plovers—Not recommended:
   If plovers are banded they learn that certain people will come and harass them, which thus increases the risk of abandonment. Plus, plovers may flee the exclosure and get run over. Monitoring at ODSVRA is intensive enough that monitors can do an adequate job of monitoring without banding.[1]

2. Float Least Tern Eggs—Not recommended, but monitoring frequency should be increased:
   Floating the eggs would be another research intensive disturbance and could lead to egg breakage. The better approach is to focus on more intensive monitoring. Nests are currently checked about three times per week. The Subcommittee recommends that nests be checked at least every other day, but that eggs should not be floated.[2] The Subcommittee recommends the following monitoring methodology, which is consistent with the methodology currently implemented at ODSVRA:

   Monitoring should be conducted by mid-morning and the perimeter of the nesting area checked to assess the presence of nocturnal predators before tracks, scat, pellets, or other signs are obscured by windblown sand or vehicle tracks. If predation or hatching is suspected, additional observation time from within a blind (vehicle) on the site perimeter should be expended to determine chick presence from adult behavior or direct observation. If chick presence is not supported within an hour, the area should be thoroughly searched for evidence of egg/chick fate while taking precautions to avoid causing other chicks to move from the exclosure or exposing them to predators. Monitors normally should not need to wait an hour prior to implementing such a search.

3. Band Least Tern Chicks—Split opinion, no majority recommendation:
For—Subcommittee members recommending banding did so on the basis that it would lead to a better understanding of the fledging rate. A least tern fledgling is defined as a bird that has gained the ability to fly. Because ODSVRA attracts birds from elsewhere, without bands researchers cannot tell whether terns fledged at ODSVRA or elsewhere. Although banding is a disturbance, it is the only way to accurately gauge the fledging rate.[3]
Against—Subcommittee members opposed to banding stated that banding is not needed to estimate the fledging rate at ODSVRA due to the intensive daily monitoring, plus it is a more invasive technique. It was also noted that ODSVRA tern monitors also disagreed with Laird Henkel's banding recommendation. An additional concern is that LETE banding could drive SNPL chicks out of exclosures and thus subject them to take. Additionally, the process could become unwieldy as bands would have to be carefully chosen to ensure that LETE could be accurately tracked, e.g., numerous unique color combinations or numbered bands that could be read in the field.

4. Conduct Counts of Adult Plovers and Terns—Recommended:
This task will be conducted at ODSVRA in 2002.[4] The Sc. Sub. did not propose adding Robert's methodology to the Recommendations Report. Laura Gardner described the current approach as follows:
Daily—Observers count nests, eggs, chicks, and adults near nests for both SNPL and LETE
Weekly—Observers conduct an overall population count of all male and female SNPL, including adults, fledglings, eggs. Such a population survey is not conducted for LETE.

5. Continue to Minimize Researcher Disturbance—Recommended:
This recommendation is an ongoing requirement of monitors at ODSVRA. The Subcommittee discussed the use of blinds while banding. Vehicles themselves act as a blind. Blinds can be useful if lots of nests are in the same area, but can lead to abandonment if the adults cannot see that the chicks are still there. The Subcommittee concluded that blinds are not required at ODSVRA.[5]

6. Maintain Consistency of Monitors—Recommended:
This recommendation is an ongoing requirement of monitoring at ODSVRA. Adequate funding is important because often monitoring must be contracted out to maintain monitors throughout the season.[6]

7. Enhance Habitat in Oso Flaco Section—Recommended:
ODSVRA will be erecting single nest exclosures and symbolic fencing at Oso Flaco in 2002, but does not propose removing *Ammophila* this year at Oso Flaco, although it will be removed in the Dune Preserve.[7] The group discussed the status of current vegetation plans at ODSVRA during the February conference call. John Chestnut, a noted botanist, had done the original survey work. A plan was prepared in 1998-1999 and is in the beginning stages of implementation. Because the plan assumes the presence of OHVs, it does not call for any restoration of foredunes and willow ridges. The Sc. Sub. members expressed their interest in reviewing the plan so that they could understand the currently proposed approach. Based on their discussion, the Sc. Sub. recommends the following issue be subject to future Subcommittee discussion and review:

The Scientific Subcommittee recognizes the inherent conflicts between resource values at ODSVRA. Restoring dunes to their natural state can conflict with goals to provide adequate habitat for snowy plovers and least terns plus areas for OHV recreation. This complex problem should be considered by the Scientific Subcommittee at a later time. The revegetation initiated at Mile 7.5 is one area that should be reviewed. The Subcommittee recommends that the Park update the General Development Plan and Resource Management Plan to address and deal with these issues in an orderly fashion.

8. Extend the Closure North to Post 6—Not recommended at this time:
The Subcommittee members agreed that they are not in favor of encouraging breeding in other areas until they know what the long-term management plan will be. Although a bigger area may lead to more snowy plovers, expansion should not occur until researchers determine the outcome of predator control. Expanding the area now would change too many variables at once. If current predation levels are causing ODSVRA to be a snowy plover population sink, then expanding the nesting area may simply create a bigger population sink.[8] Although the exclosures appear to be allowing eggs to hatch, with shrikes then being largely responsible for failure to fledge, nobody know what will happen once shrike predation is removed from the equation. Slightly older chicks tend to run around more. If, for example, chicks survive a few days longer only to run out of the exclosures and then become subject to take, bigger exclosures may simply mean more failure for even more birds. Other predators, such as corvids, could also move in and thus require a new response from managers. If the predator control measures implemented in 2002 work, then the Scientific Subcommittee will consider recommending expansion of the exclosure for 2003. Regardless of the size of the exclosures, conditions can change, and adaptive management will be important. The members discussed that the Sc. Sub. will also need to consider how ODSVRA fits into SNPL and LETE recovery in the region.

9. Consider Removing Non-native Vegetation in the Dunes Preserve—Not recommended at this time:
Expanding breeding area around ODSVRA is something to consider in the future. Expanding habitat into the Dunes Preserve will require additional coordination within the Department of Parks and Recreation, as the Dunes Preserve is not within ODSVRA jurisdiction, but is under the control of the San Luis Obispo Coast Unit of the Department of Parks and Recreation.[9]

10. Continue Use of 2x4 Mesh Fencing—Recommended:
This method will continue to be used at ODSVRA in 2002. Related to this recommendation, the Subcommittee discussed whether 2x4 no climb fence should be erected around the entire Southern Exclosure area to preclude mammalian predators, e.g., coyotes. Currently a combination of fencing materials are used along the southern boundary of this exclosure, some of which could admit mammalian predators. The Scientific Subcommittee recommends that ODSVRA erect 2x4 no climb fence along the southern boundary of the southern exclosure barrier fence (which separates the riding area from the non-ridging area along the beach) and connect the western edge of this newly erected fence to the northern end of the exclosure (north) at post mile marker 7.

11. Consider Use of Single-nest Exclosures at Oso Flaco—Recommended:
This task will be implemented at ODSVRA in 2002. The Subcommittee members recommend that the exclosures not be established until a full clutch of eggs is observed. Snowy plovers are not acclimated to vehicles at Oso Flaco and thus might abandon nests if the exclosures are put up too early. This protocol may need to be adjusted if predation becomes a problem. In that case, exclosures would need to be erected upon discovery of the second egg. The full-sized exclosures may not be feasible everywhere at Oso Flaco due to the greater amount of vegetation. For this reason, triangle-shaped exclosures with 25' sides are used in Monterey. The Subcommittee agreed that while the 50-foot exclosures should be used where feasible, exclosure size may need to be altered depending on vegetation or other conditions. Smaller exclosures would thus be adequate if necessitated by conditions.

12. Consider Using More Symbolic Fencing at Oso Flaco—Recommended:
This task will be conducted at ODSVRA in 2002. No additional discussion on this recommendation occurred.

13. Continue to Find and Protect Nests in the Open Riding Area—Recommended:
This recommendation is an ongoing requirement of monitoring at ODSVRA. No additional discussion on this recommendation occurred.

14. Develop a Predator Management Plan—Recommended:
This task is in progress for initial implementation at ODSVRA in 2002. The Santa Cruz Predatory Bird Research Group will be working with ODSVRA to implement shrike removal this year. The group agreed that plover recovery will not work without predator management.[10] The Scientific Subcommittee will review the Interim Predator Management Plan and discuss the plan at its March meeting.

15. Reduce Shrike Perches—Recommend removal of all extraneous fencing and use of Nixalite as appropriate:
No extraneous fencing will remain within the exclosures at ODSVRA in 2002. Steve Yamaichi noted that electric fencing is not viable at ODSVRA due to liability concerns and its tendency to short out. Overall, if loggerhead shrikes are removed, then perch sites are less of an issue. Nixalite tends to not be effective against shrikes, as they are able to perch on it and use it for impaling stored prey.[11]

16. Continue Enforcement of Closures and Leash Law—Recommended:
This recommendation is an ongoing requirement at ODSVRA. No additional discussion on this recommendation occurred.

17. Close Horse Trail South of Arroyo Grande Creek—Recommended:
The Sc. Sub. members note that the title of this recommendation is misleading and suggests total closure to equestrians, which is not proposed. Instead, one contiguous exclosure would be made by combining the AG Creek Exclosure with the Mile 1.5 Exclosure.

18. Continue to Track Chicks Carefully—Careful tracking recommended; plan development not deemed necessary at this time:
Careful tracking is an ongoing requirement at ODSVRA. The group agreed that the monitors

should be encouraged to escort any chicks seen outside the exclosure but did not recommend development of a plan at this time. Both Laura Gardner and Robert Patton mentioned the difficulty of developing an escort plan. The group noted that it may eventually want to discuss whether breeding should even be encouraged in the Arroyo Grande Creek area.

19. Deploy LETE Chick Shelters Before the Nesting Season—Recommended:
This task will be conducted at ODSVRA in 2002 using snow fencing. Ceramic tiles have been used previously at ODSVRA but tend to fill with sand. The group discussed the concern that snow fencing will create shrike perches. Laura Gardner and Steve Henry both noted that the snow fence design has been used successfully at Vandenberg and elsewhere. The group also discussed experimentation with other materials, such as wooden shipping pallets.[12]

The group discussed that two overall questions about shelters should be asked: 1. What are the best materials to use?, and 2. What are the best locations? Vandenberg biologists were able to use previous years' data to help decide what should be placed and where. Shelters deployed in 2002 could serve as a pilot study for ODSVRA, but the Sc. Sub. should not be designing the actual study. The monitors could determine shelter efficacy based on presence or absence of chicks. The Scientific Subcommittee recommends that chick shelter placement be done in an experimental manner so that its effectiveness can be evaluated. The Subcommittee further recommends that if some shelters are to be installed after least tern nesting commences, then these shelters should not be placed any closer than 10-30 feet to existing nests. The Subcommittee also recommends that a low-profile design be used that minimizes perch opportunity.

20. Enhance SNPL Nesting Habitat With Driftwood—Recommended:
This task will be conducted at ODSVRA in 2002. Not much driftwood has been deposited at ODSVRA this year. Gary Page noted that plants can provide better shelter because they also provide a food source. The group discussed the use of driftwood as well as other materials, such as live plantings, but determined that the two plant species currently available at ODSVRA for supplemental planting, Artemisia and Lupine, are not appropriate for enhancing SNPL nesting habitat. The southern exclosure has a fair amount of sea rocket, which would not be ripped out during the 2002 breeding season. The Scientific Subcommittee recommends that only driftwood be added to the southern exclosure. The Subcommittee further recommends that driftwood placement should be conducted in an experimental manner so that its effectiveness can be evaluated. The monitors should assess how much driftwood is used by chicks and whether birds nest next to the driftwood. GPS can be used to map the location of placed driftwood. To reduce the likelihood of driftwood removal for firewood, no driftwood should be placed north of the 7.5 Revegetation Area. The Subcommittee also recommends that driftwood be placed as far as possible from fences so that visitors will not take the wood for firewood. Smaller pieces may be less attractive for firewood, although pieces large enough to act as shelter would all be useful as firewood. The monitors should note whether ODSVRA visitors are removing driftwood from the exclosure.

21. Continue Use of Post 8 Extension Fence—Recommended:
This task will be conducted at ODSVRA in 2002. No additional discussion on this recommendation occurred.

22. Enforce (and Possibly Reduce) Speed Limit Near Arroyo Grande Creek—Enforcement recommended; Speed limit reduction not recommended:
Strictly enforcing the 15 MPH speed limit is an ongoing requirement at ODSVRA. The County ordinance is 15 MPH, which cannot be reduced at ODSVRA. The Subcommittee discussed the value of reducing the speed limit and concluded that reducing the speed limit to below 15 MPH is unlikely to reduce potential plover mortality.

23. Complete an HCP Covering ODSVRA—Recommended:
The HCP covering ODSVRA and the San Luis Obispo Coast District of State Parks is in progress. No additional discussion on this recommendation occurred. Several Subcommittee members expressed their hope that the HCP would be available for review soon.

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[1] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

This would provide additional short-term data (generally one to three seasons) to clarify the number of breeding males, renesting attempts, and fledgling rates, but potential impacts and the required additional effort outweigh the value of the potential results. The existing program of monitoring and banding of chicks results in less of an impact to adult birds and nests, and provides more data in the long run than trapping and banding birds as adults. Continued banding of chicks should ultimately result in bands on the majority of locally breeding adults. Risk of abandonment and egg damage would be increased due to the disturbance by trapping efforts, as would the possibility of chicks from adjacent nests moving out of exclosures and into the paths of vehicles. The possible learning by plovers and recognition of monitors involved in trapping would not be likely to influence abandonment as much as make birds more wary of individual monitors, more prone to maintain a greater distance between themselves and monitors, and thus make monitoring and subsequent fledgling estimates more difficult.

[2] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

This would provide an index of clutch age and allow projection to an estimated hatching date for clutches that are complete when found by monitors. However, the potential impacts and the required additional effort outweigh the value of the potential results. Risk of abandonment and egg damage would be increased due to the disturbance by floating efforts, as would the possibility of chicks (both tern and plover) from adjacent nests moving out of exclosures and into the paths of vehicles. Least tern clutch size (1-3) and incubation time (21-38 days) vary much more than that of snowy plovers, making determination of a clutch's completeness difficult unless monitored for several days and making regular monitoring necessary to determine egg/chick fate. Modification of the existing monitoring program so that individual nests are checked at least every other day should allow determination of outcome of a significant majority if not all eggs. Monitoring should be conducted by mid-morning and the perimeter of the nesting area checked to assess the presence of nocturnal predators before tracks, scat, pellets, or other signs are obscured by windblown sand or vehicle tracks. If predation or hatching is suspected, additional observation time from within a blind (vehicle) on the site perimeter should be expended to determine chick presence from adult behavior or direct observation. If chick presence is not supported within an hour, the area should be thoroughly searched for evidence of egg/chick fate while taking precautions to avoid causing other chicks to move from the exclosure or exposing them to predators.

I am unaware of any current established model for determining egg age by flotation for California least terns and the colony size at Oceano is too small to establish such a model. Laura Hill (1985. Breeding ecology of interior least terns, snowy plovers, and American avocets at Salt Plains NWR, Oklahoma. MS Thesis, Oklahoma State Univ.) calculated regression models for flotation but in different subspecies nesting in significantly different habitat and weather conditions. I took flotation readings in San Diego colonies as part of my thesis, but calculations from both of these sets of data were made prior to documentation of prolonged but successful incubation periods in CLTs.

[3] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:
Banding provides the only accurate means of estimating fledgling success since individual chicks can be tracked throughout their development and cohorts can be tracked at least until dispersal from the site. Thus survival and minimum age of survival can be determined for each chick. Fledgling estimates are complicated at most sites by visits from fledglings dispersing from other sites. The use of bands allows distinction between local and migrant fledglings by monitors, thus increasing accuracy of fledgling production estimates. Depending on the number of bands used and their combinations, birds can be tracked throughout their lifetime, providing data on growth, longevity, age of first breeding, group adherence, site fidelity, spatial and temporal patterns of breeding, dispersal, migration, foraging, and wintering. The use of bands on chicks has also proven critical in assessing factors limiting seasonal production such as predator disturbance, weather extremes, and prey shortages, each of which affect growth rate and patterns and age of first flight. Bands are also extremely useful in determining causes of chick loss and depredation since they provide enduring and individually unique evidence that may be found after the fact on-site, in scats, pellets, or near predator roosts, dens, nests, or perches.

The 2001 report cites that "chicks were not banded, so an estimate of fledging rate was not possible" and seasonal reports to DFG annually report on migrant fledglings roosting and/or foraging at Oceano and Oso Flaco. Banding does increase the time of monitors in the site which does cause a disturbance to both tern and plover chicks and adults in the vicinity, but if only service bands are used, application takes a few seconds and is much faster and less of a physical threat to the chick than that experienced in the banding of snowy plover chicks. The use of a single band would suffice since birds from other Central Cal sites would be unbanded. Daily recapture of chicks to check bands would not be necessary if presence of bands could be seen from the perimeter of the site. All sites in San Diego County and most in Orange and LA Counties (21 of 34 colony sites in CA in 2001) band all chicks. Arguments have been made about the possible impacts of increased monitor-induced disturbance with banding and yet the sites in Southern California with the most intensive monitoring are the sites with the highest average success rates and have shown the most long-term growth. It is pointed out annually in least tern monitoring group meetings that fledging estimates from sites without banding are suspect and complicate population and seasonal estimates and comparisons by maintaining an "apples and oranges" database. The purpose of the subcommittee and team is to evaluate and recommend natural resource management and monitoring practices. I do not see how productivity of endangered least terns and potential impacts from recreational activities can be assessed without using the most efficient monitoring tool to estimate fledgling production.

The question was raised regarding "take" permits if banding is to be implemented, but a FWS endangered species permit and DFG MOU are required of all monitors operating in least tern and snowy plover nesting areas regardless of level of monitoring. The authorized activity of the permit holders would need to be modified or monitors would need to be covered on the list of authorized subpermittees of someone currently authorized. The same is true of federal banding permits.

[4] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

Each monitoring visit should include counts or estimates (with the data clearly labeled as to which) of each age class of each species, including nests, eggs, chicks, fledglings, and adults. Such data is invaluable in reconstructing breeding chronology through the season, clarifying chick and fledgling survivability and productivity, and illuminating effects of predation or disturbance on nest initiation patterns and productivity.

[5] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

All monitoring should be conducted with monitors aware and vigilant of the potential influences that their presence and activities may have on tern and plover behavior, including, but not limited to, causing adults to leave chicks or eggs exposed to weather conditions, windblown sand, predators, or vehicles. However, as previously mentioned, the most intensively monitored sites are the most productive since management of predators, fencing, and/or adjacent human activities can be adaptively modified as problems and/or threats are perceived. Fear of potential researcher

impacts should not preclude effective monitoring and collection of data necessary to protect these birds, their nests and young, and assess the causes of limitations to their survival and productivity as individuals, as a colony, or as a population.

[6] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

Detection and anticipation of bird behavior, trends, threats/problems, and management resolutions depend on field experience. Consistency is to be sought as should communication with those previously involved at the site and experienced in similar situations and/or with similar species elsewhere.

[7] Subsequent to the January meeting, Laura Gardner provided more information on non-native vegetation removal:

The removal of Ammophila and ice plant is in the planning stages. This work is highly labor intensive and the cost is high. The Park is a member of the Dune Stewardship collaborative and staff are working with those members to begin a control effort on noxious weeds first then attacking the Ammophila. ODSVRA has a highly specialized crew that is experienced in dune restoration. The removal of Ammophila in 2002 is not scheduled, but ODSVRA staff will consider scheduling Ammophila removal at Oso Flaco for 2003. Other invasive species will be removed starting February 20, 2002.

Subsequent to the January meeting, Robert Patton also provided the following summary of his analysis of this recommendation: "Non-native vegetation limits available habitat at these sites. It is recognized that it is not practical to remove exotics in 2002, but I recommend that the subcommittee propose development of a plan for removal in the future."

[8] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

While increasing available habitat and/or buffer areas is generally desirable, I agree that it not be increased this season except as nest initiation outside of the seasonally closed area requires. This will allow assessment of exclosure success and development of a long-term plan without rendering habitat available that may be shortly unavailable.

[9] Subsequent to the January meeting, Laura Gardner noted that 7+ acres of non-native vegetation in the Dune preserve are slated for removal this year.

[10] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:
Predator management is required for any attempts at population recovery of snowy plovers and least terns. Although Santa Cruz Predatory Bird Group has been contacted to remove the problem shrikes and monitor raptors this season, I urge that monitors be made aware of tracks and sign of all potential predator species in the area and document daily sightings, and that personnel experienced in mammalian predator control be contacted and available this season. Development of a management plan should be pursued and the plan written in general enough terms to allow adaptation to a variety of species and situations.

[11] Subsequent to the January meeting, Robert Patton provided the following summary of his analysis of this recommendation:

Shrikes, kestrels, owls and other potential predators are highly mobile, migratory, can have surprisingly large ranges, disperse widely and quickly, and inflict significant losses in very narrow time windows, thus their presence and impacts can be easily overlooked. Even with removal of problem individuals, immigration of others is likely. All potential perches that are not necessary to management should be removed and monitors should be aware of the locations of those remaining and should monitor them for evidence of use. It is impractical to nixalite all fencing and posts, and nixalite's effectiveness in deterring shrikes and kestrels is reduced due to their small size. However, I recommend that some nixalite be kept available to be installed on any posts regularly used by larger raptors.

[12] Subsequent to the January meeting, numerous Sc. Sub. members provided additional comments on this recommendation. It was noted that pallets would likely be covered in sand in a manner of weeks and thus their installation would be a waste of time. Plus, they might be too wide to protect against most mammals, could provide easy predator perches, and may prove to attract firewood-collecting beach goers. Some members suggested that the shelters be installed using a formal experimental design, but others expressed concern that ODSVRA would likely not have enough time to design such an experiment for this year plus questioned whether any statistically valid conclusions could be determined from the small colony size at ODSVRA.

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

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MEMORANDUM

March 22, 2002

TO: Steve Yamaichi, Park Superintendent
Oceano Dunes State Vehicular Recreation Area

FROM: Steve Monowitz, Coastal Planner, TRT Member
Central Coast District

RE: Recommendations of the Technical Review Team (TRT) for the Protection of Western Snowy Plovers during the 2002 Breeding Season

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On March 12, 2002, the Oceano Dunes Technical Review Team took its first substantive action regarding resource management issues at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). That action was to transmit the TRT Scientific Subcommittee's recommendations on the report titled "Nesting of the Western Snowy Plover and California Least Tern at Oceano Dunes SVRA in 2001," prepared by Laird Henkel of the Point Reyes Bird Observatory (PRBO) for the California Department of Parks and Recreation.

As noted in the TRT's Transmittal Memo, there is unanimous agreement among TRT and Subcommittee members that the ODSVRA should implement many of the monitoring and management measures recommended by the report. I am encouraged by your stated intent to carry out these recommendations, and hope that you will keep the TRT and Scientific Subcommittee informed of your progress, particularly with regard to predator management measures. Recommended predator management measures that I hope will be completed immediately are the removal of extraneous fencing that provide perches for avian predators and the preparation of a written predator management plan developed in coordination with the Scientific Subcommittee.

The recommendation to develop a Habitat Conservation Plan is also of paramount importance, and I therefore appreciate you recent efforts to improve coordination of such planning efforts with the Commission staff. As I expressed at the last TRT meeting, I think it would be beneficial for the Scientific Subcommittee to review the specific types of monitoring data that will be collected this nesting season to maximize opportunities for this data to inform long term management decisions.

Many of the other recommendations adopted by the TRT and the Scientific Subcommittee, although equally important, represent continuation, and in some case refinement, of the same monitoring and management practices that were used during the 2001 nesting season, which despite having high nesting success, had a disturbingly low fledgling rate. We are therefore concerned about the Scientific Subcommittee's rejection of Recommendation 8, which calls for a one mile extension of the exclosure used to protect plover nests in 2001. That recommendation states:

EXHIBIT NO. 5, p. 1
APPLICATION NO. 4-82-300-A5 renewal
CCC staff Memo to Superintendent

> *Extend the Southern Seasonal Closure North to Post 6.*
> *Increasing the size of the large seasonal exclosure would provide additional nesting habitat for SNPL and provide an additional buffer between nesting areas used in 2001 and vehicle traffic. The seasonal exclosure should be extended [from Post Mile 7 to] at least to Post 6, and an extension beyond Post 6 would probably be beneficial. (Emphasis added.)*

The Subcommittee's rejection of this recommendation is summarized in their Recommendations Report of March 6, 2002 as follows:

> *The Subcommittee members agreed that they are not in favor of encouraging breeding in other areas until they know what the long-term management plan will be. Although a bigger area may lead to more snowy plovers, expansion should not occur until researchers determine the outcome of predator control. Expanding the area now would change too many variables at once. If current predation levels are causing ODSVRA to be a population sink, then expanding the nesting area may simply create a bigger population sink.[1] Although the exclosures appear to be allowing eggs to hatch, with shrikes being largely responsible for failure to fledge, nobody know[s] what will happen once shrike predation is removed from the equation. Slightly older chicks tend to run around more. If for example, chicks survive a few days longer only to run out of the exclosures and then become subject to take, bigger exclosures may simply mean more failure for even more birds. Other predators, such as corvids, could also move in and thus require a new response from managers. If the predator control measures implemented in 2002 work, then the scientific subcommittee will consider recommending expansion of the exclosure for 2003. Regardless of the size of the exclosures, conditions can change, and adaptive management will be important. The members discussed that the Sc. .Sub. will also need to consider how ODSVRA fits into SNPL and LETE recovery in the region.*

As members of the TRT, the Commission staff has concerns with the above analysis. While we recognize that there may be a valid scientific methodological reason to study the relationship between predators and fledgling rates (see attached memo from J. Dixon), from a policy perspective of optimizing resource protection at the park we do not believe that this reason outweighs the importance of providing adequate space for breeding and foraging. Protecting nesting areas from predators often is a necessary and common management tool that has, for

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[1] Subsequent to the January [subcommittee] meeting [subcommittee member] Robert Patton provided the following summary of his analysis of this recommendation:
While increasing available habitat and/or buffer areas is generally desirable, I agree that it not be increased this season except as nest initiation outside of the seasonally closed areas requires. This will allow assessment of exclosure success and development of a long-term plan without rendering habitat available that may be shortly unavailable.

example, improved fledgling rates at nesting areas in Monterey Bay.[2] But the presence of predators in a particular environment does not mean that protecting historical nesting habitats form sources of disturbance other than predators should not be pursued. Rather, the extremely low fledgling rate at the ODSVRA in 2001 gives rise to the need to maximize habitat protection by protecting chicks from predators *and all other sources of disturbance.* As discussed below, it would seem that expansion of the exclosure area, *in conjunction with strong predator management*, is the best way to maximize protection of plovers and their habitat at Oceano.

First, an expansion of the primary exclosure area may allow plover nests to be more widely dispersed. Over the past two years, snowy plover nests have been concentrated in the southern portion of the exclosure, furthest away for the shoreline area available for recreational uses. This may be due to the plover's well-known sensitivity to human disturbance. More important, this may be resulting in an unnaturally high nest density of nests, that subsequently attracts predators and diminishes opportunities for fledgling success. The need for additional nesting area is supported by the fact that the 2001 mid-season extension of the southern exclosure contained four nests by the end of the nesting season.

Second, a larger exclosure area would also help protect plovers from predators by minimizing the use of single nest exclosures. As stated on Page 5 of the 2001 nesting report, single nest exclosures "have many drawbacks, including greater risk of abandonment, greater risk of adult loss to predators, and greater risk of avian depredation".

Third, expanding the exclosure area would provide increased buffers for nesting areas from disturbance by recreational uses. The subcommittee report states that plovers that venture outside exclosures are subject to take, presumably through conflicts with recreational uses (plovers are not protected from predators within the exclosures). It seems to follow that a larger exclosure would help prevent such impacts.

Fourth, it is not clear that the theory that the Oceano Dunes State Vehicle Recreation Area (ODSVRA) may be a population sink for Snowy Plovers is useful in the context of Oceano Dunes, particularly as a basis to reject Recommendation 8. This metapopulation concept is based on an idea that some habitat patches may be better suited for a particular species than other patches, and thus that habitat can be partitioned into "source" and "sink" categories.[3] There are many assumptions and caveats inherent in this theory, which gives us pause in applying it to a context such as Oceano Dunes. To think of habitat as a simple dichotomy consisting of sources and sinks, and then conclude that the sink habitat should be minimized or perhaps eliminated to conserve a species is not justified. First, the concept of sources and sinks is based on *equilibrium* population assumptions. Equilibrium is most certainly not the case for Snowy Plover populations. Second, we are concerned that there is little scientific evidence that Oceano is a population sink for reasons other than the human disturbances associated with the Park. The Park is a component of a larger dune ecosystem that provides productive nesting habitat; we are

[2] See PRBO, *Nesting of the Snowy Plover in Monterey Bay and on the Beaches of Northern Santa Cruz County, California in 2000* (January 2001).
[3] Pulliam, R.H. 1988. *Sources and sinks and population regulation*. AM. Nat. 132:652-661.

not aware of any evidence that there are unique *natural* aspects of the area that would cause it to be a population sink if the human disturbances were not present.

Finally, we are extremely concerned that the subcommittee's response to Recommendation 8 implies that exclosures should be expanded only if predator management improves fledgling rates in 2002. This does not address the fact that a healthy and productive Plover population at ODSVRA may not only require predator management, but also necessitates effective management of recreational uses. The 2001 Nesting Report states that vehicle use in the open riding area may limit available nesting habitat for Snowy Plover. Degradation and displacement of nesting habitat by human use is one of the primary causes for declines in the Pacific Coast Snowy Plover populations.

It is clear that the effective protection of the western snowy plover at the ODSVRA is dependent not only on managing predators, but on minimizing the loss of habitat attributable to recreation uses. Expanding the exclosure fencing appears to be the most appropriate way to achieve this objective. The Commission staff therefore strongly recommends that the Superintendent of the ODSVRA expand the exclosure area, at a minimum as recommended by Recommendation 8 of the 2001 nesting report.

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

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MEMORANDUM

FROM: John Dixon

TO: Steve Monowitz
Charles Lester

SUBJECT: Scientific Subcommittee recommendations re Oceano Dunes

DATE: March 18, 2002

When we discussed this matter on Friday, March 15, you expressed concern regarding the recommendation of the Scientific Subcommittee that the exclosure area not be expanded until after data are collected regarding the behavior and fledging success of snowy plover chicks during a period of effective predator control. The purpose of this note is to provide you with some background information regarding that decision.

The argument for expanding the fenced area is basically a common-sense one. I think the idea is that in a natural situation the entire upper beach and foredune area would be available to the plovers without disturbance and any management action that tends to recreate the natural situation is good. Fences protect the important habitat and reduce disturbance so they must be good and bigger is better.

The following reasons for not expanding the fences this year were put forth by various members of the subcommittee:

- expanding the exclosure adds a variable so predator control cannot be assessed
- if the exclosure acts as a sink, expanding it would be detrimental
- an expanded exclosure might provide habitat that would later be removed
- before increasing the exclosure area, it is important to know whether they actually increase fledging success as currently designed

Gary Page, a Snowy Plover expert from the Point Reyes Bird Observatory, and Steve Henry, a biologist with the USFWS with extensive experience with Snowy Plover management, both felt strongly that the exclosures ought not be expanded until more information is available.

I do not find the above first three bulleted items convincing. However, I am sympathetic with the forth concern. This is really what I would call a "factor X" concern. This is the worry that there may be some unexpected interaction between plover behavior, fencing, and the disturbance regime in the area that would result in chick mortality. This is basically scientific conservatism - that one should have evidence of the effectiveness of management actions before recommending that they be expanded. I do not know what "factor X" might be, but I agreed that delaying the expansion of the exclosures for one year to allow an assessment of their effectiveness was reasonable. Recent history is replete with examples of management of nature gone awry in ways that no one anticipated.

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Memo

To:	**Oceano Dunes State Vehicular Recreation Area Technical Review Team (TRT)**	**From:**	**John C. Jostes, TRT Facilitator**
Re:	Facilitator's Interim Report on TRT Effectiveness and Recommendations for Process Improvements	**Date:**	April 24, 2002

☐ **Urgent** ☑ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

This report has been prepared to provide "mid-course" feedback to the ODSVRA Technical Review Team (TRT) regarding its overall effectiveness under its Charter, as well as to suggest structural changes that could further its mission as described in the Charter to:

> *"...provide on-going recommendations on the management of the Oceano Dunes State Vehicular Recreation Area (hereafter referred to as the "ODSVRA") to the ODSVRA Superintendent."*

This report is based in part upon telephone and in-person interviews with TRT members and their alternates, and in part on the facilitator's professional experience in similar consensus-based dialogues over natural resource issues. This report contains recommendations to the Technical Review Team, which it may wish to incorporate into amendments to its Charter, pass on to the Park Superintendent, or forward to the California Coastal Commission. The TRT may also choose to take no action whatsoever on this report or its recommendations.

Summary

In general, the most widely held opinion of participants interviewed is that the TRT has become bogged down in its deliberations as the more polarized interests at the table have hardened competing positions over:

1. the neutrality/independence of the members of the scientific subcommittee and their recommendations for management of the sensitive natural resources that exist within the dunes system;
2. the extent of access prohibitions in the southern portion of the State Park;
3. the sufficiency of existing management actions in protecting protected, threatened and endangered species; and
4. general support for or opposition to the sufficiency of State Parks compliance with their existing Coastal Development Permit.

Most participants acknowledge that problems exist but place accountability for resolving problems with others rather than taking responsibility for changing their own behaviors. Overall, feedback has focused on the following points:

EXHIBIT NO. 6, p
APPLICATION NO. 4-82-300-A5 renewal
Facilitator's Report

Issues repeatedly raised by TRT members interviewed:

- The process is taking too much time.
- A site visit/field trip is a critical element necessary for any substantive progress.
- The existing lawsuit has precluded trust and collaboration because it puts participants in an adversarial framework rather than a collaborative one. Expected future lawsuits will further reduce or eliminate the potential for collaboration or otherwise productive interaction.
- Allowing public input is overly time-consuming and counterproductive in this process.
- E-mail exchanges are counterproductive and disrespectful because of their accusatory tone.
- There is a critical need to move beyond process into specific management issues and HCP development.
- Additional ground rules could prove helpful to the group if it doesn't take too long to put them in place.

Issues raised where there is a wide divergence of opinion:

- The need to change the membership of the TRT – perspectives range from a preference for additional representation from non-vehicular recreational interest groups to a preference to keep the TRT the way it is and not change due to "flash-point" issues, to expectations of TRT failure unless membership changes are made.
- The level of engagement of State Parks representatives – perspectives range from a need for more active participation, outreach and support of the scientific-based participants by State Parks to charges of process manipulation and influence.

In addition to these points, several members have voiced intentions of withdrawing from the process because of a variety of reasons including an overall lack of trust, contentious behavior and low levels of group productivity.

Recommendations

Without fundamental changes in the way it executes its responsibilities as provided by the Coastal Commissions Permit Conditions, the Technical Review Team has a very low probability of group effectiveness and functionality. Expectations that a consensus-based process as defined by the group's current Charter will yield meaningful and fruitful contributions to the management responsibilities of the ODSVRA are not supported by the group's performance to date.

The following refinements in process and structure are offered as potential improvements that will improve the chances of the TRT making a significant contribution to the management of natural resources and access at ODSVRA.

Adoption and Use of a "Problem Statement"

While the TRT's Mission Statement provides a general indication as to the context of the group, it does not in any way provide a common set of understandings regarding the concern or problem they are committed to addressing or solving. Consensus processes (and advisory processes as well) work best when the parties themselves are able to articulate their purpose in light of realistic and available alternatives. If the TRT can conclude, collectively, that such a process offers a better option to pursue their interests, then a greater commitment to the process and its outcomes will follow.

Adoption of a problem statement is a necessary "binding agent" to motivate the TRT to collaboration as opposed to its current contentious behavior. Without "buy-in" to a problem statement by the entire group, it is extremely doubtful that the group will have a sufficiently compelling reason to continue, given the current levels of low trust among the participants. Such a problem statement is needed to:

- Enhance the legitimacy of the process;
- Engage stakeholders and their constituencies in the process;
- Serve as a "touchstone" for productive dialogue;
- Identify the implications of non agreement;
- Establish a focus on the future of the ODSVRA; and,
- Minimize misunderstandings regarding the purpose for collaborating.

Recommendation #1: While the TRT may continue to provide input to the Scientific Subcommittee and the Park Superintendent on monitoring and management issues related to the Western Snowy Plover, California Least Tern, and Steelhead Trout, the adoption of a problem statement by the full TRT should be a prerequisite to any further substantive efforts of the group, particularly those representing the more polarized interests. Unless the currently polarized interests can agree upon such a starting point and propose a draft statement, there is a very low probability that the TRT will survive the low levels of trust, lack of constructive behavior, parallel ongoing and anticipated litigation and low productivity. The facilitator is prepared to assist the parties in crafting such a starting point.

Ground Rules – The Structure for Effective Negotiation

The TRT presently operates under a Charter that was developed collectively over its first three meetings. While these protocols may work effectively in some situations, in this case, they do not have sufficient clarity or specificity to serve the group in times of stress and contention – conditions that are intrinsic to complex policy and science-based management dialogues such as this. Observations of group behavior indicate that while all participants appear interested in addressing specific management and access challenges, discussions are generally characterized by bickering and non-constructive discourse. This arises out of a lack of clarity with regard to what constitutes collaborative leadership and problem-solving behavior, as well as a preference for debate on the part of some.

Recommendation #2: Regardless of any changes that may or may not be made in the composition of the TRT, several changes to the meeting protocols hold promise to improve the groups' effectiveness. Additional language should augment the Charter in terms of specific meeting ground rules or as amendments to the charter itself. Key changes which would improve the group's effectiveness include:

a. Added clarity regarding what constitutes collaborative and constructive behavior in the context of the TRT's responsibilities;
b. Changes to the Charter regarding public participation at meetings;
c. Provisions for regular opportunities for caucuses among and between interest groups;
d. Added clarity indicating that the role of alternates is to represent the principal parties of interest in their absence, and that direct or indirect participation at meetings can only take place in the absence of the principal;
e. Protocols for e-mail communication including routing all e-correspondence through a moderator to ensure that messages are distributed to all TRT members, and that inappropriate (e.g., inflammatory, non-constructive, or otherwise non-productive) communications are avoided.

Attachment "A" provides specific language with regard to these added provisions.

Trust Issues

Presently, there are extreme low levels of trust between the various participants, most notably those representing off-highway vehicles and conservation interests. Trust is a fundamental ingredient of consensus-based decision making because it provides the foundation for parties building agreements and crafting recommendations, for the exchange of information, to consider and refine options and to negotiate outcomes that solve identified problems or management challenges. The lack of trust in this case has eroded the functionality of the TRT in working together as a team.

Finally, lawsuits filed by one stakeholder group against the convening agency (State Parks) and an anticipated lawsuit to be filed by another stakeholder group have further eroded trust and overall cooperation among not only the TRT but with the Scientific Subcommittee. This latter observation is evidenced by two members of the Scientific Subcommittee who also serve on the TRT indicating their intentions of possibly withdrawing from participation as TRT members.

Implementation of Recommendation #1 and #2 above offers potential for improve trust. However, in the final analysis, it is only the conduct of the parties themselves that will repair low levels of trust.

Representation Issues

As noted above, there are a variety of perspectives on the value of modifying the composition of the TRT. Adding members to account for un-represented interest or user groups is provided for by the Charter and could increase the stability of future recommendations by inclusion of representation such as non-motorized recreational interests (equestrians, hikers, and others) if those stakeholders perceive that the TRT is not making recommendations that take their interests into account. However, to date, the expressed interests of those stakeholders have been integrated into the process during the TRT's review of the Scientific Subcommittee recommendations regarding the PRBO Report. However, there is not a clear consensus within the TRT that such a change in membership is warranted at this time. A similar argument can be made for the addition of an additional public at large member from an established community group. However, additions to the existing membership also have the potential to further destabilize the group if it is perceived by one or more participants that such an addition perceptively tilts the existing "balance" of the group.

Alternatively, replacing members or reducing the size of the TRT itself will certainly destabilize its function and legitimacy as a diverse representation of the full range of interests engaged in resource and access management at ODSVRA. Such an approach is not recommended.

Recommendation #3: If the TRT is not functioning to fulfill its responsibilities, or if two or more of its members withdraw, the TRT, may cease to function from an operational perspective due to the current construction of its Charter (Section D (3), Meeting Quorum). If this condition results, its convening authority, the California Coastal Commission, should reconsider its existence in the context of the Special Conditions of Coastal Development Permit No. 4-82-300. In this regard, the Commission should look to other options separate from the TRT to address critical management and restoration issues. At the same time, the Commission may also wish to consider alternative methods of ensuring that the full range of public participation is provided for as a method of building community support for management and restoration efforts and increasing understanding about the ODSVRA in some fashion.

Attachment "A"

Suggested Changes to Charter and Proposed Ground Rules for Collaboration

Proposed Charter Amendments

Augment the Description of TRT Responsibilities with a "Problem Statement": Charter Section B, TRT Responsibilities, should be augmented with a Problem Statement adopted by the full consensus of the TRT. Only through such a statement can the TRT identify its common objective, provide the basis for collaboration and focus its efforts on accepting and implementing its stated responsibilities under the Coastal Permit.

Clarify the Definition, Role of and Requirement for Alternates: The following language should replace Charter Section C(3). Subheadings a, b, and c under this section should be retained.

> All TRT members have the responsibility to identify a designated alternate who can represent their interests and perspectives. The alternate's role is to attend any meeting that the member cannot attend, participate on that member's behalf, and to provide information about the proceedings and results of the meeting directly to the member. Alternates are empowered to participate in the decision making process when members are not in attendance. The intention behind providing for alternates is to ensure a continuum of representation and constituent communication as well as to minimize back-tracking when principal representatives are not able to attend TRT meetings. Alternates are not empowered to participate in meetings when Principals are present.

Provide for Regular Opportunities for Caucuses: The following language should be added as Charter Subsection D (5) (e):

> e. Scheduled breaks for stakeholder caucusing shall be incorporated into each meeting to replace the informal practice of note-passing, whispering and other activities that may be disruptive or distracting to other members of the TRT while it is in session.

Redefine the nature of Public Participation at meetings to reflect the working atmosphere of the TRT: The following language should replace verbiage describing Public Participation Rules under Section D (8) (c) of the Charter:

> c. **Public Participation:** All TRT meetings are open to the public and observers are welcome. Meetings of the TRT are meant to be working meetings focused on collaboratively developing recommendations to the Park Superintendent regarding monitoring and management within the ODSVRA. As such, the meetings are not designed to be opportunities for soliciting input from the general public. However, members of the public are encouraged to raise their concerns with individual TRT members before or after the meetings, as well as during breaks, to help ensure that all issues of significant concern to the public are considered in the TRT's deliberations or directed to other relevant entities such as the Scientific Subcommittee.

Proposed Meeting Ground Rules

The following procedures should be adopted as agreed-upon protocols that guide the deliberations and discussions of the TRT and add clarification to Charter Section C(4), Member Commitments.

The following additional Ground Rules are intended to serve as guideposts for effective group interaction and productivity. They are intended to help the participants understand their roles and responsibilities, and to promote cooperation and collaboration among the organizations and agencies represented on the TRT.

1. **Basic Conduct**: The conduct of the discussions will include a commitment to refrain from personal attacks, focus on the future and avoid surprises.
2. **Problem Solving Approach**: Disagreements between participants will be regarded as problems to be solved rather than battles to be won. The deliberations and recommendations of the TRT shall be guided by a problem statement adopted by a consensus of the full TRT membership.
3. **Decision-Making**: The TRT will strive to achieve decisions by consensus. In seeking consensus, each member has an obligation to articulate interests, propose alternatives, listen to proposals and build agreements by negotiating in good faith. In exchange, each member has the right to expect
   - a full articulation of agreement and areas of disagreement, if any;
   - an opportunity to revisit issues on grounds of substantial new information becoming available during the TRT's deliberations.

   When unable to support a consensus, a member has an obligation to demonstrate that the item at issue is a matter of such principle or importance that his or her constituents' interests would be substantially and adversely affected by the proposed decision. In addition, it is the responsibility of the dissenting party to: 1) state the reason(s) underlying their withholding of consent in sufficient detail, and 2) offer an alternative suggestion that satisfactorily addresses not only their concerns and interests, but also those of other members of the TRT as well.
4. **Facilitator Roles:** The role of the facilitator is to assist the parties to reach a consensual agreement. This includes the preparation of notes, agendas, and other items which are designed to move the discussions toward resolution. The Facilitator will also hold in confidence any discussions with individual members unless specifically instructed otherwise.
5. **TRT Member Responsibilities:** The following points are offered as examples of behavior consistent with constructive dialogue, mutual respect and a commitment to collaboration:
   - Offer respect of different viewpoints and attention when others speak.
   - Share the responsibility of ensuring the success of the process and the quality of recommendations.
   - Make our best good faith effort to work towards reaching an agreement.
   - Represent the perspectives, concerns, and interests of agencies or constituencies whenever possible to ensure that agreements and recommendations developed by the TRT are acceptable to the organizations, agencies, or constituents being represented.
   - Ask questions of each other for clarification and mutual understanding.
   - Verify assumptions when necessary.
   - Avoid characterizing the motives of others.
   - Acknowledge and try to understand others' perspectives.
   - Stay focused on the task at hand and share airtime with others

- Refrain from distracting others through side conversations; silence all cell phones during meetings.
- Concentrate on the content of discussions and allow the Facilitator to focus on how to promote productive discussion.
- Keep the TRT informed regarding constraints on decision-making authority within agencies or constituency groups.
- Keep the Facilitator neutral.

6. **Clear and Timely Communication:** Every participant is responsible for communicating his or her position on issues under consideration. Each participant is also encouraged to clearly state their intentions and concerns at the earliest possible time in the course of the discussions.

7. **Integrity and Congruency:** Agreement to participate in this process carries with it a responsibility to uphold the integrity of the group decision-making process. This means that parties who vote in the affirmative on issues or packages agree to fully support the consensus decisions of the group.

8. **Participation in Other Forums:** The parties understand that during the tenure of the TRT, some parties may have a responsibility to participate in other dialogues and forums on issues directly or indirectly related to resource management and access issues under consideration by the TRT, California Department of Parks and Recreation and other agencies with regulatory authority over the resources present within the ODSVRA. Each participant agrees to participate in those other forums and dialogues in such a manner that does not unnecessarily escalate tensions between the community of interests represented on the TRT.

9. **Public Statements:** When the TRT is examining, negotiating or discussing issues, the participants agree not to make public statements to the media or in other public venues (e.g., web sites generally accessible to the public) prejudging the outcome of TRT deliberations. Principals and their alternates agree to support the efforts of the TRT by refraining from public criticism of the TRT without first bringing such concerns to the group for discussion.

10. **Information Sharing:** Relevant information can play an important role in the development of informed consent. At the same time, too much information or information of limited relevance can cause confusion and slow down the process. Where individual members wish to share written or printed information with the TRT as a whole, such information should be provided to the Facilitator at least 48 hours prior to any scheduled meeting.

11. **E-mail Communication:** Electronic communication shall be guided by the same general protocols for communication, problem solving and negotiation that are followed when the TRT is in general face-to-face session, and as prescribed by the Charter. All e-mail correspondence associated with TRT deliberations shall be directed through a moderator or facilitator chosen by the group.

CCC Exhibit 6
(page 7 of 7 pages)

Comments and Recommendations of the ODSVRA Scientific Subcommittee (*Revised April 5, 2002*):

Review of "Interim Predator Management Plan for Protection of Breeding Western Snowy Plovers and California Least Terns at Oceano Dunes State Vehicular Recreation Area 01 March 2002 Through 30 September 2002" prepared by Laura Gardner, ODSVRA Resource Ecologist, February 1, 2002

The Scientific Subcommittee convened via conference call on Monday, March 18, 2002, to discuss the above referenced plan. The meeting roster is included in Attachment 1. Their comments and recommendations follow. Specific recommendations are included here in italics. Where specific changes to existing text are proposed, new text is underlined and deleted text is ~~in strikeout~~. The comments and recommendation reflect consensus (e.g., all members agree).

The group discussed the myriad of potential SNPL/LETE predators and the specific predators that have been identified at ODSVRA. Laura Gardner noted that the Plan is designed to be modified as needed and would incorporate additional predators as needed as part of adaptive management. The group was satisfied with this approach.

Laura Gardner noted that the Santa Cruz Predatory Bird Group (PBG) will be conducting the work under the Plan. The current proposal for loggerhead shrikes is to hold them in Santa Cruz for temporary observation, color band them, and then release them. The birds may be released into another SVRA. The difficulty of tracking the survival and movement of color-banded shrikes was discussed. Absent radio telemetry, it may prove difficult to determine what happens to the shrikes. The small size of shrikes makes the use of radio telemetry more difficult. It was noted that by releasing the birds into an SVRA, in which monitoring is required, the chances of tracking survival rates would be increased somewhat. *The Sc. Sub. asked that the Plan be modified to clarify that the proposed banding methodology will not allow for comprehensive tracking of shrike survival.*

The Sc. Sub. asked that the Plan be modified to specify that the PBG should report to the ODSVRA ecologist frequently—at least weekly.

Injured gulls can become, of necessity, major predators of tern and plover chicks. *The Sc. Sub. noted that the Plan should be modified to address the great importance of removing injured gulls from exclosures.*

Paragraph 2 on page 2 of the Plan states "To increase the nesting area without a predator management plan may cause this area to become a biological sink." The use of the term "biological sink" has a very specific meaning in the context of metapopulation biology and is not appropriate as used in the Plan. *The Sc. Sub. asked that the sentence be replaced with the following: To increase the nesting area without a predator management plan may reduce regional plover productivity.*

EXHIBIT NO. 7, p. 1
APPLICATION NO. 4-82-300-A5 renewal
Scientific Subcommittee
Rpt. on Predator Mngmt

The group discussed the potential for new predator species to appear over time and the importance of monitors being able to identify these predators. For example, shrikes could be removed but productivity could remain low because northern harriers moved in. Northern harrier predation can be difficult to detect. Laura Gardner noted that monitors will maintain a list of all predators observed. The group also discussed the ability of monitors to identify the predators based on depredation evidence. *The Sc. Sub. asked that the Plan be modified to reflect the following bulleted items:*

- *Language should be added to the Plan stating that photographs of potential predator tracks or other depredation evidence will be taken. All photographs should include an item, such as a small ruler, providing a standard reference of scale.*

- *Part of the daily monitoring protocol should include recording any potential predators seen, including their location, behavior, time, duration of observation, and observed response (or lack thereof) by terns and/or plovers. Any documented or suspected predation should be noted. Monitors should have a list of all potential predators available for reference in the field. The PBG should be asked to create the list of all potential avian predators.*

- *Specific training and protocol for predator monitoring should be provided to the monitors. Methodology for monitoring northern harriers should be included. The PBG may be the appropriate group to design such a protocol. Such training should include recognition of avian tracks.*

- *The Plan should include a detailed predator monitoring plan, including training, field protocol, frequency of monitoring, and number of monitors active. Although predator monitors may have other responsibilities at the site, the Plan should be clear that predator monitoring is not an ancillary duty or done purely incidental to other monitoring.*

Once monitors observe predation, significant time may lapse before the predator can be located and removed. Because of this concern, Laura Gardner had directed the PBG monitors to locate all shrike and harrier nests (and potentially other raptors) as soon as feasible and prior to plover chick hatching. Doing so will allow any necessary trapping or removal to take place in a timely manner. Nest location information will also make it possible to monitor nest areas for evidence of predation (plover bands, tern or plover parts, etc.). *The Sc. Sub. asks that the Plan be modified to reflect this information.*

Currently, monitoring for nocturnal predators is only conducted as part of the Park's biannual habitat monitoring. Specific monitoring for potential nocturnal plover and tern predators is not conducted. *The Sc. Sub. asks that the Plan be revised to reflect the following bulleted items:*

- *For 2002, staff will be requested to report any anecdotal owl or mammalian predator sightings encountered during the course of their regular duties.*
- *Nighttime surveys for owls and possibly other nocturnal mammalian predators on at least a monthly basis are recommended.*

The group briefly discussed the feasibility of electronic fencing discussed on page 4 of the Plan. Laura Gardner noted that she will revise the text to clarify that the reference is to single-strand electric wire.

Loggerhead shrikes are currently listed as California Species of Special Concern (CSSC), but the avian CSSC list is under review. The proposed revised avian CSSC list does not include loggerhead shrikes. *The Sc. Sub. asked that a footnote be added on page 5 noting that while loggerhead shrikes are currently listed as CSSC, the avian CSSC list is under review.*

The group noted that all shrikes will need to be removed to determine whether shrikes are the key problem at ODSVRA. *The Sc. Sub. asked that the following paragraph on page 5 be revised as noted:*

> *Relocation is a practical and feasible alternative for some wildlife species, but not viable or ecologically sound for others. Ecologically, relocation can have the same effect as lethal removal of the predator from the ecosystem. Relocation efforts, like lethal control, must therefore be limited, highly selective, and include evaluation of potential ecological effects. In addition, relocated animals may compete with resident animals at the relocation site, with potential consequences to the stability of predator populations there. Some species that are territorial, such as coyotes, would also be expected to have poor survival rates, as they would likely be excluded from the new habitat by the resident coyotes. However, in Monterey the Point Reyes Bird Observatory (PRBO) in partnership with the SCPBG has successfully relocated some raptor species (e.g. Loggerhead shrikes and Northern harriers) to reduce predation on SNPL, with subsequent monitoring confirming survival of the birds and no return to the vicinity of the capture site. Relocation of problem shrikes will be conducted in 2002 at ODSVRA and if needed for other raptor species. <u>It will be assumed that all shrikes in the vicinity of the nesting area are potentially problem birds and should be removed.</u> Relocation of other "problem" raptor species will be considered on a case-by-case basis.*

The Sc. Sub. noted that the correct name of the marine mammal rescue organization mentioned on page 5 under "Carcass and Trash Removal" is the Marine Mammal Center. *The Sc. Sub. asked that this name be corrected. Regarding marine mammal rescue, the Sc. Sub. asked that the following sentence be added: <u>Rescuers should be escorted by monitors if the marine mammal is in an area with known plover or tern chicks.</u>*

Regarding carcasses, the group discussed that while maggots can provide a food source for chicks, the carcasses can become a lure for plover and tern predators. *The Sc. Sub. asked that the discussion of "Carcass and Trash Removal" on pages 5 and 6 be modified to reflect that carcasses will be removed immediately rather than waiting for predators to arrive.*

The group discussed the appropriate groups or agencies to conduct lethal removal of avian predators and concluded that the Plan should not specify PRG for this work. *The Sc. Sub. asked that the following paragraph on page 7 be revised as noted:*

> *Removal of crows or ravens will be done by authorized personnel ~~from the SCPBG~~. ~~The SCPBG~~ Authorized personnel may be directed by the ODSVRA District Ecologist to lethally remove crows observed accessing SNPL and LETE nesting areas. Removal will take place from pre-determined locations to avoid disturbance to nesting SNPL and LETE. If a particular situation requires ~~SCPBG to enter~~ entry into nesting habitat to remove crows, this action will be carefully coordinated between SNPL monitors, PRBO banding personnel, and the ODSVRA District Ecologist. However, past experience suggests that this circumstance will likely arise very rarely or not at all.*

The Sc. Sub. asked that the following sentence on page 7 be revised as noted: Additionally, there has been no documented evidence that any other avian predators, with the possible exception of whimbrels removing one egg, have occurred at ODSVRA.

Regarding coyote predation on page 8 of the Plan, the group noted that coyotes can do a lot of damage quickly. The group determined that the use of the term "considered acceptable" on page 8 in reference to coyote predation needs clarification. *The Sc. Sub. asked that the discussion of "Coyote Predation Control for the 2002 SNPL and LETE Nesting Season" on page 8 be modified to specify that if coyotes get into exclosures and a nest is lost, then the coyotes must be removed. Wildlife Services should be contacted to remove the coyotes.*

Attachment 1. Scientific Subcommittee Meeting Roster

March 18 Meeting

Scientific Subcommittee Members:

Elizabeth Copper, Independent Scientist
John Dixon, California Coastal Commission
Laura Gardner, ODSVRA
Steve Henry, U.S. Fish and Wildlife Service
Gary Page, PRBO, Independent Scientist
Robert Patton, Independent Scientist
Bob Stafford, California Dept. of Fish and Game

Other Participants:

Paula Hartman, Thomas Reid Associates

Jim Suty, President
3019 Archwood Circle
San Jose, CA 95148
408-274-5865
E-mail: jim@oceanodunes.org
www.oceanodunes.org

March 26, 2002

Oceano Dunes State Vehicular Recreation Area
Attn. Steve Yamaichi, Park Superintendent
576 Camino Mercado
Arroyo Grande, CA 93420

Subject: Recommendations of the Technical Review Team (TRT) for the protection of Western Snowy Plovers during the 2002 Breeding Season.

Dear Mr. Yamaichi,

You have received a letter from Mr. Monowitz dated March 22, 2002 that discusses the belief of himself and that of Mr. Charles Lester (both representing the California Coastal Commission).

The premise of their letter is to expound on their decision to disagree with the recommendations of the renowned, professional scientist/biologists opinions in their Scientific Subcommittee's conclusions concerning expanding the seasonal exclosure for the Western Snowy Plover from its current location to that of Pole 6. Although the CCC's Peter Douglas, as required by the CCC in their May conclusions, personally approved the selection of the scientist / biologists, these two members have chosen to dispute scientific basis with personal opinion. This letter broadly explains why they believe exclosure expansion should occur.

If Mr. Monowitz and Mr. Lester have chosen to disregard the scientific data, all of which identifies the shrike as the predominant problem, why have they been placed on the Technical Review Team? They apparently are willing to disregard science and simply make policy recommendations. That is not appropriate.

Their letter (accompanied by the letter from John Dixon dated March 18. 2002) made several points, which I would like to address.

1. "While we recognize that there may be a valid scientific methodological reason to study the relationship between predators and fledgling rates, from a policy perspective of optimizing resource protection at the park we do not believe that this outweighs the importance of providing adequate space for breeding and foraging."

The "policy perspective" statement leaves me wondering why we even have a TRT or a scientific subcommittee. There are numerous policies that govern the use of the

ODSVRA, all of them have provisions to protect recreational use while mitigating risk to sensitive species. Therefore, policy should search for a balance between Public Use and habitat protection. Policy comes in numerous forms, and the State of California has made policy that there will be State Parks for OHV use. The many commendations/ recognitions the ODSVRA staff has received for their proactive approaches to protecting species seem to be purposely overlooked and ignored.....for some reason of suspicious convenience?

Currently, the ODSVRA only has 5 miles of beach for recreational use. Of these 5 miles, only 3 are used for camping, OHV and other recreational use (such as equestrians).

To focus so much seemingly hostile attention on the ODSVRA while ignoring the other 12+ miles of beach in the Nipomo Dunes complex is bewildering at best. Instead of trying to attract and foster more plovers at the ODSVRA (which only represents 1% of the California population of SNPL), at the expensive of the taxpaying visitors, innovative action and initiatives should be taken to more effectively study, use/manage the other 12 miles of already protected habitat for breeding and foraging. Removal of vegetation to create habitat, more similar to the ODSVRA would be a good start.

2. "But the presence of predators in a particular environment does not mean that protecting historical nesting habitats form sources of disturbance other than predators should not be pursued. Rather, the extremely low fledgling rate at the ODSVRA in 2001 gives rise to the need to maximize habitat protection by protecting chicks from predators *and all other sources of disturbance.*"

Without scientific data or reference to studies, Mr. Monowitz attempts to infer that OHV use and camping at the ODSVRA is causing disturbances to the chicks and nesting habitat of the SNPL. Disappointingly, it is obvious that he has not done investigation into regional data in areas surrounding the ODSVRA to make credible comparisons.

On the contrary, in 2001 the ODSVRA had an 86% nesting success, which far exceeds all other beach locations, including those which have no vehicles, and in most locations no people. If these "other disturbances" were causing a problem...you would see a poor hatch rate.

2001 Data for Western Snowy Plover for Nipomo Dunes Complex

Location	# of Nests	# Hatched	Hatch Rate	# of Chicks	Chicks Banded	Banded Fledge Rate
ODSVRA (Non-Riding Area)	4	2	50%	6	6	0
ODSVRA (Riding Area)	29	25	86%	68	63	2
Guadalupe Oil Fields	62	35	59%	n/a	n/a	n/a
Rancho Guadalupe	75	23	30%	n/a	n/a	n/a

Note: n/a means no banding occurs, therefore no understanding of the success can be known (ie. Fledgling Rate)

Furthermore, there was no incident recorded between a SNPL and a vehicle, a camper or an equestrian. As reported in the Laird Henkel report, the majority of loss was attributed to predation and most notably, Loggerhead Shrikes.

3. "...it would seem that expansion of the exclosure area, *in conjunction with strong predator management*, is the best way to maximize protection of plovers and their habitat."

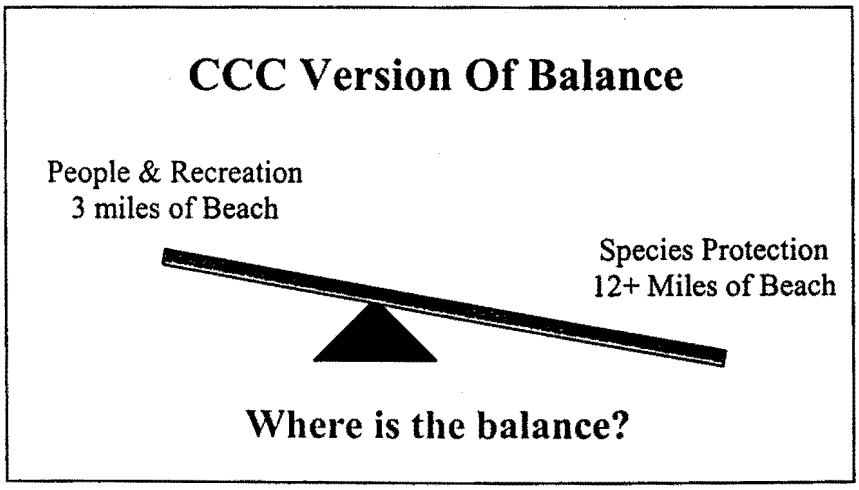
I disagree! One could expand this hypothesis to close all 1100 miles of California coast just in the event plover chooses to use it. Similar logic with no science to back .We need to balance human recreation with species protection as required by the Coastal Act.. Currently State Parks is doing an EXCELLENT job, far surpassing all other state beaches and nearly all other SNPL habitat locations. We need to maximize the current exclosure southward and encourage future breeding in the Southern portions of the Nipomo Dunes complex (most notably the Oso Flaco preserve, Guadalupe Oil Fields and Rancho Guadalupe).

Western snowy plovers have high breeding-site fidelity, but some movement occurs between sites within and between years (Stenzel et al. 1994; Page et al. 1995; Powell et al. 1995). In addition, there is site fidelity associated with wintering areas (Page et al. 1995; A. Powell, U.S. Geological Survey, San Diego, California, unpublished data). Although some plovers return to their natal site to breed, there are few data on natal site fidelity. Little is known about the genetic makeup of snowy plover populations;

Summary:
We need to focus on encouraging breeding and foraging in the 12+ miles of closed beach south of the ODSVRA and continue to provide, promote and encourage responsible recreation at the ODSVRA.

The State of California has legislated that there will be OHV parks in California. Furthermore, the ODSVRA is the LAST OHV park in the State of California that offers the unique opportunity to camp on the beach and recreate in the dunes.

Sink or Source discussion focuses on balance and equilibrium. With 17 miles of beach in the Nipomo Dunes complex, and only 3 miles available for OHV and camping one would have to ask where the balance and equilibrium are.



I strongly encourage you to continue protection of the rights of over 1 million visitors. If you are forced into further exclosure expansion, you will be **required** to complete Sociological and Economic Impact studies to determine the effect on the community and visitors, based on the fact that camping restrictions will be required from loss of camping habitat.

Sincerely,

Jim Suty

OHV Representative
ODSVRA Technical Review Team

Cc: David P. Hubbard, attorney

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

Steve Monowitz

From: joel.suty@att.net
Sent: Thursday, March 28, 2002 10:49 AM
To: smonowitz@coastal.ca.gov
Subject: Letter to Peter Douglas / Sara Wan

Steve, please send copies of this letter to all CCC Commissioners. Thanks in advance.

God Bless America

--

Best Wishes,

Joel Suty

Attached Message
From: joel.suty@att.net [Save Address]
To: pdouglas@coastal.ca.gov, swan@coastal.ca.gov
Cc:
graydavis@governor.cagov,assemblymember.maldonado@assembly.ca.gov,
mary@resources.ca.gov, smonowitz@coastal.ca.gov ,
rcole@parks.ca.gov, simon.salinas@asm.ca.gov

Subject: Calif. Coastal Commission - Trade personal bias for scientific data on ODSVRA
Date: Thu, 28 Mar 2002 17:42:33 +0000

Dear Sara Wan & Peter Douglas,

I have attended each of the Calif. Coastal Commission meetings conducted over the past year when the Oceano Dunes State Vehicle Recreation Area (ODSVRA) was debated or discussed. A common thread seems to prevail at each meeting, constant open hostility towards the Department of Parks and Recreation. Regardless of how much scientific data, detailed management park operating process, and external applause for their efforts to protect species were presented, it was generally not read by your committee members, and ignored when presented. Likewise a disturbing predilection towards anyone speaking against DPR was evident. Such speakers appeared to receive infallible credibility. Seldom, if ever, were the people who spoke against the ODSVRA asked for any data to justify their accusations....mere accusations were deemed credible.

Although the CCC staff reports were generally supportive of Parks, based on having read and absorbed all written materials, your Commission chose not to accept their recommendations. Instead it was easier to believe a few speakers who showed no data, and merely provided entertainment by lambasting the Parks professionals.

I began to have hope in the system when the CCC agreed to a Technical Review Team (TRT) concept. It was supplemented by your own concept of a Scientific Subcommittee who would only deal with science, not bias or emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via a Peter Douglas review/vetoe. Stated intent was to avoid any perception of bias in the process.

You never flinched when the environmental TRT members filed a contentious lawsuit against State Parks. You ignored the obvious conflict of interest inherent in their continued membership. That member and his alternate could easily use the membership as a vehicle to "vacuum up" all relevant information from Parks and the Scientists..... and apply it to their lawsuit against Parks. You even stayed quiet when the same environmental TRT member found a surreptitious way to get to Commissioner Nava and have him create an opportunity to attack the TRT process at the San Francisco CCC meeting. Attacking his very own team members behind their back. To add to your culpability, you failed to give the Dept. of Parks professionals present, an opportunity to refute the unfounded charges.

Recently the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority appear to have joined forces behind the scenes to dispute the Scientific experts with, once again, rhetoric and no science.

Please close this issue in May by accepting the TRT / Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. Its time to honor the work of the experts who have fulfilled the charge of the CCC and accept their report.

Sincerely,

Joel Suty
13289 Clayton Road
San Jose, CA 95127
408-254-3385

Steve Monowitz

From: joel.suty@att.net
Sent: Saturday, March 30, 2002 7:23 PM
To: governor@governor.ca.gov
Cc: assemblymember.Maldonado@assembly.ca.gov; simon.salinas@asm.ca.gov; mary@resources.ca.gov; rcole@parks.ca.gov; pdouglas@coastal.ca.gov; DWIDE@parks.ca.gov; smonowitz@coastal.ca.gov
Subject: Oceano Dunes State Vehicle Recreation Area ? California Coastal Commission Attempting to Strangle Vehicle Access via Endangered Species Weapon

Dear Governor Davis,

First let me express my appreciation for your support of the need for Off Highway Vehicle Recreation. We know it is difficult for you to be supportive of this form of recreation with the amount of pressure you receive from the environmental community. As stated in the excellent California State Parks study, ?Taking the High Road?, since 1976 the State?s population has increased by 55%, off highway vehicle registration increased by 80%, but 6.5 million acres have been removed from access. Per that excellent report, the economic impact of this form of recreation is $3B and I believe it to be severely understated. Governor, the need for such outdoor recreation will not reduce in the foreseeable future. Without well run Off Highway Vehicle parks, people will feel they have no choice but to head off into protected areas. Trying to police the entire open space of the state would have an insurmountable cost, not including the never-ending environmentalist litigation, which would no doubt result. There is another aspect to consider?. the need for young people, and people of all ages, to have areas where they can burn their adrenalin, energy, hormones, and enjoy the outdoors. Well-managed areas focus the riders in controlled areas while protecting the species and eco systems throughout the State. A balanced win-win!

A case in point is the Oceano Dunes Vehicle Recreation Area on the Central Coast. Of 1100 miles of California coastline, this park is less than ½ of 1%. It sits in the 15,900-acre Nipomo Dunes Complex. The park being 3500 acres with only 1500 acres for vehicle access, OHV riding and beach camping. Thus 14,400 acres is available to protect species, but suspiciously ignored. Instead the environmental community, using the Endangered Species Act as a weapon, and the California Coastal Commission as its surrogate, is attempting to slowly strangle the 1500 acres and incrementally achieve their objective of eliminating vehicles entirely.

We need you to exert your influence on the California Coastal Commission leadership and demand that they more realistically focus on the adjacent 14,400 acres rather than nibbling and strangling the ODVRA's 1500 vehicle accessible acres. The Off Highway park was legislated for good reason, remind them please.

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 7 of 84 Pages

Respectfully,

Joel Suty
13289 Clayton Road
San Jose, CA 95127
408-254-3385

--

Best Wishes,

Joel Suty

Get the award winning ISP, AT&T WorldNet Service
http://download.att.net/webtag

From Carrie Booth
1515 E. Blain
Stkn CA 95204

APR 1 9 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

4/2/02

California Coastal Commission:
~~Gov Gray Davis~~

This letter is in regards to the proposed closing and/or shrinking of Oceano Dunes. Please keep it open just like it is. We have been going there for seven years as a family. There are so few places in California where families can camp right on the beach with the Ocean almost touching you. Most beach front property in California that is excessible to people is owned by the very rich. We are a middle class family. We go to Oceano Dunes with our children and now our grandchildren and friends about 4-5 times a year. It is beautiful, it is fun, please allow us to continue going. It amazes me that inspite of all the people that go there, it is kept really clean. That is because people like us who love nature, our families and our friends go there. Where will we go? Please keep the beach open just as it is.

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 9 of 84 Pages

P.S. You are suppose to be protecting our rights as citizens. Why arent you!

Carrie Booth

Steve Monowitz

From: johnny motorhead [johnnymotorhead@hotmail.com]
Sent: Monday, April 01, 2002 11:10 PM
To: Senator.Costa@sen.ca.gov; smonowitz@coastal.ca.gov; Assemblymember.Florez@assembly.ca.gov; governor@governor.ca.gov
Subject: Oceano dunes

To the people that have the power to decide:
My name is John Cochran and I am writing this letter to ask that Oceano dunes, as well as all other offroad riding spots in California (Glamis, Gorman, Dumont,etc...)stay open to off road vehicle users. I own three off road motorcycles and try to visit these places at least once a month. Like most of the people that use these spots, I make sure to clean up my campsite before leaving, keep all my vehicles up to current registration with functioning spark arrester systems, and always stay on the designated trails or riding area. I do not believe that the land is any worse off after I have enjoyed the use of it. Also, since I already pay Green sticker fees, forest adventure pass fees, and taxes on the gasoline that my motorcycles use, I would not be upset if user fees were increased (within reason) to cover some sort of program to repair any destruction that is caused by the small amount of off road vehicle users that do not respect the law. Thank you for your time and consideration in this matter. I hope that an equitable solution can be found to this situation that will allow myself, as well as all the other tax paying, law abiding off road vehicle users, to continue to use and enjoy these places.
John R. Cochran

Chat with friends online, try MSN Messenger: Click Here

Steve Monowitz

From: John Prins [jprins@theRealtyhouse.com]
Sent: Wednesday, April 03, 2002 10:55 AM
To: 'smonowitz@coastal.ca.gov'
Subject: Oceano Dunes Vehicle Recreation Area

Steve Monowitz
725 Front Street, Ste.300
Santa Cruz, CA. 95060
smonowitz@coastal.ca.gov

Dear Steve Monowitz,

I wanted to send you a note and ask you to vote in favor of protecting my right to ride off highway vehicles in the Oceano Dunes area. My wife and two sons make the trip from Minneapolis every year, as soon as school is out to ride dirt bikes and four wheelers in the dunes. My family looks forward to this trip for a whole year. What a fantastic outdoor activity this is for my wife and I to do with our teenage boys. When school is out they can't wait to load up the gear drive west! We drive for days; they just can't wait to hit the dunes! Please consider what closing this area to this type of recreation would do to my family and the dozens of people we met in the dunes.

Please keep the Oceano Dunes Vehicle Recreation Area (ODSVRA) on the Central Coast available for us to use. This area is visited by over 1 million citizens each year, 51% from the Central Valley and at least one family from Minneapolis Minnesota. Of 1100 miles of California coastline, this park is only 5 miles. It sits in the 15,900-acre Nipomo Dunes Complex. The park being 3500 acres with only 1500 acres for OHV riding and beach camping. Thus, 14,400 acres is available to protect species! The California Coastal Commission is attempting to slowly strangle the mere 1500 acres for vehicles, and eliminate vehicles entirely.

Thank you for your support of the need for Off Highway Vehicle Recreation. We know it is difficult for you to be supportive of this form of recreation with the amount of pressure you receive from the environmental community. Since 1976 the State's population has increased by 55%, off highway vehicle registration increased by 80%, but 6.5 million acres have been removed from access. The economic impact of this form of recreation is over $3B. The need for such outdoor recreation will not reduce in the foreseeable future. Without well run Off Highway Vehicle parks, people will feel they have no choice but to head off into protected areas. Trying to police the entire open space of the state would have an insurmountable cost, not including the never-ending environmentalist litigation, which would no doubt result. There is another aspect to consider.... the need for young people, and people of all ages, to have areas where they can burn their adrenalin, energy, hormones, and enjoy the outdoors. Well-managed areas focus the riders in controlled areas while protecting the species and eco systems throughout the State. A balanced win-win!

We need your prompt action to openly support actions to protect it in its current condition, and to make known to the California Coastal Commission that the legislation, which created the park, continues to have your support.

Thank you,

John Prins Johnreman@msn.com

4965 W. 139th St.

Savage MN 55378 or 952-844-1581

Steve Monowitz

From: Cathey.Adamsen@lvvwd.com
Sent: Wednesday, April 03, 2002 1:22 PM
To: smonowitz@coastal.ca.gov; assemblymember.maldonado@assembly.ca.gov
Subject: OCEANO DUNES

Sir,

Please do not let them close any more of the Oceano Dunes OHV beach. Out of 1,100 miles of coastline, we only ask for 5 miles to use for our favorite recreation. Out of this 14,400-acre dune complex, only 1,500 acres are designated for OHV and beach camping. It has been closed off enough, not to mention the fanatic Sierra Club trying to close down the entry ramp last year.

We members of a club with over 100 families from out-of-state, Nevada. We comes to vacation at different times over the year to ride our ATV's on the beach, one of the last places in the state we can do what we love: enjoy the fabulous Pacific Ocean, enjoy nature, and also ride the dunes. Why must they persist in attacking the one last tiny beach that we have left? This is still America and we are taxpaying citizens, too.

We show utmost respect for the birds that nest there, but there are thousands of other areas they nest, so please allow us the smallest consideration and keep it open to all OHV use and camping on the beach. We spend thousands of tourist dollars, along with our ATV club which has over 100 family members. We do no harm.
Please, NO MORE FENCES, NO MORE CLOSURES!

The California Coastal Commision is falling prey to a group of fanatics that have no scientific basis for their demands. We are tired of being made to feel we are breaking the law when we enjoy our favorite family recreation.

Thank you for your support.

Cathey & Austin Adamsen
9512 Amber Valley Ln.
Las Vegas, NV 89134

Steve Monowitz

From: Amy Block [bernie5750@hotmail.com]
Sent: Wednesday, April 03, 2002 3:55 PM
To: governor@governor.ca.gov; senator.costa@sen.ca.gov; senator.monteith@sen.ca.gov; senator.poochigian@sen.ca.gov; assemblymember.ashburn@assembly.ca.gov; assemblymember.briggs@assembly.ca.gov; assemblymember.cogdill@assembly.ca.gov; assemblymember.florez@assembly.ca.gov; assemblymember.reyes@assembly.ca.gov; assemblymember.maldonado@assembly.ca.gov; pdouglas@coastal.ca.gov; smonowitz@coastal.ca.gov; mary@resources.ca.gov; rcole@parks.ca.gov
Subject: Oceano Dunes

To: Whom ever this may concern

Hello, my name is Amy Block. I am a 16 year old junior at Clovis East High School in Fresno, California. I am very concerned about the possible closure of the Oceano Dunes. For as long as I could remember, I have been going to the dunes to ride my quads, dune buggy, hang out with my friends, and surf in the Ocean. I strongly disagree with the closing of any more of the dunes. Have we not given the Sierra Club enough? I have enjoyed the dunes very much and I would like to someday see my kids enjoy them too. I have many good memories that come from that beach, and I would be totally heartbroken if they closed any more of the dunes. I am asking you to please do whatever you can to make sure that they DON'T close them. Unfortunately, due to the fact that I am only a 16 year old with only a minimum wage job, finically I can't help much, but if there is ANYTHING else I could do, please contact me.

My address is: Amy Block
5750 E. Shields Suite 101
Fresno, Ca. 93727
My home phone number is: (559)252-1425
My e-mail address is: Bernie5750@hotmail.com

Thank you very much.
Love, Amy Block

Join the world's largest e-mail service with MSN Hotmail.
http://www.hotmail.com

Steve Monowitz

From: Nurse4lil1s@aol.com

Sent: Wednesday, April 03, 2002 5:04 PM

To: governor@governor.ca.gov; senato.costa@sen.ca.gov; senator.monteith@sen.ca.gov; senator.poochigian@sen.ca.gov; assemblymember.ashburn@assembly.ca.gov; assemblymember.briggs@assembly.ca.gov; assemblymember.cogdill@assembly.ca.gov; assemblymember.florez@assembly.ca.gov; Assemblymember.reyes@assembly.ca.gov; Assemblymember.Maldonado@assembly.ca.gov; pdouglas@coastal.ca.gov; smonowitz@coastal.ca.gov; mary@resources.ca.gov; rcole@parks.ca.gov

Subject: Oceano Dunes SVRA

To whom it may concern,

I am writing to you today on behalf of myself and millions of others whom I know share my beliefs. We desperately need your support and assistance to keep the Oceano Dunes State Vehicular Recreation Area (ODSVRA) open to off-road vehicles. We understand the importance of preserving the land, however much of the dunes have already been closed for this purpose. We believe it is our right to have a place where we can go to enjoy ourselves and our off-road vehicles. By keeping ODSVRA open to camping and off-road vehicles, people are not forced to ride in restricted areas or infringe on the wildlife there, while still allowing us to have a place. It allows all parties to be happy. We are not asking for anything except to keep what has already been given to us, including the laws that require us to comply with pollution standards etc. We want to keep the dunes beautiful for many years to come, however, we want to be able to enjoy them as we have been for a long time. Please don't allow what little area is left to be taken away from the citizens who enjoy having it so much. Thank you for your time.

Amanda Sanfilippo
20120 Ave. 312
Exeter, Ca. 93221
(559) 592-8170
Nurse4lil1s@aol.com

Steve Monowitz

From: chrisandteri [ulrich@sierratel.com]
Sent: Wednesday, April 03, 2002 10:36 PM
To: SMONOWITZ@COASTAL.CA.GOV
Subject: Fw: OCEANO DUNES

----- Original Message -----
From: chrisandteri
To: graydavis@governor.ca.gov
Sent: Wednesday, March 27, 2002 8:40 PM
Subject: OCEANO DUNES
STEVE MONOWITZ

MY NAME IS TERRY ULRICH AND OUR FAMILY PLANS A TRIP TO OCEANO DUNES EVERY YEAR ... WE ALL LOOK FORWARD TO GOING ALL YEAR LONG.... THIS IS THE ONLY VACATION OUR ENTIRE FAMILY LOVES....WE ALSO GO WITH SEVERAL OTHER FAMILY MEMBERS THAT WE HAVEN'T SEEN IN A LONG TIME...EVERYONE MEETS FROM ALL OVER... IT IS AWESOME...MY CHILDREN ARE 7,13,14,16..SO IF YOU HAVE TEENAGERS YOURSELF ... YOU WOULD KNOW HOW HARD IT IS TO SOMETHING EVERYONE LOVES AND LET ME TELL YOU.....OCEANO DUNES IS THE PLACE WHERE WE CAN ALL BE VERY HAPPY AS A FAMILY!!!!!!WE ENCOURAGE YOU TO BE STAND STRONG !!!, SO THAT SEVERAL FAMILIES CAN ENJOY THEIR TIME AT THE DUNES. WE SUPPORT YOUR EFFORTS IN EVERYTHING YOU ARE TRYING TO DO FOR OCEANO DUNES...I DO NOT AGREE WITH THEM WANTING TO SHUT THE DUNES DOWN UNTIL POLE 6 WE SHOULD NOT EXCEPT ANY COMPROMISES AND PLEASE NO MORE FENCES... WE HAVE ENOUGH OUT THEIR ALREADY... JUST LET OUR FAMILIES HAVE A GREAT TIME TOGETHER.... THANK YOU SO MUCH FOR YOUR TIME TO READ THIS....

THE ULRICH FAMILY

CHRIS AND TERI ULRICH
47652 HOPI AVE
COARSEGOLD CA. 93614
(559)683-7985

Steve Monowitz

From: Wade Lousberg [wade@iesi.net]
Sent: Thursday, April 04, 2002 10:22 AM
To: pdouglas@coastal.ca.gov
Cc: smonowitz@coastal.ca.gov
Subject: Save Oceano Dunes for Recreation

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 approximately 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 these 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.

Utilizing the established Technical Review Team is a much wiser approach than closing the park because it allows for the long term analysis of the endangered species. This long term analysis may provide answers as to why these particular species are struggling. Closing the park is not the solution. Closing the park will not aid in the advancement of these species because of predation. Coyotes and other predators will become more prevalent with the absence of humans. Predation of Plover nests and fledglings were encountered during the closure of beaches in the Santa Barbara area.

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.

Thank you

Sincerely,

Wade Lousberg

2612 Sussex
Clovis, CA 93611

Steve Monowitz

From: Todd Schuetz [tschuetz@khsd.k12.ca.us]
Sent: Friday, April 05, 2002 1:41 PM
To: 'smonowitz@coastal.ca.gov'
Subject: Continue to allow recreational use of the Oceano Dunes near Pismo Beach

California Coastal Commission Central Coast Office,

Save the Oceano Dunes for recreational use. Please support the Friends of the Oceano Dunes' position and stand up against the Sierra Club and other environmentalists who wish to take away the dunes from recreational use. In 1982, the environmentalists successfully lobbied to take away 13,500 acreas of dunes and reserved them for nature. Now no one can enjoy the area's beauty and other obvious attractions. Only 1500 acres remain for use by people. If the environmentalists win, the Pismo area would be devastated economically. A great number of people would take their travel dollars elsewhere because they would have to take their ATVs somewhere else to recreate. People would lose their jobs, home values will plummet.

Don't cave in to the faulty science of the Sierra Club. I know. I used to be a member. They take initial findings and biased interpretations of data and percieve it as fact. The Sierra Club also uses extortion to convince communities to see their way. They file bogus lawsuits or threaten lawsuits to frighten agencies into capitulation. They possibly learned this tactic from Jesse Jackson and his Rainbow Coalition of Extortion.

Please. Keep protecting the dunes for recreational use.

Todd Schuetz

Steve Monowitz

From: Gary Flippo [warrior@ncinternet.net]
Sent: Thursday, April 18, 2002 4:43 AM
To: graydavis@governor.cagov
Cc: mary@resources.ca.gov
Subject: OCEANO DUNES

i am writing to you to express my concern about the possible closure of oceano dunes(pismo dunes).i have been going to pismo dunes since 1973 when i was 13 years old with family and freinds. for almost 30 years i have travled the 153miles faithfully 8 to 10 times a year . in 1995 my children all became old enough to start enjoying the pleasures of off roading. so now it has become a family hobby. so many of my freinds and their families also go that we usually make 4 or 5 day tripsof it .we also enjoy going to dumont, glamis ,california city, mammoth,and coos bay, oregon once a year,but pismo is hands down all of our favorites. the enviromentalist are trying to make pismo sound like some kind of endangered species area, when in fact wildlife thrives here. according to a study just completed oceano has a very good conservation program going with a 80% survival rate,not bad compared to a closed conservation area point reyes bird observatory (prbo)with no off road activities that can only produce a survival rate of 85%.another good point to make is the 2nd bird on the serria clubs list of endangered speices the logger head shrike is a predator that feeds on the eggs and chicks of the western snowy polver and california least terns. another issue is that in 1982 pismo OHVRA consisted of 15,000 acres the california coastal commisson closed all of it exept for 1,500 acres and a 5 mile strech of beach of which 2 miles is acess only.13,500 acres for a nature preserve. the serria club is also onthe band wagon to shut down glamisOHV.california has 1,100 miles of coast line we are only asking to keep 5 miles of it forOHV use.thanks for your time to read this letter and think of the youngsters who are just now beginning to enjoy off rosding at oceano.

Steve Monowitz

From: Martin Nibel [mnibelsprint@earthlink.net]
Sent: Wednesday, April 17, 2002 2:42 PM
To: smonowitz@coastal.ca.gov
Subject: Oceano Dunes Vehicle Recreation Area

Dear Mr. Monowitz:

We are writing to you to ask for your continued support in keeping the Oceano Dunes Vehicle Recreation Area open to vehicle use. My family and I enjoy riding off-road vehicles as one form of recreation and we are appreciative of the off-road riding areas that are provided by the California parks system and the state and national forests. Everyone in my family rides including my 7 year old son and my 11 year old daughter. My wife and I are professionals in the high-tech community and our children are top level students. We respect the facilities, the land, and do our part to help maintain them for others to enjoy. What we are seeing however is a concerted effort on the part of extreme environmentalists and others to slowly eliminate all of the off-road riding areas in California. As I'm sure you know, since 1976, 6.5 million acres has been removed from access to off-road vehicular recreation. In comparison to the protected areas within our state where off-road vehicles are prohibited the areas that offer off-road recreation is minute. A case in point is the Oceano Dunes Vehicle Recreation Area. This area of coastline is 5 miles of a total of approximately 1,100 miles of coastline in California. The coastline of California is a wonderful place and we feel fortunate to live in a state that possesses such a great resource. It is critical that we preserve areas of our coastline and other areas for future generations who will enjoy both the vehicular areas as well as those non-vehicular areas. What is important here is BALANCE. My family enjoys many different kinds of outdoor recreation here in California and we are asking for your continued support in keeping all of those forms of recreation intact.

I am sure that you constantly receive much pressure from the extreme environmental community to close areas that currently offer off-road riding, the Oceano Dunes area is but one example. Please give your open support to maintaining the area in its current status by preserving the legislation
that exists today which created the park - for all to enjoy.

Thank you for your time and consideration.

Sincerely,

Martin, Jan, Jennifer and Mike Nibel
Union City, CA

April 15, 2002

Sara Wan, Chair, Calif. Coastal Comm.
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan,

Over the last year, many of us have watched your operational reviews of the **Oceano Dunes State Vehicle Recreation Area** with great dismay. We are unable to comprehend why there is such scrutiny of Oceano Dunes while at the same time beaches up and down the 1100 mile California Coast do not follow the same comprehensive, scientifically acknowledged, management and monitoring program as Oceano Dunes. The majority of the California beaches, under your care, do not control attendance, allow miles of beach raking counter to endangered species protection, permit bulldozing of buildups of wind blown sand and kelp, tolerate millions of visitors trampling the beach sand and adjacent dunes; all with no comparable Coastal Commission attention. Yet for some unknown reason Oceano Dunes has become a "lightning rod" for micromanagement and blatant disregard of scientific evidence presented by the Department of Parks and Recreation and other respected State and Federal agencies. Instead you have allowed yourselves to be manipulated by emotional unsubstantiated disinformation campaigns. The fact that several California Coastal Commission meetings were spent demanding extensive controls for minor sand removal from an access ramp, while ignoring MAJOR bull dozing of access roads and parking areas into the adjacent Guadalupe Dunes, adds to skepticism about the absence of prejudice.

Of the over 15,900 acres within the Nipomo Dunes Complex, 14,400 are protected from vehicles, most of it also inhospitable to walk-in visitors. Those 14,400 acres have not received attention even remotely similar to the 1500 acres of bare sand established for the public's recreation. It is suspicious that the adjacent 14,400 acres has; no activity to create habitat for the Plovers and Least Terns, no activity to restore habitat, no activity to measure their population (banding), no effort to explore captive breeding and reintroduce more of the species to the areas, no protective exclosures from predators, and no activity to remove predators known to destroy the breeding of the species. Instead, all focus is on 1500 acres of bare sand, legislated as a vehicle use park for the public. It does not go unnoticed that 1,200,000 of California taxpayers enjoy this park each year, with the local businesses mirroring the economic benefits.

It would appear that the attention paid to this 1/10th of the Nipomo Dunes Complex, ½ of 1% of the California Coastline, represents micromanaging far beyond what citizens intended when they voted to protect access to their coastline with the Coastal Act. Don't you agree? We suggest a review the Public Resources Code Division 20 of the California Coastal Act (Jan 2002) - section 30001.5 which clearly states: "(b) Assure orderly, **balanced utilization** and conservation of coastal zone resources **taking into account the social and economic needs of the people of the state** and (c) **Maximize public access to and along the coast and maximize public recreational opportunities** in coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners."

Recently the Scientific Subcommittee, which you created, to balance the TRT with science, concluded that extending the exclosures arbitrarily would confuse the Predator removal experiment results. (Peter Douglas approved each of those members in your behalf.) Would a medical experiment have multiple variables in its formula? One would never know which variable made the significant change to achieve results. Predator removal has worked miracles in Monterey and elsewhere. It is incomprehensible why your CCC biologist should be permitted to outvote the other reputable scientists who have far more significant Plover credentials than the CCC staff.... and the Commissioners.

On behalf of the 1,200,000 visitors each year please examine your conscience in this matter. Ethically, is it about Plovers or a disdain for the people who have chosen a vehicle form of recreation? If its about Plovers, why no interest in the 14,400 adjacent refuge, conservancies and other properties where no vehicles traverse?

Respectfully,

Butch & Kim Hotz + 3 little ones
8877 14th Ave.
Hanford, CA 93230
559-584-2665

cc: Mary Nichols, Secretary Resources Agency
Peter Douglas, Exec. Dir. Calif. Coastal Commission
Steve Monowitz, Coastal Planner
All Commissioners
Ruth Coleman, Calif. Dept. of Parks & Recreation
Assemblyman Dean Florez

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APR 1 7 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Jaimie Kirchner
720 Live Oak Lane
Pinole, CA 94564
(510) 741-7041
(925) 787-9662
bancheerob@cs.com

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APR 1 6 2

CALIFORNIA
COASTAL COMMISSION

April 14, 2002

Peter Douglas / Sara Wan
45 Fremont St. #2000
San Francisco, CA 94105

Dear Mr. Peter Douglas or Ms. Sara Wan:

Please keep Oceano Dunes open! I cannot stress how important Oceano Dunes is to my family and myself. We have been going to Oceano Dunes for over twenty years. We have so much fun and look forward to going there every year. You know how it feels when you're a little kid and you looked forward to your birthday or Christmas but it seemed like it took an eternity for it to come, well that is how Oceano Dunes feels to my family and a bunch of other people. If you take that away, you take away a tradition, you take away a huge part of our lives. We absolutely love Oceano Dunes and respect it! We know how important the environment is and we take every effort in keeping Oceano Dunes clean and following the rules and regulations the State Parks have issued. However, aren't people just important as the environment? We know that in the city we live in there is nothing to do whatsoever. That is why so many people look forward to going to Oceano Dunes. It is a place where families can get together and spend quality time enjoying the view of the ocean, the feel of the sand, and the sight of the wildlife. It is bad enough that there is nothing for people and especially children to do today. I cannot wait for my children to have the opportunity to enjoy all that Oceano Dunes has to offer.

Oceano Dunes already has 14,400 acres available to protect the species and only 1500 acres for the Off Highway Vehicle riding and camping. I do not think 1500 acres is too much to ask for! Besides, Oceano Dunes is open year round and there is only a few times out of the year when there is a big crowd that gathers there. Oceano Dunes also keeps that city prosperous. If Oceano Dunes were to close, a lot of small businesses would probably go under resulting in a lot of unemployment.

Oceano Dunes is one of the few, very rare places where all kinds of people can get together and have a good time. Please do not take that away. **Please keep Oceano Dunes OPEN!!!!!**

Sincerely,

Jaimie Kirchner

Jaimie Kirchner

RECEIVED
APR 1 6 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AR

C.C.C,

I'm not sure how to start this letter but here it goes. I'm hoping you will all read this and remember your childhood.

Oceano Dunes has been a part of our family for over 25 years. My husband and I met there on that beach 21 years ago in May. We fell in love and have been married for eighteen years. We have two boys 11 and 15 years of age. We have spent many wonderful years vacationing in Oceano.

Our boys have been brought up to enjoy and love the ocean. One of our favorite vacations is to pull our travel trailer and quads down to the water front with family and friends. We have spent Thanksgiving, New years and almost every holiday on that wonderful beach. How lucky we are to be able to share such special family time together.

Our oldest son spends every weekend working on his quad. He also spends hours after school with friends making sure it's clean and runs great. My home has become a hangout fo teenage boys that go ca

Instead of being out on the streets they are in my garage building quads. This is such a safe, fun, energy burning hobby for teens. What will these kids do when the wind is taken out of their sail? I guess they will turn to the streets or something else. I also enjoy looking out into the garage and seeing my husband sharing his skill with the boys!

I'm so tired of telling these children they may not have this wonderful place to visit much longer. My 11 year old can't understand what the big deal is. He thinks the birds are smart and can fly down the beach where they can live. He wants to know why they are more important than he is? Or why they get more land than humans? I can't explain, because I feel so angry that the small area left for humans is being taken away. Out of the thousands of acres, why would anyone want to take the last 1,500 away from tax paying people.

We can't change the nature of life, even though a lot of people think I personally think it is su fittest. If this were not the

be living with the dinosaurs. I can't believe these animals are more important than time with your children or flying a kite with a child. What are we teaching our children? We hear time and time again to spend more quality time with your child. My children hate the fact that humans are so unfair to other humans. They believe they have rights too! Remember these children will be taking care of us someday!!!

Please take some of the money we have spent in the community and breed these birds and put them in other areas. We don't have anywhere else to go and ride. We don't want to destroy, we want to Co-exist. Please remember what's really important. All we ask you is a small area to enjoy with our family and friends.

Please come and visit Memorial Day weekend, bring your family

Thanks for your time

The families of

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC

Please take a few minutes to see what really matters!

Human life, working people, + children!!

If Oceano is closed, we will boycott the whole town —

Take This to your meeting!

$

3/02
Vacation

Easter Vacation

5 people

This is a 9 day stay on Oceano Beach with 2 Vehicles.

		Approx.
Gas fillup Bakersfield —	109.00	
+ gas for quads —	40.00 +	
un around gas for the week + quads Gas fill up Chevron Oceano -	60.00 +	
Stay on Oceano Beach 2 Vehicles W/Trailers	-108.00	9 days
Splash Cafe, 2 dinners out	70.00	approx.
Ocean Creations, New hat, sunglasses etc.	32.00 +	
Ponchos, New sweatshirts, shirt etc.	114.00 +	
Moondoggies, sales rack, New clothes	79.00 +	
Surf Shop, New scooter (on sale)	20.00 +	
Outlet Mall shop, shop, shop,	250.00 +	
Ice cream shop	15.00 +	
BJ's parts (5 quads)	300.00 +	
Towing (Angelos)	60.00 +	
Albertsons food (9 days)	150.00 +	
Movie rental (5 day)	15.00 +	
Laundry Mat (mid-week)	26.00 +	
Rite Aid soap + stuff	10.00 +	
McDonalds - lunch	20.00 +	
Bike rental (3 children)	20.00 +	
Brads Dinner	62.00 +	
Bowling + arcade	25.00 +	
Pool Hall + burgers	30.00 +	
	1615.00	

Gas for Home
2 vehicles (Chevron) TOTAL

We Had 13 Families in our CAM.
W/Trailers

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 29 of 84 Pages

approx.
th!

New Shirts on Order

NO Riders
NO Business
NO Money
NO Food
(Must shoot birds to feed Family)

CAll california Coastel Commission for recipes
(831)-427-4863

Hey Pisi

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APR 1 5 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 7, 2002

To Peter Douglas and Sara Wan:

I am writing to you because I am against the closure of the Oceano Dunes Vehicle Recreation Area (ODSVRA). I have been involved in Off Highway Vehicle Recreation for 23 years. First as a child camping at Oceano Dunes with my family, and I have now continued the tradition with my own children. Please do not take our access to this beautiful park away. I have always considered Off Highway Vehicle Recreation a family-oriented sport. A well managed and maintained SVRA provides a balance between recreation for riders as well as protecting species and the ecosystem throughout the state.

I began to have hope in the Coastal Commission, in May 2001, when it agreed to the Technical Review Team (TRT) concept. At this time a Scientific Subcommittee who would only deal with science, not bias or emotion, was established.

Recently, the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority of extremists, have joined forces to try to dispute the scientific experts with, once again, rhetoric and unfounded falsehoods.

Please close this issue in May and protect the park in its current condition by accepting the TRT/Scientific Subcommittee recommendations. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report. Thank you.

Sincerely,

Marla Johnson

Marla Johnson, Mathematics Teacher
39286 Road 92
Dinuba, CA 93618
559-595-1401

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I'M sending you this note in hope that you assure access to all the people that want to use the Oceano Dune's. The Beach is more than enough closed now. The people are species too, so please do the right thing and keep the Beach open. So everybody can enjoy the Beach. I have been going to Oceano for over 25 year and I would hope that my daughter will have the chance to go for the next 25 year's. It's a shame that some people think they know what's best for all off us. And try to keep us off all your land.

Mike DAILEY 1220 E Truxtun
AVE BAK Ca. 93305. cel 326-8092

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APR 1 1 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Steve Monowitz:

My name is Justin Taylor and I'm an 18yr old local resident in Bakersfield C.A. I live at 4601 Half Dome Way. My number and area code is (661) 831-0844- 93304. My family and I make a trip to the Oceano Dunes at least once a month. It's a time for us to get away from the daily stress of school and work. It's a time for family and friends to enjoy a day filled with sun, water, ridding, and talking. It's a chance to get closer to the environment and our family members. So you can imagine my despair when I heard that the Sierra Club wanted to close the beach off to the public. I immediately thought of all the great experiences I have had at the Dunes and how I wouldn't be able to experience them anymore. My mind also wondered about all of the local business around Pismo and the valley. 51% of the Central Valley visit the dunes and spend their money on the local business in and around the Pismo and Oceano area. I would hate to wonder what might happen to these people if 51% of us quit coming and spending our money. I love the experience I have camping with my family on the beach and would love to share it with a family of my own one-day. I'm willing to do what ever it takes to keep the dunes open, and I hope you will help me in this fight. I'm asking you to do what ever you can to help the friends of Oceano Dunes keep the dunes open. I also hope you keep in mind that this is a great place for kids and teens to go to release stress and stay out of trouble.

Sincerely,
Justin Taylor
Justin Taylor

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APR 1 1 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Steve Monowitz
Calif. Coastal Commission
725 Front St. Ste. 300
Santa Cruz, CA 95060

Sir,

Please do not let them close any more of the Oceano Dunes OHV beach. Out of 1,100 miles of coast, we only ask for 5 miles to use for our favorite recreation. Out of this 14,400-acre dune complex, only 1,500 acres are designated for OHV and beach camping. It has been closed off enough, not to mention the fanatic Sierra Club trying to close down the entry ramp last year.

We are members of a club with over 100 families from out-of-state, Nevada. We come to vacation at different time over the year to ride our ATV's on the beach, one of the last places in the state we can do what we love: enjoy the fabulous Pacific Ocean, enjoy nature, and also ride the dunes. Why must they persist in attacking the one last tiny beach that we have left? This is still America and we are taxpaying citizens too.

We show utmost respect for the birds that nest there, but there are thousands of other areas they nest, so please allow us the smallest consideration and keep it open to all OHV use and camping on the beach. We spend thousands of tourist dollars, along with our ATV club which has over 100 family members. We do no harm.
Please, NO MORE FENCES, NO MORE CLOSURES! PEOPLE MATTER TOO!

The California Coastal Commission is falling prey to a group of fanatics that have no scientific basis for their demands. We are tired of being made to feel we are breaking the law when we enjoy our favorite family recreation.

Thank you for your support.

Cathey Adamsen Austin Adamsen

Cathey & Austin Adamsen
9512 Amber Valley Ln.
Las Vegas, NV 89134

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SM

This is to request your support to maintain the State Vehicle Recreational Area located at the Pismo Dunes, Pismo Beach.
The current ODSVRA is 1,500 acres, which is part of a 15,000 area of the Pismo Sand Dunes.
There is currently pressure from the Sierra Club and the Environmental Defense Center to close down the remaining 1,500-acre area.
Their reasons are unclear and not based on any fact or science.
We need your support to insure fairness and to discontinue the discrimination toward all that use and enjoy this recreational area.

We need leaders that will take the lead for a fair and impartial stand on this issue. We need leaders that act and based on facts and science not the emotional request of small special interest groups.
We need leaders that recognize the counter productiveness of these non-cooperative groups that tie up courts and resources with suits that harass and clog up the courts and personnel that could be better served in providing public needs.

We need leaders like you, to step forward and give your support.

Chris & Loretta Duerksen
2330 W. Packwood Dr.
Visalia, CA 93277
(559) 6385-8650

SM

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APR 1 1 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

4-7-02

Dear Calif. Costal Commission Members:

Please give the following concern your urgent attention.

The Endangered Species Act is being severally misused and abused by envionmentalists and special interest groups. I feel that these groups are inflicting great harm to our local area, our state and, in fact, our country.

I feel it is important to have some animals on an endangered species list; however, the quality of life for human beings is being eroded by those who have a radical opinion of what this list should consist of.

I recently attended a meeting of the Technical Review Team (TRT) appointed to make recommendations to the California Coastal Commission concerning a small bird called the snowy plover at Oceano Dunes State Vehicular Recreation Area in Oceano, California.

The recommendations they have made so far seem to be leading to the closure of the Oceano Dunes State Vehicular Recreation Area. Large majorities of people feel their findings are mostly false and misleading. We feel it is a select few of radical environmentalists on this review team who are pushing an agenda to benefit their own interests. In fact, biologists of the Calif. Dept. of Fish and Game and the U.S. Fish and Wildlife Service suggest that the improvements made in the past year are sufficient to protect this threatened species.

Only a small section out of the thousands of acres of dunes in this area are set aside for recreation. The closing of this area will shut out many thousands of people who are not fortunate enough to have homes on this coastline and have no other way of enjoying this beautiful area, which in truth should belong to the public as a whole.

Please help us, the concerned citizens who have no power other than what we have given our elected representatives. Help us save the beach for human enjoyment. With a little care, we CAN coexist with other species. Extreme measures are not needed at this time.

Attached are some comments and recommendation by experts (other than those on the TRT) and some facts that will help in understanding this matter.

Sincerely,
Narvell B. Conner

Narvell B. Conner
238 W. Brier Circle
Fresno, CA 93711

SM

Steve Monowitz
725 Front Street, Ste.300
Santa Cruz, CA. 95060

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APR 0 8 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Commissioner:

I began to have hope in the Coastal Commission, in May 2001, when it agreed to the Technical Review Team (TRT) concept. You even chose to supplement it by your own concept, a Scientific Subcommittee who would only deal with science, not bias or emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via a Peter Douglas review/veto. The intent was to avoid any perception of bias in the process.

Recently the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority appears to have joined forces behind the scenes to dispute the scientific experts with, once again, rhetoric and no science.

Please close this issue in May by accepting the TRT /Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report.

Thank you,

James Culver

1690 Saltbrush Ave.

Coalinga, CA 93210

559-935-0551

SM

VALLEY INDUSTRIAL SUPPLY
P.O. BOX 2577 FRESNO, CA 93745
(559) 268-4011 • FAX (559) 268-4030

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APR 08 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 4, 2002

To California Coastal Commission (CCC)-Steve Monowitz

I began to have hope in the Coastal Commission in May 2001, when it agreed to the Technical Review Team (TRT) concept. You even chose to supplement it by your own concept, a Scientific Subcommittee who would only deal with science, not bias and emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via Peter Douglas review/veto. The intent was to avoid any perception of bias in the process.

Recently, the Scientific Subcommittee reached consensus and provided its recommendation to the TRT. Instead of accepting the consensus outcome, a small minority appears to have joined forces behind the scenes to dispute the scientific experts with, once again, rhetoric and no science.

Please close this issue in May by accepting the TRT/Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report

Sincerely,

Robert H. Netzley

RHN:dcd

Peter Douglas / Sara Wan
45 Fremont St. #2000
San Francisco, CA 94105
pdouglas@coastal.ca.gov

REALTY HOUSE

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APR 0 9 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Peter Douglas / Sara Wan

I wanted to send you a note and ask you to vote in favor of protecting my right to ride off highway vehicles in the Oceano Dunes area. My wife and two sons make the trip from Minneapolis every year, as soon as school is out to ride dirt bikes and four wheelers in the dunes. My family looks forward to this trip for a whole year. What a fantastic outdoor activity this is for my wife and I to do with our teenage boys. When school is out they can't wait to load up the gear drive west! We drive for days; they just can't wait to hit the dunes! Please consider what closing this area to this type of recreation would do to my family and the dozens of people we met in the dunes.

Please keep the Oceano Dunes Vehicle Recreation Area (ODSVRA) on the Central Coast available for us to use. This area is visited by over 1 million citizens each year, 51% from the Central Valley and at least one family from Minneapolis Minnesota. Of 1100 miles of California coastline, this park is only 5 miles. It sits in the 15,900-acre Nipomo Dunes Complex. The park being 3500 acres with only 1500 acres for OHV riding and beach camping. Thus, 14,400 acres is available to protect species! The California Coastal Commission is attempting to slowly strangle the mere 1500 acres for vehicles, and eliminate vehicles entirely.

Thank you for your support of the need for Off Highway Vehicle Recreation. We know it is difficult for you to be supportive of this form of recreation with the amount of pressure you receive from the environmental community. Since 1976 the State's population has increased by 55%, off highway vehicle registration increased by 80%, but 6.5 million acres have been removed from access. The economic impact of this form of recreation is over $3B. The need for such outdoor recreation will not reduce in the foreseeable future. Without well run Off Highway Vehicle parks, people will feel they have no choice but to head off into protected areas. Trying to police the entire open space of the state would have an insurmountable cost, not including the never-ending environmentalist litigation, which would no doubt result. There is another aspect to consider.... the need for young people, and people of all ages, to have areas where they can burn their adrenalin, energy, hormones, and enjoy the outdoors. Well-managed areas focus the riders in controlled areas while protecting the species and eco systems throughout the State. A balanced win-win!

We need your prompt action to openly support actions to protect it in its current condition, and to make known to the California Coastal Commission that the legislation, which created the park, continues to have your support.

Thank you,

John Prins Johnreman@msn.com

4965 W. 139th St.

Savage MN 55378 or 952-844-1581

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 39 of 84 Pages

March 28, 2002

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APR 0 8 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Commission Members:

On behalf of my extended family and many friends, I urge The California Coastal Commission to enforce the Coastal Act which allows the public to recre ate on public lands. I'm writing specifically with regard to the Oceano Dunes which has become the current focal point for denial of access by the public to their public lands.

Oceano Dunes State Park is an approved OHV Park whose users reflect the socio-economic diversity of the population of our State. It is an area where families come to camp and enjoy their recreational activity of choice while also providing revenue to the local communities.

Off Highway Vehicle Recreation is a legal activity which many Californians enjoy, however, the Coastal Commission has chosen to embrace the doctrine of a few special interest elitist groups who misrepresent their postion as being that of the will of the citizens. These "deep ecology" groups do not represent me, they do not represent my extended family, they do not represent a large segment of the population of California!

The California Coastal Commission is obligated to the people of this State to enforce the Coastal Act and protect the right of the public to have access to and recreate on this public beach.

Sincerely,

Charles H. Jones

Charles H. Jones
52 Russell Avenue
Clovis, Calif. 93612
559-299-3756

cc: Gov. Gray Davis

SM

RECEIVED
APR 04 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED
APR 03 2002
CALIFORNIA
COASTAL COMMISSION

Steve Monowitz
725 Front Street, Ste.300
Santa Cruz, CA 95060

Dear Steve

I began to have hope in the Coastal Commission, in May 2001, when it agreed to the Technical Review Team (TRT) concept. You even chose to supplement it by your own concept, a Scientific Subcommittee who would only deal with science, not bias or emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via a Peter Douglas review/veto. The intent was to avoid any perception of bias in the process.

Recently the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority appears to have joined forces behind the scenes to dispute the scientific experts with, once again, rhetoric and no science.

Please close this issue in May by accepting the TRT /Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report.

Thank you,

Johnny Costa

Pismo Beach, CA

805-556-0286

SM

RECEIVED

APR 02 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1/2

March 26, 2002

To: California Coastal Commission

Subject: ODSVRA TRT Observations

Dear Members of the California Coastal Commission:

The Technical Review Team you set up for Oceano Dunes State Vehicular Recreation Area has a major roadblock built right into it: Gordon Hensley and Tarren Collins. These are my observations, and you should heed them. You should also listen to the meeting tapes and read the transcripts, so that you will believe what I tell you.

I have been to 4 out of 5 meetings of this TRT, and it is apparent that Mr. Hensley and Ms. Collins are there simply to stop progress, and prevent anything substantial from happening.

At the first meeting I attended (the second TRT meeting), both Hensley and Collins objected to simple matters of meeting protocol, such as alternate status, how many people were needed to form a consensus, and such things that should have been adopted from other TRT's already in place. Not much got done at that meeting because of their objections to every little point of protocol. They were only two of approximately 20 people, yet their objections took approximately 80% of the meeting's time.

At the next meeting, Mr. Jostes was brought in to smooth the process, and it was announced that TRT alternates such as Ms. Collins would be seated in the audience rather than at the main table, and that they would be allowed only non-verbal communications, such as note passing. Ms. Collins did not attend this meeting.

The fourth TRT meeting had both Mr. Hensley and Ms. Collins, who constantly moved from her seat up to Mr. Hensley to whisper to him and pass notes. While this is an allowed action, it does distract from the proceedings. They should work out their points before the meeting, as the rest of the TRT members do with their alternates. One of the audience members at this meeting asked me why he could not pass notes to members of the TRT, and I informed him that only alternates were allowed to do this.

The fifth TRT meeting was held a considerable distance from the Oceano Dunes in San Luis Obispo, at the request of Mr. Hensley. I find this objectionable, as most of the TRT members and interested spectators live near the park, and there are plenty of meeting rooms closer to the park. It is only a convenience to Mr. Hensley and Ms. Collins, who both work in San Luis Obispo. The meeting room in San Luis Obispo also closes promptly at 8 pm, causing the TRT to hurry the meeting during the last 45 minutes.

This latest meeting was the most disturbing to me. Ms. Collins was again moving back and forth to Mr. Hensley, distracting the TRT members and the audience. After the dinner break, Mr. Babak Naficy, a lawyer for the Environmental Defense Center, sat in the audience next to Ms. Collins. At a point in the meeting, Mr. Naficy approached Mr. Hensley with a note, and whispered to Mr. Hensley, a clear violation of the TRT policy set forth in the second meeting. Approximately 20 minutes later, Mr. Naficy got up again, approached Mr. Hensley with a note and began to whisper to Mr. Hensley. It was at this time that I spol
room that Mr. Naficy was breaking the rules of the TRT, and that if

for him to approach TRT members, that I and all the audience should have the same ability. Ms. Collins knew the rules, yet clearly allowed her friend, Mr. Naficy, to break those rules.

All through this meeting, Mr. Hensley objected to the simplest, most meaningless points of protocol. The most noticeable was the name changing of a report created by Mr. Laird Hinkle. Most of the TRT members referred to this report as the "Hinkle Report," but Mr. Hensley would not allow that name to be used in a letter to the CCC that was being discussed. It took over 45 minutes for Mr. Hensley to finally be satisfied with the name of the report, which I believe became "Plover Nesting Report," or something very similar. Why did this matter? One could have called the report "XYZ" for all that mattered.

It is obvious to me that Mr. Hensley and Ms. Collins are deliberately sabotaging the TRT, by objecting to the simplest points of protocol, and causing very little work to be accomplished. Then, they can criticize and invalidate the TRT by saying that nothing gets done. Well, the reason nothing gets done is that they hold everything up!

There are other anti-OHV members on the TRT, but they do not object to so many trivial points of order. I have heard them voice their opinions in a short and precise manner, and they got their points across to the other TRT members. What Mr. Hensley and Ms. Collins are doing in that TRT is a shame to the process. The Coastal Commission members really need to listen to the tapes and read the transcripts. It is shameful.

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

Gerard Forgnone

SM

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mark Bellar
201 East Alhambra
Fresno, CA 93728
(559) 233-5383

March 28, 2002

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

SUBJECT: Enforce the Coastal Act

Dear Ladies and Gentlemen:

My wife and I are residents of California, and we use the Oceano Dunes State Vehicular Recreation Area. Our family likes to go there because it is the last beach in California to camp on and spend the night on the beach.

We are requesting that your California Coastal Commission will enforce the Coastal Act and protect our right to recreate on the beach. This beach and the recreational area is very important to my family, and we will not stand by and see it closed or reduced in size.

We support our state parks department in their efforts completely and know that they are doing a great job of maintaining the park. The parks department is also fulfilling the required regulations set forth by the State. Please keep in mind that Off Highway Vehicle activity is a Legislated activity and the Oceano Dunes State Vehicular Recreation Area is an approved State Park of OHV, camping, equestrians and other forms of family recreation.

We will be writing letters to all of the Legislators, Governor, and Senators requesting the same of them as we are of you.

Sincerely,

Mark Bellar

Mark Bellar

mb

RECEIVED

APR 02 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Diana Bellar
201 East Alhambra
Fresno, CA 93728
(559) 233-5383

March 28, 2002

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

SUBJECT: Enforce the Coastal Act

Dear Ladies and Gentlemen:

We are requesting that the California Coastal Commission will enforce the Coastal Act and protect our right for our family to recreate on the beach. The Off Highway Vehicle activity is a Legislated activity, and the Oceano Dunes State Vehicular Recreation Area is an approved State Park for OHV, camping, equestrians and other forms of family recreation. This beach and the recreational area are very important to my family, and we will not stand by and see it closed or reduced in size.

My husband and I are residents of Fresno, California, and we use the Oceano Dunes State Vehicular Recreation Area. I would like to tell you that our family enjoys going there because it is the last beach in California to go camping and spend a beautiful night on the beach. This is our families way of having a great time together. We truly enjoy the coast, beach, and the dunes, as well as any of those who live near the coast. We find Oceano Dunes a great way of escaping from the hot weather in Fresno and just spending a wonderful family weekend at the beach.

We support our state park's department in their efforts completely and know that they are doing a great job of maintaining the park. The park's department is also fulfilling the required regulations set forth by the State. Please keep in mind that Off Highway Vehicle activity is a Legislated activity and the Oceano Dunes State Vehicular Recreation Area is an approved State Park of OHV, camping, equestrians and other forms of family recreation.

We will be writing letters to all of the Legislators, Governor, and Senators requesting the same of them as we are of you.

Sincerely,

Diana Bellar

Diana Bellar

db

SM

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APR 02 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ian Bellar
201 E. Alhambra Avenue
Fresno, CA 93728
(559) 233-5383

March 28, 2002

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

SUBJECT: Enforce the Coastal Act

Dear Ladies and Gentlemen:

I am a resident of California, and I use the Oceano Dunes State Vehicular Recreation Area. I go to the Oceano Dunes State Park because it is the last beach park in California that I can camp on and spend the night on the beach.

My request is that your California Coastal Commission enforce the Coastal Act and protect my right to recreate on the beach. This beach and recreational area are very important to me and I refuse to stand by and see it closed or reduced in size.

I support our state park's department completely and I know that they are doing a great job of maintaining the park. The park's department is also fulfilling the required regulations set forth by the State. I will be writing letters to all of the Legislators, Governor, and Senators requesting the same of them as I am of you.

Sincerely,

Ian Bellar

Ian Bellar

db

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APR 02 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Laura N. Bufford
7643 N. Eighth Street
Fresno, CA 93720-2644
(559) 432-1470
E-mail: lnbufford@attitude.com

March 27, 2002

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

SUBJECT: Protect our Right to Recreate on the Beach

Dear Ladies and Gentlemen:

We request that your California Coastal Commission enforce the Coastal Act and protect our right to recreate on the beach. This beach and recreational area are very important to us. We will not stand by and watch it close or be reduced in size. We want to make sure the Coastal Act is protected because we have a right to recreate on the beach.

I am a resident of California, and I use the Oceano Dunes State Vehicular Recreation Area. My husband and family go there because it is the last beach in California where we can camp on and spend the night on the beach. This is our families way of having a great time together. We love the coast, beach, and the dunes, I'm sure, as well as any of those who live there. We find Oceano Dunes a great way of escaping from the hot weather in Fresno and also just spending a beautiful weekend at the beach.

We support our state park's department completely and know that they are doing a great job of maintaining the park. The park's department is also fulfilling the required regulations set forth by the State. We will be writing letters to all of the Legislators, Governor, and Senators requesting the same of them as we are of you.

Sincerely,

Laura N. Bufford

Laura N. Bufford

lb

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APR 0 2 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street Suite 330
Santa Cruz, CA 95060-4508

March 27, 2002

Dear Commission

I am writing in regards to the possible closure of Oceano Dunes (Pismo). This is one of only two places where I am allowed to dirtbike on the beach in California. Thousands of beach acres are open to hiking and other non-motorized use. However, there are only two areas where Off-Highway Vehicle (OHV) use is permitted. The OHV community cannot afford more closures!

While protecting our natural resources and the environment is important, we must remember the importance of keeping OHV riding areas open as well. The OHV community is tired of compromising and losing countless acres in the process of negotiations. Please continue to stand strong and keep the remaining riding area in Oceano Dunes open. The unbalanced environmentalists are presenting misinformation based on feeling, not on science. I urge you not to discriminate against motorized recreation.

Remember, OHV use is a legislated activity and the Oceano Dunes State Vehicular Recreation Area is an approved State Park for OHV use, camping, equestrians, and other forms of family recreation.

Thank you,

Kim Witcher

Kim Witcher
Northern CA Field Representative
CORVA
P.O. Box 344
Occidental, CA 95465

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APR 0 2 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street Suite 330
Santa Cruz, CA 95060-4508

March 27, 2002

Dear Commission

I am writing in regards to the possible closure of Oceano Dunes (Pismo). This is one of only two places where I am allowed to dirtbike on the beach in California. Thousands of beach acres are open to hiking and other non-motorized use. However, there are only two areas where Off-Highway Vehicle (OHV) use is permitted. The OHV community cannot afford more closures!

While protecting our natural resources and the environment is important, we must remember the importance of keeping OHV riding areas open as well. The OHV community is tired of compromising and losing countless acres in the process of negotiations. Please continue to stand strong and keep the remaining riding area in Oceano Dunes open. The unbalanced environmentalists are presenting misinformation based on feeling, not on science. I urge you not to discriminate against motorized recreation.

Remember, OHV use is a legislated activity and the Oceano Dunes State Vehicular Recreation Area is an approved State Park for OHV use, camping, equestrians, and other forms of family recreation.

Thank you,

Ilya Sone
10800 Bodega Hwy
Sebastopol, CA 95472

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MAR 2 9 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Christopher M. Bufford
7643 N. Eighth Street
Fresno, CA 93720-2644
(559) 432-1470
E-mail: cmbufford@attitude.com

March 27, 2002

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

SUBJECT: Enforce the Coastal Act

Dear Ladies and Gentlemen:

I am a resident of California, and I use the Oceano Dunes State Vehicular Recreation Area. My wife and family go there because it is the last beach in California that we can camp on and spend the night on the beach.

We request that your California Coastal Commission enforce the Coastal Act and protect our right to recreate on the beach. **This beach and recreational area is very important to us and we will not stand by and see it closed or reduced in size.**

We support our state parks department completely and know that they are doing a great job of maintaining the park. The parks department is also fulfilling the required regulations set forth by the State. We will be writing letters to all of the Legislators, Governor, and Senators requesting the same of them as we are of you.

Sincerely,

Christopher M. Bufford

Christopher M. Bufford

lb

4/20/02

RECEIVED
APR 22 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear Coastal Commissioner,

I'm writing to you to express my concern for the threatened and endangered species of the Oceano Dunes in San Luis Obispo county. I learned about the plight of the Western Snowy Plover, the California Least Tern and the Steelhead Trout through my recent involvement with the Sierra Club, Santa Lucia chapter. I joined the club when G.W. Bush took office in 2001; I felt compelled to take some action to protect the environment, fearing that the Bush administration would rather do more harm than good. As someone who was lucky enough to be born, raised, and continues to live in San Luis Obispo, I feel especially protective of this particular stretch of California coastline. I hope you will join me in my efforts to preserve it.

The people who bring their off road vehicles to the Oceano Dunes seem to think they are entitled to drive wherever they want on the beach. They don't seem to realize that something much more important than recreation is at stake here. The emergency closure of the beach to vehicles in order to allow these bird and fish populations to rebound need only be a temporary measure. As you and I both know, extinction is permanent.

Coastal Commissioner, you have the power and authority to make a difference in the Oceano Dunes. I urge you to take action on behalf of this state's natural and cultural resources for ALL Californians, not just those with off road vehicles. Thank you.

Sincerely,

Kolette Rush

Kolette Rush
851 Murray Ave
San Luis Obispo, CA
93405

CA
725
Santa Cruz, CA

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APR 2 4 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Coastal Commission
RE: Endangered Species

The mouth of Arroyo Grande Creek is Critical Habitat for a number of Endangered Species. It has become a "road."

At your May meeting in Santa Rosa please vote to enforce the E.S.A.

Enclosed is a petition with 38 signatures indicating the same concerns.

Remove vehicles from this "critical habitat."

Thank you

William Denner
1040 Cielo Ln
Nipomo 93444

APRIL 20, 2002

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APR 2 4 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

PROTECT SNOWIES AT MOUTH OF A.G. CREEK

Bill Denneen	Nipomo	93444
Kristel SCOZZARO	St Georges de Didome	FRANCE
Diane Yost	Ada, Okie	Okahoma
Tina Frank	Santa Maria	93454
Lona Franklin	Santa Maria	93455
Zita Morales	Santa Maria	93458
Paul Moreau	Santa Maria	93458
Gary Probes	Santa Maria	93454
Natasha D. McIlwain	Santa Maria	93454
Susan J. Friesen	Santa Maria	93454
[illegible]	Bakersfield	93301
Debbie Parks	" "	"
Jim Cordero	SM	93454
Valerie Trenev	Orcutt	93455
MR & MRS WARREN WILLIAMS	ORCUTT	93455
Diane Danfield	Los Osos	93402
Thom Danfield	Los Osos	93402
William J. Denn[illegible]	Nipomo	93444
Abby Hogan	SANTA MARIA	93458
Suzanne Hajnik	Orcutt	93455
Nell M. White	SM	93454
Dean [illegible]	Nipomo	
Chailee Nakasawa	Santa Ma	

Three cheers for the snowy plover

BY BILL DENNEEN

Nipomo High School is considering adopting the snowy plover as its mascot—an excellent choice! It shows a concern for our habitat and the future. Of course, the California grizzly could be selected but the last one was killed a century ago near Lopez Lake. The only place you can find the California grizzly now is on the state flag. I hope that is not the fate of our snowy plover.

"Snowies" are in serious decline. Their numbers have dropped 30 percent in the past decade. They are heading toward extinction. They will follow the grizzly unless action/concern is taken now. A whole high schools' concern would help this very endangered bird and would make a great excuse for field trips to the beach.

The Oceano Dunes State Vehicle Recreation Area (SVRA) is attempting to determine if the beach is functioning as a "sink." A sink is an area where a species is attracted but is unable to reproduce sufficiently to maintain their numbers. There were 50 nesting sites along the west coast, there are only eight left—four right here on the Central Coast.

In 1998, 78 snowy plover eggs were produced in the SVRA on the beach with 60 producing chicks. Of these 60 fledglings only 11 survived to fly away. This is a survival rate of only 18 percent—not enough to maintain the species. They are headed to extinction.

The Environmental Defense Center is in the final stages of filing a Notice of Intent to sue the Department of Parks and Recreation for violating the Endangered Species Act which requires protection of Snowies. Hopefully State Parks will remove the vehicles from the mouth of AG Creek. Hopefully the mouths of Santa Ynez River, Santa Maria River, which also attract snowy plovers to have nests and produce young will not too become "sinks."

Right now is the breeding season (March 1 to Sept. 30). Snowies are courting, laying eggs on the sand, incubating eggs and hatching young. An interesting event follows in which the male raises the young while the female goes off to another beach to meet a new male—women typically like this role reversal. It makes for three "clutches" per year—very efficient.

The newly hatched Snowies, called fledglings, are not fed by the father. They feed at the water edge or adjacent mudflats on insects, worms, and crabs. The general consensus among plover biologists is that one fledgling per male at minimum is required to sustain the plover population—more to increase the population.

The mouth of Arroyo Grande Creek has become a "road" with thousands of vehicles passing on a busy weekend. This is the main entrance to the SVRA. The Off Highway Vehicle Division of State Parks receives $50 million a year to promote vehicle use as a type of "recreation"—I call it "wreckreation." In my opinion this is a mistake because fossil fuels are running out, global warming gets worse and the air we breathe gets polluted. Driving OHVs may make the companies that manufacture them rich and make a great GNP which is really "gross." In my opinion driving vehicles should NOT be considered a type of "recreation."

State Parks puts fencing around the snowy nests to protect them while incubating which is very laudable BUT the newly hatched fledglings must feed at the water edge as the parents do not feed them. The fledglings are tiny and blend in with the sand. The attrition/death rate is extremely high.

At the mouth of Santa Maria River is a similar problem. Here a parking lot/rest room facility is planned and right on the site where Snowies nest and fledglings feed. Dogs should not be there, nor horses, nor cars, nor a parking lot.

If you agree, write to the Fish and Wildlife Service (F&WS), attention Carl Benz, P.O. Box 5839, Ventura, CA 93005.

I cerainly hope Nipomo High School adopts this fine bird as its mascot and that their numbers do not continue to decline beyond "the point of no return." I can hear the cheerleaders now: "SNOWIES WANT A TOUCHDOWN! GO PLOVERS GO! CHARGE PLOVERS CHARGE! SNOWIES CAN WIN,WIN,WIN!

Yeepheee! O

Bill Denneen is a resident of Nipomo and a lover of the earth.

Page 54 of 84 Pages
Tribune Opinion
12-30-99

RECEIVED
APR 2 4 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 21, 2002

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

RE: PERMIT NO. 4-82-300, SAVE OCEANO DUNES

Dear Coastal Commission:

Nearly a million off-roaders a year have been using the Oceano Dunes as their personal playground, with unlimited numbers of off-road vehicles running wild across precious habitat, killing endangered birds, and putting human lives at risk.

Tens of thousands of vehicles blanket the beach and dunes on peak weekends. Despite this being one of the most damaging uses of coastal resources in all of California, vehicle limits haven't changed since 1975.

On the brink of extinction, the Western Snowy Plover population plummeted to less than 1,000 individual birds. During the 2001 nesting season, despite existing protections, 66 of 68 plover chicks died in the Oceano Dunes riding area.

Please tell the Parks Department to stop the destruction of the Dunes and the habitat for the Western Snowy Plover and other threatened species.

Please provide for the Snowy Plover to have a place.

Signed: Mr. & Mrs. J. L. Denison

Mr. and Mrs. J.L. Denison
3931 E. 11th St.
Long Beach, CA 90815

Please save the Western Snowy Plover!

RECEIVED

APR 2 4 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear Coastal Commissioner:

Please stop the continued destruction of the Oceano Dunes and the death of the Western Snowy Plover and other threatened species.

Off-road vehicle advocates and manufacturers have been pressuring the Governor and the state legislature to oppose any improvement in the management of rare, threatened, and endangered species at the Oceano Dunes. The Commission for years has offered permits to the park that allow off-road vehicles to use these coastal dunes for their destructive joy rides while claiming to properly manage threatened species.

For years, Oceano Dunes has been "managed" as the personal playground for off-road vehicles. The vehicles run wild across precious habitat, harassing and killing endangered birds, as well as putting human lives at risk. Such aggressive, mechanized human activity is enjoyed to the detriment of rare, threatened, and endangered species. Such so-called management plans have not been effective, and there is a critical need to improve protections of various species through enhanced ecologically sensitive stewardship. However, the Coastal Commission will be under EXTREME pressure by special interest, off-road vehicle enthusiasts and manufacturers at its May hearing to continue to offer permits while failing to protect species.

Please expand the seasonal protections to all of the beach and dunes close to shore during plover and tern nesting season this year as a temporary emergency measure. This will allow the State Parks Department and concerned scientists to figure out how to protect these precious species so perilously close to the brink of extinction.

At the Commission meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please hold firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat areas, and water quality along the central coast. By preserving the Oceano Dunes, you will be representing the greater common good, not just the special interests of off-road vehicle manufacturers and users.

Sincerely,

Mark Stringer, MPH
217 Equestrian Ave. #4
Santa Barbara, CA 93101
(805) 962-2808
email: markus@west.net

FRIENDS OF THE BEACH, A GROUP DEDICATED TO THE REMOVAL OF VEHICLES FROM OCEANO-PISMO BEACH & RETURNING THIS PRECIOUS, UNIQUE RESOURCE BACK TO: KIDS, LOVERS, WALKERS, JOGGERS, EQUESTRIANS, VOLLEYBALL, SUNBATHERS, KITE-FLYERS & SANDCASTLE BUILDERS. THERE ARE PLENTY OF ROADS FOR VEHICLES • WRITE: CALIF. COASTAL COMMISSION, 45 FREMONT ST. #2000, SAN FRAN., 94105 (INFO: LARRY 481-9792)

Re: Snowy Plovers

Please protect this endangered species that nest at the mouth of Arroyo Grande Creek - this is Critical Habitat

Bill Denneen

Mr. William L. Denneen
1040 Cielo Ln.
Nipomo, CA 93444

CITIZENS FOR A VEHICLE FREE
NIPOMO DUNES
P.O. BOX #73 NIPOMO, CA 93444
E-MAIL: bdenneen@slonet.org

Modern Postcard 800/959-8365

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APR 2 2 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NORMAN RUSSELL DESIGN
1806 CLIFF DRIVE, SUITE I, SANTA BARBARA, CA 93109 (805) 965-3362

RECEIVED
APR 22 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear Coastal Commissioner:

Please stop the continued destruction of the Oceano Dunes and the death of the Western Snowy Plover and other threatened or 'at risk' species.

For years, Oceano Dunes has been managed as the personal playground for off-road vehicles. The vehicles run wild across precious habitat, harassing and killing endangered birds, as well as putting human lives at risk. However, our State can no longer afford this luxury, enjoyed to the detriment of rare, threatened, and endangered species.

For example, despite Parks' promises to the Commission last year that "no take" would occur, only 2 of 68 chicks survived to fly away. You must prevent the loss of another nesting season as Parks and the Technical Review Team inflict death by committee. Please expand the seasonal protections to all of the beach and fore dunes during plover and tern nesting season this year as a temporary emergency measure. This will allow Parks and the scientists to figure out how to protect these precious species so perilously close to the brink of extinction.

At the Commission meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please hold firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat areas, and water quality along the central coast, by preserving the Oceano Dunes for everyone—not just special interest off-road vehicle use.

Sincerely,

Norman Russell & Janet Benner

Norman Russell & Janet Benner
1276 Mountain View Road
Santa Barbara, CA 93109

cc: Governor Gray Davis
Senator John Burton
Herb Wesson, Jr.

RECEIVED

APR 22 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Coastal Commissioner:

As you consider renewal of the State Parks Dept. Coastal Development Permit for the Oceano Dunes State Rec Vehicular Area please look at their record for management of sensetive Species!!

The dunes are one of the most beautiful and fragil habitats in the world. This park has sensitive habitats and sensitive species and therefore needs a management program to ensure their protection. If they cannot pr[illegible] ~~protect~~ the promised protection they need to have their permit suspended until they do. The protection of sensitive Species is <u>much</u> more important than the protection of a small percentage of humans who get a thrill out of tearing up the dunes.

Please exercise your authority to protect the area for everyone to enjoy not just the off-road special interest groups.

Sincerely, V Semonsen

Vince Semonsen
1810 Sunset Ave.
Santa Barbara, CA 93101

Santa Barbara Audubon Society, Inc.
A Chapter of the National Audubon Society

5679 Hollister Avenue, Suite 5B, Goleta, CA 93117 (805) 964-1468

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APR 22 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 20, 2002

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

Dear Coastal Commissioners:

Please stop the continued destruction of the Oceano Dunes and the deaths of the Western Snowy Plovers and other threatened or 'at risk' species.

For years, Oceano Dunes has been managed as the personal playground for off-road vehicles. The vehicles run wild across precious habitat, harassing and killing endangered birds, as well as putting human lives at risk. However, our State can no longer afford this luxury, enjoyed to the detriment of rare, threatened, and endangered species.

For example, despite the Park Service's promises to the Commission last year that "no take" of plovers would occur, only 2 of 68 chicks survived to fly away. You must prevent the loss of another nesting season. **Please expand the seasonal protections to all of the beach and fore-dunes during plover and tern nesting season this year as a temporary emergency measure.** This will allow Parks and scientists time to figure out how to protect these precious species so perilously close to the brink of extinction.

At the Commission meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please hold firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat areas, and water quality along the central coast, by preserving the Oceano Dunes for everyone—**not just special interest off-road vehicle use.**

Sincerely,

Julie Kummel
Santa Barbara Audubon, Conservation Committee

Cc: Governor Gray Davis, Senator John Burton, Speaker of the Assembly Herb Wesson, Jr.

RECEIVED

APR 2 2 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

18 April 2002

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

Dear California Coastal Commission:

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Sincerely,

Stephen J. Ferry
5557 Camino Galeana
Santa Barbara, CA 93111

4/20/02

RECEIVED
APR 2 2 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear Coastal Commissioner,

I'm writing to you to express my concern for the threatened and endangered species of the Oceano Dunes in San Luis Obispo county. I learned about the plight of the Western Snowy Plover, the California Least Tern and the Steelhead Trout through my recent involvement with the Sierra Club, Santa Lucia chapter. I joined the club when G.W. Bush took office in 2001; I felt compelled to take some action to protect the environment, fearing that the Bush administration would rather do more harm than good. As someone who was lucky enough to be born, raised, and continues to live in San Luis Obispo, I feel especially protective of this particular stretch of California coastline. I hope you will join me in my efforts to preserve it.

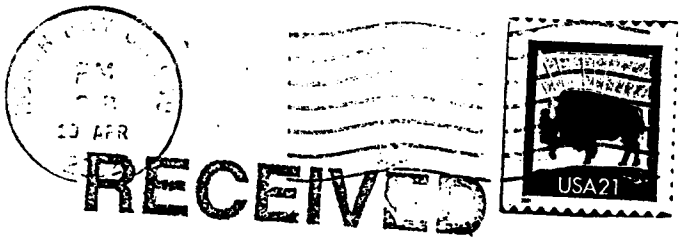
The people who bring their off road vehicles to the Oceano Dunes seem to think they are entitled to drive wherever they want on the beach. They don't seem to realize that something much more important than recreation is at stake here. The emergency closure of the beach to vehicles in order to allow these bird and fish populations to rebound need only be a temporary measure. As you and I both know, extinction is permanent.

Coastal Commissioner, you have the power and authority to make a difference in the Oceano Dunes. I urge you to take action on behalf of this state's natural and cultural resources for ALL Californians, not just those with off road vehicles. Thank you.

Sincerely,

Kolette Rush

Nalmat Village, Nepal
© Tom Camara Photography, 1999
~~tcamara@earthlink.net~~
~~415-389-0887~~



RECEIVED
APR 22 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Hello:

Just a quick note
Regarding Nipomo
Dunes - keep
ORV's out of it!
They do too much
damage.
Thanks,
Tom Camara

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

4-16-02 SM

DEAR COASTAL COMMISION;
PLEASE HELP US STOP
THE DESTRUCTION OF THE BEACH
AND THE DUNES
YOU PEOPLE ARE NOT
DOING YOUR JOB GOOD
ENOUGHT:

Enrique Ruiz

P.S. THIS BEACH + DUNES
BELONG FOR THE FUTURE
GENERATION TO ENJOY.
PLEASE DON'T LET THE
OFF-ROADERS DESTRUCT IT

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APR 19 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED
APR 1 9 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Coastal Commission:

I am writing regarding off-road-vehicle abuse of the Nipomo Dunes. The beach should not be considered a "road" and vehicle "recreation" on it should not be promoted.

The difference to be observed in the protected areas versus the areas overrun by the ORV "enthusiasts" is startling and should be enough to make anyone with common sense realize that this kind of activity should not be allowed on the dunes.

The area protected from ORVs is rich in plant life, birds, mammals, and reptiles. On the other side of the fence, where ORV's are allowed, the dunes have been reduced to lifeless, shifting sand.

ORVs should not be allowed on the dunes for the following reasons:

1) they are noisy and destroy the visitors experience of the beach
2) they make a significant contribution to air pollution
3) they destroy the aesthetic of the dunes

4) they are dangerous and result in injury and death
5) They destroy the biological diversity and ecological integrity of the dunes.

The argument I hear most often from the ORV enthusiasts involves protection of "freedom" to engage in this activity. However, it should be noted that there is no constitutional guarantee of "freedom to drive wherever you want." The crotch-rocket jockeys are engaged in irresponsible behavior. There "freedom" should be denied.

Thank-you.

Carl Pecevich
758 Dearborn Ave
Newbury Park, CA 91320

SM

4/9/02

COASTAL COMMISSION

AS A RETIREE, I TRAVEL A LOT & AM DISMAYED AT THE DESTRUCTION AT OCEANO DUNES.

DURING MY 'WORKING LIFE', I SPENT 10 YEARS IN CENTRAL OREGON; THE OREGON DUNES WERE CLOSE. (A FUNERAL PARK)

A SMALL AREA IS SET ASIDE FOR DUNE BUGGIES, WHILE THEY ARE OFF LIMITS IN THE REMAINDER, BECAUSE OF ITS' FRAGILE NATURE.

IN THIS DAY & AGE, WE SHOULD BE STEWARDS OF OUR LAND

John Cascone

John E. Cascone
206 Sequoia Cir.
Healdsburg, CA 95448

RECEIVED
APR 16 2002
CALIFORNIA
COASTAL COMMISSION

RECEIVED
APR 17 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RECEIVED
APR 17 2002
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA

PETITION

WE URGE THAT THE COASTAL AREA FROM POINT SAL TO PISMO BEACH BE CONSIDERED FOR A NATIONAL SEASHORE SIMILAR TO POINT REYES NATIONAL SEASHORE.

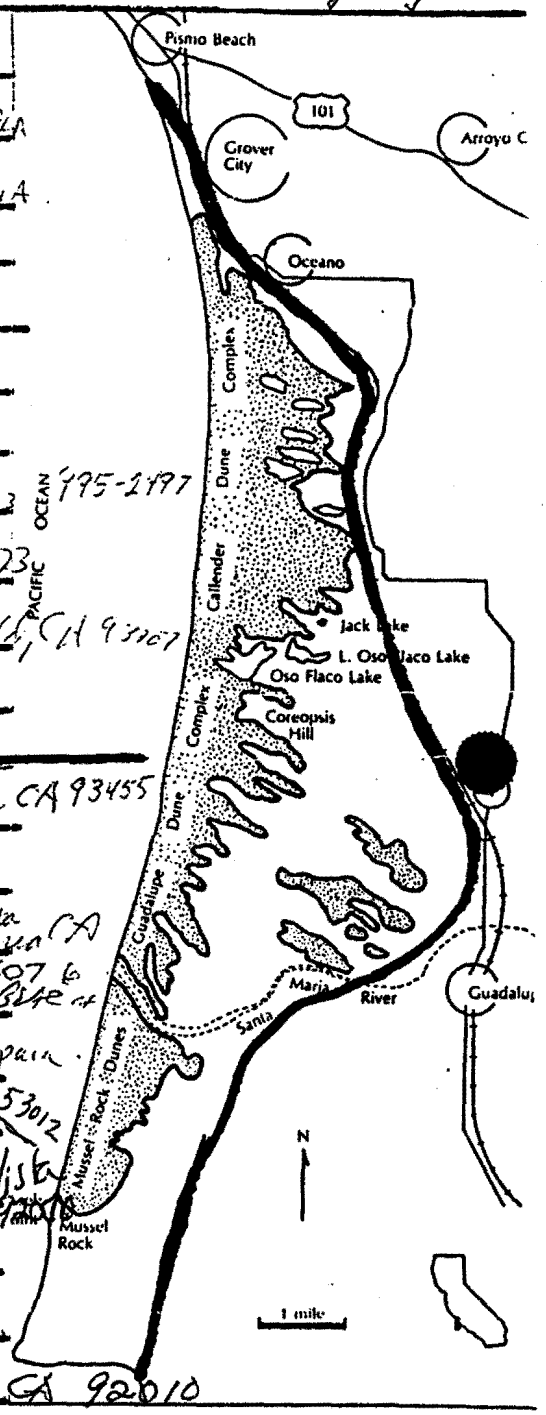
PRINT NAME	SIGNATURE	ADDRESS (STREET)	CITY	PHONE
NATALIE ZIEGLER	Natalie Ziegler	1180 Bayview Heights Drive	Los Osos 93402	528-1693
MARGARET ELLIOTT	Margaret Elliott	P.O. Box 14335 2416 AUGUSTA #20	93406 SAN LUIS OBISPO	549-9210
Judy Neuhauser	Judy Neuhauser	314 Higuera St	San Luis Obispo	544-6723
Nick Temple	Nick Temple	65 Verde Drive	San Luis Obispo	543-8323
Amy Shore ~~Amy Shore~~ oops!	Amy Shore	1420 Palm St.	SLO	544-0675
D DENFELDT	Dennis Hadenfeldt	1229 POMEROY RD	ARROYO GRANDE	481-4330
Z Bennett	Bruce L Bennett	1650 Palm St	SLO	
H ENNETT	Helen M. Bennett	"	"	
J Boyd	Paul J. Boyd	11359-C Los Osos Vly. Rd.	San Luis Obispo	544-2098
A Ann Ley	Tom McAnn Ley	771 Sandydale	Nipomo	929 4637
C OSNOWSKI	[illegible]	278 Albert	SLO	549-8791
Jan Johnson	Jan M. Johnson	1746 CHURRO	SLO	5412412

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 68 of 84 Pages

WE URGE THAT THE COASTAL AREA FROM POINT SAL TO PISMO BEACH BE DESIGNATED A NATIONAL SEASHORE SIMILAR TO POINT REYES NATIONAL SEASHORE.

Oso Flaco – thanksgiving 86

NAME	ADDRESS
Bill Denneen	1040 Cielo Ln, Nipomo 93444
[illegible]	49 Collin Rd Sylvania 2175 New South Wales Australia
[illegible] YOUNG	2/11 Kookaba St. Manly Vale NSW Australia
Michael H.	
[illegible]	951 Eucalyptus, Nipomo
Everett Chandler	2045 Skylark Ln. SLO
Arlene Chandler	2045 Skylark Ln, S.L.O
DIANA B. LOCKING	P.O. BOX 359 – ATASCADERO CA. 93423
[illegible]	P.O. BOX 266 ATASCADERO 93423
Kevin & [illegible]	[illegible] 6340 Jonah Bakersfield, CA 93307
Elaine Simon	SLO
Mussel Rock Picnic	12/21/86
Jorge Zeggers	264 Crescent Cir. Santa Monica CA 93455
LARRY BEIL	529 ARROYO SECO SANTA CRUZ
Donna Elias	212 A East Alvin Ave Santa Maria CA
Earl Alix	22 CRESTAS WAY LA SELVA BEACH CA 95076
Hideyuki Ominami	335 Kuriyado Nakaharaku, Japan
Floyd Olsonay	1952 Hwy. 143 Cedarburg, Wi. 53012
William Otto	570 Twin Oaks Ave Chula Vista
B A Ackerman	2004 E 125 Cleveland OH 44106-2302
[illegible]	
Janet Klugopolsky	3260 Warren Rd. Apt. 6 Cleveland, OH 44111
Phil Otto	570 Twin Oaks Chula Vista CA 92010
Ellen Stern	246 Argonne Ave, Long Beach, CA 90803
John Stern	246 Argonne Ave. Long Beach CA 90803
[illegible]	491 1/2 Pennell Morro Bay, CA 93442
Stephen Dinneen	230 GARDEN AG. CA, 93401
Morry Stallard	239 Piney Way M-B 93442
[illegible]	2719 El Cerrito Sc



ipomo Dunes stretch from Pismo Beach on the north t
nburg AFB on the south — 18,000 acres! They can b
ca's next National Seashore with the support of concerne

RECEIVED
APR 15 2002
CALIFORNIA COASTAL COMMISSION

Re: Oceano Dunes State Vehicular Recreation Area, San Luis Obispo County, California.

Apr. 5, 2002

APR 16 2002
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Dear Governor Davis,

Why is the State allowing the continued distruction of the Oceano Dunes and its precious habitat by motorized vehicles?

It is inconceivable that for years the Oceano Dunes State Vehicular Recreation area has been allowed to operate without any meaningful protection for threatened or endangered wild life, plants and yes passive recreationalists. Holidays turn into dangerous drunken misadventures that have resulted in death for off roaders, both adults and children, beach walkers as well as birds, plants and animals.

When you take a rational look at this situation it becomes clear why State Parks Off Highway Division (OHVD) does not want to control off roading at the "Dunes". It is the gas tax money from off road vehicles that is keeping the OHVD in operation. So why would OHVD want to curtail off roading on the beach and in the dunes?

We who appreciate what the Dunes represent: a fragile eco system, is being sold out by "State Parks". They are supposed to be there to protect not encourage its distruction.

Please get "State Parks" and OHVD back on mission which should be to protect not abet the distruction of the Oceano Dunes.

Sincerely,
George L. Taylor
Gwynn M. Taylor
423 Mitchell Dr., P.O. Box 6383,
Los Osos, Ca. 93412

copy: State Senator John Burton
copy: Speaker of the Assembly, Herb Wesson, Jr.

April 14, 2002

RECEIVED
APR 17 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Coastal Commission -

I am writing to ask you to support the withdrawal of "off-road vehicles" from the Nipomo Dunes area, especially the mouth of the Arroyo Grande Creek.

This is an ~~area~~ ecologically sensitive area and should not be ruined by ORV's.

I have been to the The Nature Conservancy Nipomo Dunes area since I am ardent supporter of the Nature Conservancy. The support areas that have endangered and sensitive species and that are limited in area - Nipomo Dunes is such an area.

It ~~[illegible]~~ just isn't the place for ORV's. It is a special place for sensit[illegible] it ~~it~~ is easily damaged a[illegible] repair.

Please discontinue the ORV use of this special place.

Shirley E. Hodtke

Howard G. Wilshire
3727 Burnside Road, Sebastopol, CA 95472

8m

RECEIVED
APR 1 2 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 7, 2002

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

Dear Coastal Commissioner:

I am writing to urge you to close the Oceano Dunes to off-road vehicles. As a professional geologist, I have monitored the damages done on the dunes for 20 years, and have long been of the opinion that this destructive land use is incompatible with maintaining a healthy and vigorous environment. I have published papers in scientific journals on the damages done to the dunes by vehicles, and given many talks to both scientific and lay audiences—the response is uniform: WHY IS THIS PERMITTED?

At your May meeting in Santa Rosa, when renewal of the State Parks Department Coastal Development Permit for the Oceano Dunes SVRA is considered, I urge you to exercise your full authority to protect the dunes for the enjoyment of many more passive users than represented by recreational vehicle operators, and for the welfare of the threatened animals that depend on the dune habitat.

Thank you for your consideration,

Howard Wilshire

Dr. Howard Wilshire
3727 Burnside Rd.
Sebastopol, CA 95472

phone/FAX: (707) 829-9591

Linda Nicholes
6261 East Fox Glen Drive
Anaheim, Ca 92807

RECEIVED
APR 1 2 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 9, 2002

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

Re: Oceano Dunes

Dear Coastal Commission:

I am writing to request that you put an end to the slow destruction of the Oceano Dunes with the resultant extinction of the Western Snowy Plover along with other threatened plants and animals. Careless off-roaders treat this beautiful vista and ecosystem as though it were nothing more significant than a large sandbox existing solely for their destructive recreation. This selfish disregard not only endangers irreplaceable habitat and endangered birds, it also puts human lives in peril.

Things continue to deteriorate at an accelerating pace each year at the Oceano Dunes State Recreational Vehicle area. Apparently only about 2 of 68 Snowy Plovers survive long enough to actually fly away. I have seen this devastation with my own eyes, and it is truly heartbreaking and so very unnecessary. This sort of unconscious, inconsiderate, noisy, destructive "recreation" appeals to the lowest common denominator of our human nature. And if this is "human nature", then I am slightly EMBARRASSED to be human.

Please close the beach and foredunes to vehicles and camping during plover nesting season this year as an emergency measure so that Parks can explore ways to protect this beautiful area with its endangered species.

I implore you to honor the spirit and meaning of the Coastal Act, resist vested interest motivation and use the power of your authority to protect this very precious habitat by preserving the Oceano Dunes for all of us to enjoy in a quiet, peaceful, respectful manner which ensures that we preserve this special place for future generations.

Hopefully yours,

L. Nicholes

Linda Nicholes

SM

942 Coral Drive
Pebble Beach, CA 93953

RECEIVED
APR 1 1 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

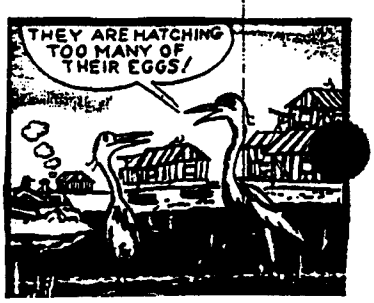
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Coastal Commissioner:

Please stop the continued destruction of the Oceano Dunes and the death of the Western Snowy Plover and other threatened or â€˜at riskâ€™ species. For years, off-roaders have been using the Oceano Dunes as their personal playground, running wild across precious habitat, and killing endangered birds, as well as putting human lives at risk.

Despite Parksâ€™ promises last year, things have gotten far worse at the Oceano Dunes State Recreational Vehicle Area (ODSVRA), with only 2 of 68 chicks surviving to fly away. You must prevent another year of Parks and the TRT inflicting death by committee. Close the beach and foredunes to vehicles and camping during plover nesting season this year as a temporary emergency measure while Parks and the scientists figure out how to protect these birds on the brink of extinction.
At your May meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please hold firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat, and water quality of San Luis Obispo, by preserving the Oceano Dunes for everyoneâ€"not just off-road vehicle fanatics.
Sincerely,

H. Mitteldorf
942 Coral Dr.
Pebble Beach, CA 93953
www.marinemammalcenter.org



RECEIVED

APR 1 0 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 8, 2002

Coastal Commissioner
725 Front Street #300
Santa Cruz, CA 95060

Re: **Nipomo Dunes/Arroyo Grande Creek**

Dear Commissioner:

I am writing to urge your strong support for keeping vehicles away from the Nipomo Dunes and the critical habitat for snowy plovers at the mouth of Arroyo Grande Creek. The beach is NOT a road and vehicle use on it should NOT BE PROMOTED.

Sincerely,

John Copoulos

John Copoulos
245 Page Street
San Francisco, CA 94102

San Diego BayKeeper

Environmental Law and Policy Clinic

2924 Emerson Street, Suite 220
San Diego, California 92106
Ph: 619.758.7744
Fx: 619-758-7740
mag0121@aol.com

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APR 0 9 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 9, 2002

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

RE: Destruction of Oceano Dunes

Dear Coastal Commissioner:

On behalf of our almost 4,000 members, San Diego BayKeeper urges you to help stop the destruction of the Oceano Dunes in San Luis Obispo. San Diego BayKeeper, a member of the National Water Keeper Alliance, is a nonprofit environmental organization dedicated to the principal that protecting California's precious coastal waters is the job of every citizen.

Nearly a million off-roaders a year have been using the Oceano Dunes as their personal playground, with unlimited numbers of off-road vehicles running wild across precious habitat, killing endangered birds, and putting human lives at risk. Despite this being one of the most damaging uses of coastal resources in all of California, vehicle limits haven't changed since 1975. It is time to put a stop to the dramatic adverse impact these vehicles have on the environment. The Oceano Dunes, beach and wetland environments coexist as a delicate and valuable ecosystem—habitat to rare and endangered plants, fish and animals. On the brink of extinction, the Western Snowy Plover population plummeted to less than 1,000 individual birds. The California Department of Parks managed to allow 66 of 68 plover chicks to die in the Oceano Dunes riding area during the 2001 nesting season, making the Oceano Dunes State Vehicular Recreation Area (ODSVRA) the worst example of endangered species protection ever attempted.

At your May meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please hold firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat, and water quality of San Luis Obispo, by preserving the Oceano Dunes for everyone—not just off-road vehicle fanatics.

Very Truly Yours,

Bruce Reznik
Executive Director

[redacted]

[redacted]

[redacted]

[redacted]

Subject: URGENT ALERT - SAVE THE OCEANO DUNES FROM OFF-ROAD DESTRUCTION!

RECEIVED
APR 08 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
TEL (831) 427-4863
FAX (831) 427-4877

April / / /2002

Dear Coastal Commissioner:

Please stop the continued destruction of the Oceano Dunes and the death of the Western Snowy Plover and other threatened or "at risk" species. For years, off-roaders have been using the Oceano Dunes as their personal playground, running wild across precious habitat, and killing endangered birds, as well as putting human lives at risk.

Despite Parks' promises last year, things have gotten far worse at the Oceano Dunes State Recreational Vehicle Area (ODSVRA), with only 2 of 68 chicks surviving to fly away. You must prevent another year of Parks and the TRT inflicting death by committee. Close the beach and foredunes to vehicles and camping during plover nesting season this year as a temporary emergency measure while Parks and the scientists figure out how to protect the beautiful birds which are on the brink of extinction.

At your May meeting in Santa Rosa, when you consider the renewal of the State Parks Department Coastal Development Permit for the ODSVRA, please be firm to the spirit and letter of the Coastal Act and exercise your full authority to protect the Western Snowy Plover and other threatened species, environmentally sensitive habitat, and water quality of San Luis Obispo, by preserving the Oceano Dunes for everyone-not just off-road vehicle drivers.

Sincerely,

RC Nelson
(signature)

ROB C. NELSON
(name)

1416 ORANGE AVE
(address) HUNTINGTON BEACH CA 92648

714-536-3419
(tel/email) OINK99@SURFSIDE.NET

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 78 of 84 Pages

SM

April 2, 2002

Coastal Commission
725 Front Street #300
Santa Cruz, Ca. 95060
Dear Sirs:

Please do all you can to preserve the wonderful dunes of The Oso Flaco Creek region! The beach along the Pacific, which is nearby, should not be treated as a road, and vehicles should not be allowed!

The snowy plover habitat at the mouth of Arroyo Grande Creek should be protected! Wildlife need the dunes along the coast to survive! ORVs threaten the existence of all the life (crickets, lizards, and snakes) on the dunes! The beach should be protected from vehicles! Thank you for helping!

Sincerely,
Ruth Niswander
629 Barbera
Davis, Ca. 95616

RECEIVED
APR 05 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

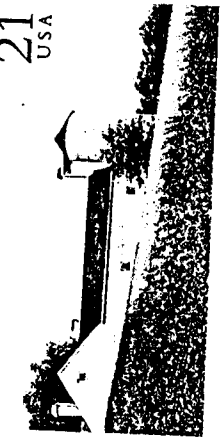
4/3/02

Dear People,

I think allowing ORV's on the Nipomo Dunes is very inappropriate and very destructive to plant and animal life as well as being wasteful of oil and is also polluting. Gas usage should be curbed. Beaches should be quiet except for the sound of the ocean and birds.

Yours truly

Todd C. Smith
1740 Madera St
Berkeley, Ca 94707



21 USA

RECEIVED
APR 05 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Coastal Commission
725 Front Street #300
Santa Cruz, Ca
95060

AMERICAN LUNG ASSOCIATION.
Todd C Smith
1740 Madera St
Berkeley, CA 94707-2537

Protect

ZERO: The O.H.M.V. Division of D.P.R. is 80% funded by the gas tax ($35 million/yr.). Your tax dollars promoting more vehicle use. Vehicle use must be discouraged not encouraged because:

1. Vehicles on our coast kill or disturb wildlife and plants.
2. The coast used by vehicles has been designated a National Natural Landmark and is being considered for a National Shore.
3. Vehicles have completed obliterated the foredunes as well as their rare pioneer plant cover.
4. Vehicle use should not be encouraged as a type of "recreation", especially when it uses our tax money.
5. Vehicle emissions are a leading cause of global warming.
6. Vehicle produce half our air pollution.
7. LA is unfit to live in due to the supersaturation of vehicles.
8. Vehicles permit urban sprawl which gobbles up open space.

On the Coastal Commission tour, Jack Raudy, a public relations consultant for the OHMV "Recreation" paid with your tax dollars, gave a one-sided view of vehicle "recreation". He pointed out how inner city kids are taught to drive off-road vehicles on the beach and dunes, thus continuing our vehicle addiction. Our young people need to be taught how to enjoy the natural world without the vehicles that have come to dominate our lives.

Members of the California Coastal Commission

In 1972, Californians passed the California Coastal Act. This law was set up to protect the coast's wonderful resources and to maximize our access to it — for swimming, hiking, fishing, picnicking, and enjoying its beauty.

Never before has the coast been so important, and never has the threat of loss been so high. Development pressures mean that, beach by beach, the California dream is disappearing. We ask that you:

Stand up and say, "No!" to those who would spoil our fragile coast.

Preserve and protect sensitive coastal wildlands. Keep California's coastal areas the wild and wonderful places they are.

Prevent pollution of the coast from oil derricks, industry, sewage, and overdevelopment. Last year we had record high beach closures from pollution — that's wrong!

Preserve and enhance public beach access — for our families and our future.

Sincerely,

NAME

ADDRESS

CITY/ST

TEACH TOLERANCE

Mr. William L. Deneen
1040 Cielo Ln.
Nipomo, CA 93444

California Coastal
Commission
45 Fremont St., #2000
San Francisco, CA 94105

RECEIVED
APR 04 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 81 of 84 Pages

Steve Monowitz

From: isaac walker [eyezic@yahoo.com]
Sent: Wednesday, April 03, 2002 11:32 AM
To: pdouglas@coastal.ca.gov; smonowitz@coastal.ca.gov
Subject: help save the beach

TO CALIFORNIA COASTAL COMMISSION (CCC) -Sara Wan & Peter Douglas

I began to have hope in the Coastal Commission, in May 2001, when it agreed to the Technical Review Team (TRT) concept. You even chose to supplement it by your own concept, a Scientific Subcommittee who would only deal with science, not bias or emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via a Peter Douglas review/veto. The intent was to avoid any perception of bias in the process.

Recently the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority appears to have joined forces behind the scenes to dispute the scientific experts with, once again, rhetoric and no science.

Please close this issue in May by accepting the TRT /Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report.

Thank you for your help in saving my beaches -

Isaac Walker
P.O. Box 3077
Oakhurst, ca, 93644

Do You Yahoo!?
Yahoo! Tax Center - online filing with TurboTax
http://taxes.yahoo.com/

REPRESENTATIVE E-MAIL RECEIVED FROM 9 SEPARATE INDIVIDUALS.

Steve Monowitz

From: Burns, Jolene [JBurns@gsvwine.com]
Sent: Thursday, April 04, 2002 11:20 AM
To: 'governor@governor.ca.gov'; 'senator.costa@sen.ca.gov'; 'senator.monteith@sen.ca.gov'; 'sentaor.poochigan@sen.ca.gov'; 'assemblymember.ashburn@assembly.ca.gov'; 'assemblymember.briggs@assembly.ca.gov'; 'assemblymember.cogdill@assembly.ca.gov'; 'assemblymember.florez@assembly.ca.gov'; 'assemblymember.reyes@assembly.ca.gov'; 'assemblymember.maldonado@assembly.ca.gov'; 'pdouglas@coastal.ca.gov'; 'smonowitz@coastal.ca.gov'; 'mary@resources.ca.gov'; 'rcole@parks.ca.gov'
Subject: Oceano Dunes-- Please don't shut down!!!

To Governor and Legislators
Thank you for your support of the need for Off Highway Vehicle Recreation. We know it is difficult for you to be supportive of this form of recreation with the amount of pressure you receive from the environmental community. Since 1976 the State's population has increased by 55%, off highway vehicle registration increased by 80%, but 6.5 million acres have been removed from access. The economic impact of this form of recreation is over $3B. The need for such outdoor recreation will not reduce in the foreseeable future. Without well run Off Highway Vehicle parks, people will feel they have no choice but to head off into protected areas. Trying to police the entire open space of the state would have an insurmountable cost, not including the never-ending environmentalist litigation, which would no doubt result. There is another aspect to consider.... the need for young people, and people of all ages, to have areas where they can burn their adrenaline, energy, hormones, and enjoy the outdoors. Well-managed areas focus the riders in controlled areas while protecting the species and eco systems throughout the State. A balanced win-win!
A case in point is the Oceano Dunes Vehicle Recreation Area (ODSVRA) on the Central Coast, visited by over 1 million citizens each year, 51% from the Central Valley. Of 1100 miles of California coastline, this park is only 5 miles. It sits in the 15,900-acre Nipomo Dunes Complex. The park being 3500 acres with only 1500 acres for OHV riding and beach camping. Thus, 14,400 acres is available to protect species! The California Coastal Commission is attempting to slowly strangle the mere 1500 acres for vehicles, and eliminate vehicles entirely.
We need your prompt action to openly support actions to protect it in its current condition, and to make known to the California Coastal Commission that the legislation, which created the park, continues to have your support.
TO CALIFORNIA COASTAL COMMISSION (CCC) -Sara Wan & Peter Douglas
I began to have hope in the Coastal Commission, in May 2001, when it agreed to the Technical Review Team (TRT) concept. You even chose to supplement it by your own concept, a Scientific Subcommittee who would only deal with science, not bias or emotion. They would advise the TRT. The CCC further insisted on approving each subcommittee nominee via a Peter Douglas review/veto. The intent was to avoid any perception of bias in the process. Recently the Scientific Subcommittee reached consensus and provided its recommendations to the TRT. Instead of accepting the consensus outcome, a small minority appears to have joined forces behind the scenes to dispute the scientific experts with, once again, rhetoric and no science.
Please close this issue in May by accepting the TRT /Scientific Subcommittee recommendations. The TRT and subcommittee have satisfied the charge you gave them. It is time to honor the work of the experts, who have fulfilled the charge of the CCC, and accept their report.

Sincerely,
Jolene Burns
Visalia, CA 93292

Exhibit 8: Correspondence
4-82-300-A5 renewal
Page 83 of 84 Pages

REPRESENTATIVE POSTCARD
RECEIVED FROM 348 SEPARATE
INDIVIDUALS

FRIENDS OF
OCEANO DUNES
www.oceanodunes.org

Access For All

Name Robert Boronda

Address 11470 M Stage Rd

City/State/Zip Salinas, Ca. 93908

SAN JOSE, CA 95 PR

14,400 Acr
Habitat Pro
is Enou

I visit Oceano Dunes approximately 3 times a year.

I spend approximately $ 40 during each visit

I have been visiting Oceano Dunes for 23 years.

When I visit Oceano Dunes I (check one)
- X Camp on the beach
- ___ Camp at a local campground
- ___ Stay at a local hotel/motel

I visit Oceano Dunes with (check as many as apply)
- X My family
- X My friends
- ___ My Club/Association

I Want (check as many as apply)
- X To keep 1,500 acres for vehicle access
- X No more fences, restrictions, or compromise
- X To see a balanced apporach to habitat protection
- X The Coastal Act enforced to protect my rights!

California Coastal Commission
Attn Steve Monowitz
725 Front Street Suite 300
Santa Cruz CA 95060-4508

RECEIVED
APR 22 2002
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

M 9b

ADOPTED

Permit Approved.....6/17/82
Staff ..... R. Brooke
Previous Coastal Commission Action & Dates
Amendment Approved.....2/14/01
Revised Findings
Staff Report 4/24/01
Hearing Date.....5/07/01

STAFF REPORT
PERMIT AMENDMENT

Application Number..... 4-82-300-A5

Applicant..... **California Department of Parks and Recreation (DPR)**

Project Location ..... Oceano Dunes State Vehicular Recreation Area (ODSVRA*), approximately 1 mile south of the City of Pismo Beach, San Luis Obispo County.

Project Description..... Request to amend conditions concerning appropriate limits on day use at Oceano Dunes State Vehicular Recreation Area, to establish day & overnight use limits and a Technical Review Team.

Original Project Description . Construct 35,000 linear feet of fencing to keep off-highway recreational vehicles out of sensitive vegetated dunes and wetland environments; place kiosks for access control at Grand Avenue and Pier Avenue (4-82-300).

Substantive File Documents .. Administrative records for 4-82-300, 4-82-300-A, 4-82-300-A2, 4-82-300-A3, and 4-82-300-A4; San Luis Obispo County certified Local Coastal Program; and attached Exhibit 9 (list of references).

Commissioners on the Prevailing Side..... Dettloff, Allgood, Hart, Kruer, McClain-Hill, McCoy, Nava, Potter, Reilly, Woolley, Wan

Staff Note: The Coastal Commission approved this proposed amendment after public hearing on February 14, 2001 by a vote of 11-1. In the course of that approval, the Commission modified several conditions (located on pages 6-8 of this staff report), and Exhibit 12 has been included to identify the general location of the expanded seasonal exclosure area, as approved by the Commission. The final Commission vote was predicated on the understanding that the amendment

* Oceano Dunes SVRA was known as Pismo Dunes SVRA until the mid-1990s; for clarity, references herein are to Oceano Dunes SVRA (ODSVRA), except where Pismo Dunes SVRA is found in direct quotations from previous documents.

would be brought back before the Commission for the adoption of revised findings that reflected the changes made by the Commission as well as the staff report addendum. All changes made at the February 14, 2001 hearing, and relevant findings, are shown in this report with ~~strikeout~~ for text deletions and underline for replacement text.

EXECUTIVE SUMMARY

Staff recommends that the Commission **approve** the coastal development permit amendment, as a means of fulfilling Conditions 3B, 3D, and 6 of CDP 4-82-300. The proposed amendment would institute interim vehicle use limits at the ODSVRA and establish an interagency Technical Review Team to act as an advisory body to the Superintendent of the ODSVRA.

Oceano Dunes is a complex ecological system that also supports a variety of recreational activities pursuant to DPR's legislative mandate. Critical to the establishment of interim vehicle use limits is a means to evaluate visitor impacts and management effectiveness. The TRT would be part of an adaptive management process that oversees on-going monitoring of both environmental and use trends in the Park for the purpose of supporting decision-making about such things as total day and overnight use in the park. Such a process would allow for adjustments, based on what we learn over time, in not only allowable use limits, but other critical management concerns of the park as well. Rather than rely on a fixed number for day and overnight use, this approach provides a procedural framework for responding to changing environmental conditions and increases the likelihood for overall success of management activities.

DPR proposes an interim limit on vehicle day-use of 4,300 per day, including OHVs, and an interim limit of 1,000 overnight camping units. This proposal reflects the current vehicle use limits of the ODSVRA, and given the improvements in enhancement and management of environmentally sensitive habitats, DPR believes it can manage this intensity of use without significant degradation of coastal resources. DPR also proposes that an allowance be made for day-use vehicle limits to exceed 4,300 only during the four major holiday periods of Memorial Day, July 4th, Labor Day, and Thanksgiving, on an interim basis, in order to allow historic use patterns during busy holiday periods.

Although a change in the day use and camping vehicle limits may be subject to update and refinement in the future, based on ongoing monitoring efforts and as we learn more about use trends and potential resource impacts, interim limits need to be established at this time. In an effort to establish day-use vehicle and camping limits which more closely reflect those recognized at the time of coastal development 4-82-300 approval and which serve to protect the biological resources of the ODSVRA, separate limits should be placed on street-legal vehicles, OHVs, and camping units. Thus, the Commission finds that interim limits of 2,580 street-legal vehicles per day, 1,000 camping units (defined as one street-legal vehicle that enters the Park under its own power) per night, and a total of 1,720 off-highway vehicles at any given time are appropriate. In addition, allowances may be made for interim street-legal and off-highway vehicle limits to be exceeded only during the four major holiday periods of Memorial Day, July 4th, Labor Day, and Thanksgiving, in order to conduct a

comprehensive monitoring and comparative analysis of historical levels of visitor uses and impacts during these highest attendance periods.

As proposed by DPR, the TRT will prepare annual reports that highlight the TRT's major accomplishments, projects, correspondence, and recommendations as well as a summary of subcommittees, working groups, and task force activities. In addition, this coastal development permit is conditioned to be reviewed annually from the date of approval of the revised conditions and findings , in order to evaluate the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If, after any annual review, the TRT's tasks and recommendations are found to be inconsistent with the intent of the Commission's approval, an alternative approach to resource management, or set of management measures, may need to be instituted.

The adaptive management approach, made possible by the TRT, provides a more responsive management process for effectively balancing EHSA protection with the existing recreational use. The likelihood of minimizing significant disruption of sensitive habitat is enhanced through the provision of such a management process. In addition, this approach is consistent with the Commission's oversight of on-going management of coastal resources at Oceano, which have always been premised on revisiting periodically the question of intensity of use in relation to protection of ESHA. Finally, as conditioned to reevaluate the TRT effectiveness in managing impacts, efforts to protect ESHA will be maximized within the broader context of balancing DPR's recreational mandate with Coastal Act Policies. Thus, DPR's proposed coastal development permit amendment, as conditioned, is consistent with Coastal Act Sections 30230, 30231, 30232, and 30240.

Should the Commission adopt these revised conditions and findings on May 7, 2001, the following timeline will guide future activities relative to this amendment.

No later than:	August 7, 2001	→	TRT is established
	November 7, 2001	→	TRT meets

Potential workshop with the Commission in November

January 1, 2002	→	First annual report due
May 7, 2002	→	1) Final TRT Charter due 2) CCC permit review
January 1, 2003	→	Second annual report due

TABLE OF CONTENTS

Executive Summary 2
I. Staff Recommendation 5
II. Standard Conditions of Approval 5
III. Special Conditions Of Approval 6
IV. Findings and Declarations 9
A. Project Description and Background 9
1. Project Location 9
2. Amendment Submittal 10
3. Background 11
B. Amendment Analysis 16
1. Prior Coastal Commission Actions Concerning the ODSVRA 16
2. Policy Framework 16
3. Biological Resources in the ODSVRA 21
4. Vehicle Access/Recreation Trends 28
5. Resource Impacts of OHV Activity 34
6. Alternatives for Habitat Conservation & Management 44
7. Consistency Analysis 54
8. Conclusion 58
V. California Environmental Quality Act (CEQA) 61

Exhibits
1. Vicinity Map
2. Site Map
3. Aerial Site Map
4. Alternative Entrances
5. Western Snowy Plover Nesting Locations
6. SLO County Board of Supervisor's Resolution
7. Aerial Comparison of Vegetated Dunes at ODSVRA
8. Summary of Breeding Data at ODSVRA
9. References
10. DPR's Response to Staff's Letter
11. Correspondence
12. Expanded Seasonal Exclosure Area

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or

3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment constitutes a material change.

I. STAFF RECOMMENDATION

Staff recommends that, after public hearing, the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No 4-82-300 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to maintain a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS OF APPROVAL

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the

Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS OF APPROVAL

1. **Scope of Permit.** This permit amendment replaces Special Conditions 3B, 3D, and 6 of CDP 4-82-300. This permit amendment also authorizes the institution of interim vehicle (street-legal, off-highway vehicle, and camping) limits at the ODSVRA, and the establishment of an ODSVRA Technical Review Team, for an initial one-year period from the date of approval of the revised conditions and findings.

2. **Renewal of Permit.** Annually, the Commission shall review the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If the Commission is satisfied with the review, this amendment will remain in effect for an additional year. A longer permit term may be requested in the future. Otherwise, an alternative approach to resource management, or set of management measures, may be instituted through this review process.

3. **Interim Vehicle Limits.**

   a. **Interim Day-Use Vehicle Limits.** Except as qualified by 3d, interim limits on motor vehicle use on the beaches and dunes of Oceano Dunes SVRA shall be no more than 2,580 street-legal vehicles per day. This limit does not include off-highway vehicles, or street-legal vehicles attributable to allowed overnight camper use within the ODSVRA.

   b. **Interim Camping Limits.** Except as qualified by 3d, interim limits on overnight motor vehicle use on the beaches and dunes of Oceano Dunes SVRA shall be no more than 1,000 camping units (i.e. 1,000 street-legal vehicles) per night. This limit does not include off-highway vehicles or street-legal vehicles attributable to allowed day-use within the ODSVRA.

   c. **Interim Off-Highway Vehicle Limits.** Except as qualified by 3d, interim limits on off-highway vehicle use on the beaches and dunes of Oceano Dunes SVRA shall be no more than 1,720 off-highway vehicles at any given time. This limit does not include the street-legal vehicles used to tow or trailer the OHVs into the ODSVRA.

   d. **Holiday Periods.** Interim street-legal and off-highway vehicle limits may be exceeded only during the four major holiday periods of Memorial Day (Saturday through Monday), July 4th (one day and any adjacent weekend days), Labor Day (Saturday through Monday), and Thanksgiving (Thursday through Sunday).

4. **Technical Review Team.** The Technical Review Team (TRT), advisory to the Superintendent of the Oceano Dunes State Vehicular Recreation Area, shall be established within three months, and shall meet within six months, from approval of the revised conditions and findings of this coastal development permit amendment (4-82-300-A5). A Charter for the TRT, establishing members*, roles and procedures for the Team, shall be submitted to the Executive Director for review within one year of approval of the revised conditions and findings of this coastal development permit amendment.

   a. The Charter shall establish a specific structure and process in order for the TRT to do at least the following:

      i. Assist in building community support through problem solving, consensus building, new constituency development, and increasing understanding about the ODSVRA; and

      ii. Develop recommendations to the Superintendent of the ODSVRA regarding additional monitoring studies, adjustments to day and overnight use limits, and management strategies.

   b. The Charter shall also include at least the following:

      i. A provision to create a scientific subcommittee to identify, develop and evaluate the scientific information needed by decision-makers to ensure that the ODSVRA's natural resources are adequately managed and protected. The subcommittee shall be composed of resource experts representing the five government agencies (CCC, SLO County, USFWS, DFG, DPR) and at least two independent scientists with expertise in Western snowy plover, California least tern, steelhead trout or other species of concern, as well as ecological processes to analyze technical data and provide scientific recommendations to the TRT: and

      ii. A provision to submit a list of proposed members of the scientific subcommittee to the Executive Director for review and approval.

   c. The Charter shall establish a specific structure and process in order for the scientific subcommittee to do at least the following:

      i. Recommend to the TRT the scientific studies and investigations that may be necessary to develop information needed by resource managers;

      ii. Advise the TRT regarding the protection of the SVRA's natural resources by helping identify and review needed research measures and restoration efforts to rebuild or protect the ODSVRA natural resources;

      iii. Evaluate monitoring results and reevaluate monitoring protocols contained in Oceano Dunes SVRA annual reports for the Habitat Monitoring System, reports on the breeding, nesting and fledgling success of the western snowy plover and California least tern populations in the SVRA, and other reports related to the environmental impacts of recreational activities;

iv. Provide comments on the adequacy of various scientific research studies and make management recommendations to the TRT: and

v. Submit the full recommendations of the scientific subcommittee to the Commission and make them available to the public, as part of the annual review process required in Special Condition 2.

* Members of the TRT shall include, but are not limited to, those listed in the Department of Park & Recreation's amendment submittal (noted on page 10-11 of this staff report) and a representative of the residential community adjacent to the ODSVRA.

5. **Annual Reports.** The TRT and the ODSVRA Superintendent shall prepare annual reports (for the period of October to September) summarizing annual recreational use and habitat trends at the Park; and highlighting the TRT's major accomplishments (including progress made towards meeting the objectives of the TRT), projects, correspondence, and recommendations as well as a summary of subcommittees, working groups, and task force activities. The first annual report shall include (1) a draft or final Charter for the TRT, and (2) a description of the process by which the TRT will rank research and management questions and priorities. The second annual report shall include (1) the final Charter for the TRT (if not submitted with the first annual report), (2) the TRT's ranking of research and management questions and priorities, and (3) a scope of work for those projects identified as the highest priority. Subsequent reports will include a status report on the progress of those projects as well as updates to research and management priorities and the corresponding scopes of work for addressing those new priorities. One component of the Commission's annual review will be to evaluate the progress of the TRT's work as measured against the submitted work plans.

In identifying and selecting the priority research and management questions and projects, the TRT shall consider information developed by the USFWS and shall include the following:

a. Appropriate management techniques for the western snowy plover, California least tern, and steelhead trout including an evaluation of:

i. How the geographic location of nests, proximity of nests to foraging areas, and nest closure techniques affect the hatching and fledgling success of the species,

ii. What studies may be necessary to determine appropriate management techniques, or what known management techniques could be put in place, for protecting each species of concern, and

iii. The potential environmental, recreational and economic costs and benefits of alternative beach/dune habitat protection strategies.

b. Appropriate management techniques for protecting water quality and dune habitats from potential pollutants that might result from motor vehicle fluids or other contaminants that might enter the ODSVRA and ocean through polluted runoff or direct discharges; and

c. The success of past revegetation efforts within the ODSVRA and the potential need for continuing or expanding those efforts, including expansion of vegetation exclosures.
d. Conduct a comprehensive, long-term monitoring and comparative analysis of the resources impacts associated with varying levels of use, including the highest (peak-use) attendance periods.

If alternative research and management questions and projects are identified as a higher priority than those listed in a through d above, the annual reports shall discuss the basis for such a determination. Annual reports shall be submitted to San Luis Obispo County and the California Coastal Commission for informational purposes no later than January 1st of the following year. The first annual report (or portion thereof) shall be completed and submitted to the Commission no later than January 1, 2002.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

1. Project Location

Oceano Dunes State Vehicular Recreation Area (ODSVRA), formerly Pismo Dunes SVRA (PDSVRA) is located on the central California coast along the southern coastal region of San Luis Obispo County. Primary access to this area is via Highway 101 and California State Highway 1. The ODSVRA is bordered on the north by the non-vehicular section of Pismo State Beach, on the west by the Pacific Ocean, on the south by Oso Flaco Lake and along its eastern and southeastern boundaries by the City of Grover Beach and Oceano.

ODSVRA encompasses 3,590 acres and includes approximately six miles of sandy beach; about 1,500 acres are available for OHV use. It varies in width from a few hundred yards along its northerly two miles to up to three miles wide along its southerly portion (see Exhibit 2). ODSVRA itself is divided into different regions based upon allowable activities and include areas set aside strictly for resource protection, street legal vehicle use, and a combination of street legal/off-highway vehicle use (see Exhibit 3). The separation and delineation of these specific areas was developed through the past cooperative efforts of the Coastal Commission and County of San Luis Obispo Board of Supervisors, the California Department of Fish & Game (DFG) and the California Department of Parks & Recreation (DPR).

Land use patterns of the lands adjoining the study area are characterized (from north to south) as ranging from urban commercial and industrial, and eventually shifting to rural agricultural and industrial. Specifically, along ODSVRA's narrow northern end, urban retail establishments, commercial campgrounds and urban residential land uses characterize the eastern border. Progressing south, land use is characterized by a small rural airport, a State Park dune preserve, agricultural fields, an oil refinery and its associated oil fields, and open ranch lands.

2. Amendment Submittal

In order to address ongoing concerns regarding the intensity of use at Oceano Dunes State Vehicular Recreation Area, the California Department of Parks and Recreation proposes to amend Coastal Development Permit 4-82-300 as a means of fulfilling the original requirements of this permit (specifically, Special Conditions 3D and 6). This amendment proposes to do the following:

1. Establish an interim limit on vehicle day-use of 4,300 per day, including OHVs, and an interim limit of 1,000 overnight camping units. The SVRA's General Plan of 1975 identified the carrying capacity of the Park to be 4,300 day-use vehicles, and given the improvements in enhancement and management of environmentally sensitive habitats, DPR believes it can manage this intensity of use without significant degradation of coastal resources.

   In order to allow historic use patterns during busy holiday periods on an interim basis, and in consistency with the County of San Luis Obispo Board of Supervisors Resolution No. 98-355, day use vehicle limits may be exceeded only during the four major holiday periods of Memorial Day, July 4th, Labor Day, and Thanksgiving during an initial three year period to allow for comprehensive monitoring and comparative analysis of historical levels of visitor uses and impacts during these highest attendance periods.

2. Establish an interagency/stakeholder Technical Review Team (TRT) for the ODSVRA, which would be responsible for providing on-going management recommendations to the ODSVRA Superintendent.

   a. The TRT would be expected to do the following:

      1) Assist the ODSVRA Superintendent in the protection of the SVRA natural resources by helping identify and review needed research and recommend management measures and restoration efforts to rebuild or protect the ODSVRA resources;
      2) Assist in building community support through problem solving, consensus building, new constituency development, and increasing understanding about the ODVSRA;
      3) Evaluate monitoring results and reevaluate monitoring protocols contained in Oceano Dunes SVRA annual reports for the Habitat Monitoring System, reports on the breeding, nesting and fledgling success of the western snowy plover and California least tern populations in the SVRA, and reports on the social impacts of recreational impacts and habitat condition within Oceano Dunes SVRA;
      4) Develop recommendations to the Superintendent of the ODSVRA regarding additional monitoring focuses, adjustments to day and overnight use limits, and management strategies; and
      5) Provide oversight review for various research studies.

   b. The TRT shall be composed of no less than nine and no more than thirteen voting members employed by Federal, State, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested

in the protection and multiple use management of the ODSVRA resources. The TRT shall initially be composed of nine members as specified. Additions up to a maximum of thirteen will be considered with concurrence of both the TRT and the Oceano Dunes SVRA Superintendent should circumstances indicate that such additions are necessary to reflect a balance of interests or to reflect changing dynamics of stakeholders and/or issues. As such, a representative from each one of the following government agencies and interest groups will be voting members and the Superintendent of the ODSVRA will be a non-voting member.

1) California Coastal Commission
2) San Luis Obispo County
3) United States Fish & Wildlife Service
4) California Department of Fish & Game
5) California DPR, Off-Highway Motor Vehicle Division Commission
6) OHV community
7) Environmental community
8) Local government (e.g. from the Five Cities Area)
9) Business community

A balance of interests (e.g. recreational, environmental, scientific) and representation (e.g. government agencies, general public, organizations) among the members of the TRT shall be maintained

c. The TRT meetings will be open to the public and publicized at least one week prior to the meeting. The frequency and procedural aspects of TRT meetings will be established by the stakeholders themselves; however, they will meet no less than two times a year.

d. The TRT will prepare annual reports, which will be submitted to the County of San Luis Obispo and the Coastal Commission, that highlight the TRT's major accomplishments, projects, correspondence, and recommendations as well as a summary of any subcommittees, working groups, and task force activities.

e. The Department of Parks & Recreation will provide administrative support (meeting rooms, supplies, etc.) for the TRT.

f. Agenda items may come from a number of sources including, but not limited to, the Superintendent, TRT members, and TRT working groups, subcommittees, and task forces. Members of the public or constituency groups are encouraged to contact a member of the TRT to recommend an agenda item.

3. Background

Vehicles have been driven on the beach at Oceano for at least 70 years. Prior to the 1980s, vehicles were operated on the entire 16 miles of beach from Pismo Beach to the north to Mussel Rock in Santa Barbara County to the south. Now, street-legal vehicles are allowed on approximately five miles of the beach from Grand Avenue to the southern boundary of the ODSVRA and OHVs are restricted to about three miles of the beach, from a point one mile south of Pier Avenue (Milepost 2)

to just south of Milepost 8, and on the dunes inland about two miles. The most southern and eastern portions of the ODSVRA are closed to vehicle use.

Original acquisition of land for Pismo State Beach began in 1934, when140 acres was acquired. In 1951, the beach area immediately north and south of Pismo Beach Pier was acquired, which now comprises the non-vehicular day-use area (72 acres) of Pismo State Beach. From 1958 to 1964, acquisition of the small parcels contained within the Halcyon and La Grande subdivisions continued, which is the present-day Pismo Dunes Natural Preserve. In 1974, the 847-acre PG&E parcel was acquired for off-highway vehicle use, and the Oceano Dunes State Vehicular Recreation Area was established.

Even though land for off-highway vehicle (OHV) use was acquired in 1974 and the Pismo State Beach and Pismo Dunes General Development Plan and Resource Management Plan was approved by South Central Coast Regional Commission in 1975, the Department of Parks and Recreation did not begin active management of Oceano Dunes State Vehicular Recreation Area until 1982. That year, DPR proposed the construction of entrance kiosks and placement of fencing along portions of the perimeter of ODSVRA and around isolated "vegetation islands" and wetlands in the dunes.

On June 17, 1982, prior to certification of San Luis Obispo County's Local Coastal Program, the South Central Regional Coastal Commission approved coastal development permit 4-82-300 to allow DPR to construct protective fencing around sensitive habitats and place two kiosks for access control. This permit, including four subsequent amendments, addressed the number of users to be allowed in ODSVRA (Special Conditions 3B, 3D, and 6). In August 1982, the Coastal Commission approved CDP 4-82-300-A, allowing modifications to the conditions of approval (moving the location of the interim staging area site approximately ¾ mile north of its original location, and setting forth more specific fencing requirements of the foredune and Sand Highway areas). In June 1983, the Coastal Commission approved CDP 4-82-300-A2, modifying condition #3B to allow an increase in the number of overnight camping spaces within the ODSVRA from 500 to 1000. In August 1984, the Coastal Commission approved CDP 4-82-300-A3, modifying condition #3E(a) to permit the alteration of protective fence barrier alignments within the ODSVRA. In October 1991, the Coastal Commission approved CDP 4-82-300-A4, modifying condition 1C to eliminate equestrian access over the Oso Flaco causeway, or in the vicinity of the Oso Flaco Lakes. This amendment also allowed the construction of a gate across Oso Flaco Lake Road at the east entrance to the parking lot.

Consequently, the coastal development permit was conditioned to, among other things, require that "OHV day use will be limited to a specified number of users established in consultation with and agreement by the County of San Luis Obispo and the Executive Director of the Coastal Commission and the Department of State Parks." In 1993 and 1994 the Commission reviewed compliance with this condition and found that there was insufficient information to be able to make a determination of what, if any, limits should be placed on the number of OHV day users. To provide the necessary information, the Commission required that the Department of Parks and Recreation prepare, in consultation with San Luis Obispo County and Commission staff, a carrying capacity study for

submission to and approval by the Commission. The carrying capacity study for Oceano Dunes State Vehicular Recreation Area was completed in June 1998.

Condition Compliance History
Three conditions are relevant to the action of determining condition compliance. Special Condition 3B, as amended, which applies to camping, states:

> *Beginning 4th of July weekend 1983, Beach camping within the Parks units shall be restricted to a maximum of 500 units* with each unit available only through a reservation obtained through the State Parks Reservation system. Thereafter, admittance to the Park for purposes of overnight camping will be denied to individuals without a valid reservation unless vacant unreserved camping spaces are available.*
>
> **One unit equals a campsite for a single camper vehicle.*

Special Condition number 3D, as amended, which applies to OHV day use, states in part:

> *On or before January 1983, the following will occur: OHV day use will be limited to a specified number of users established in consultation with and agreement by the County of San Luis Obispo and the Executive Director of the Coastal Commission and the Department of State Parks. OHV day use fees may be collected.*

Special Condition 6 of the amended permit, which applies to both camping and OHV use, states in applicable part:

> *If, after an annual (or any other) review it is found that the ORV use within the SVRA is not occurring in a manner that protects environmentally sensitive habitats and community values consistent with the conditions of this permit and the County's Local Coastal Plan, then OHV access and the number of camp units allowed may be further limited by the Executive Director with concurrence by resolution of the Board of Supervisors of San Luis Obispo County. If the above reviews find that OHV use in the SVRA is consistent with the protection of environmentally sensitive habitats and community values, and/or that additional staff and management revenues become available to the DPR, levels of OHV access and the allowable number of camp units may be increased not to exceed the enforcement and management capabilities of the DPR by determination of the Executive Director with concurrence by resolution of the Board of Supervisors of San Luis Obispo County.*

In 1991, DPR requested that the Executive Director increase the number of allowed camping units from 500 to 1,000. On June 14, 1991, the Executive Director approved the increase, subject to concurrence by the San Luis Obispo County Board of Supervisors. On October 1, 1991, the Board of Supervisors concurred with the Executive Director's action and the increase became effective. On

May 18, 1993, the Board of Supervisors, by letter to the Executive Director, requested a decrease in the number of camper units to 500 with a camper unit defined as "a maximum of 2 self-propelled vehicles along with whatever additional vehicles they have towed to the site." This limit would allow 1,000 overnight self-propelled vehicles in the park (500 campsites x 2 self-propelled vehicles per site). The total number of vehicles this limit could allow is unknown because it is not known how many additional vehicles would be towed into the site. DPR indicated that limits on individual overnight vehicles can be enforced more effectively than trying to identify a "camping unit," since there are no established campsites and it is relatively easy to count vehicles.

The action by San Luis Obispo County requesting a decrease in the number of camper units after several public hearings, along with the controversial nature of this matter, resulted in Coastal Commission review of Coastal Development Permit 4-82-300 for condition compliance.

On March 16, 1994, the Commission held a public hearing on the matter of condition compliance for Coastal Development Permit 4-82-300. Special Condition number 3D does not state on what basis a specified number of OHV day users will be established, only that the County, the Executive Director, and the Department of Parks and Recreation (DPR) are to consult and agree to a specified number. DPR's Off-Road Vehicle Division had agreed at that point to perform a capacity study. The Commission formalized this agreement by voting to:

1) Require the California Department of Parks and Recreation to perform and submit a carrying capacity study so that appropriate limits can be determined for day use and overnight use, as required by Coastal Development Permit No. 4-82-300 conditions #3 and #6 ... [The] scope of study ... will cover counting of all day time uses and users ... and type and number of vehicles. In addition, there will include a survey of infrastructure constraints ... and environmental and user conflicts/constraints.

2) Approve the 1,000 vehicle limit for overnight camping purposes at Pismo Dunes State Vehicle Recreation Area, consistent with the County's recommendation. This limit will be in effect until the completion of the carrying capacity study.

The Findings adopted in support of this action clarify that this study "...will be used as a guideline to determine the appropriate limits on day use, OHV use, and camper units at a Commission Meeting subsequent to submittal of the final report...". As in the original permit, the Commission's primary concern was with the impacts of OHVs to environmentally sensitive habitat, the infrastructure capacity of the ODSVRA, and user group conflicts (e.g. safety).

In April 1996, the San Luis Obispo County Board of Supervisors held a hearing on the carrying capacity study. The Board directed County staff to request comments from other County agencies and interest groups, which recommended changes to the draft study. In October 1996, the Board of Supervisors recommended, 1) that the Coastal Commission accept the conclusions of the carrying capacity study, including changes recommended by interest groups, other County agencies, and the Board of Supervisors; 2) that the carrying capacity be established at 4,300 vehicles per day, including OHVs, and 1,000 camping vehicles; 3) that DPR monitor level of use and reevaluate the limit every three years; and 4) that the Coastal Commission have an independent consultant prepare a new study

under contract directly to the Commission. In June 1998, the Carrying Capacity Study final draft was completed.

Carrying Capacity Study
Since 1994 DPR, has prepared and submitted (in 1998) a Final Draft *Oceano Dunes State Vehicular Recreation Area Off-Highway Vehicle Day-Use Carrying Capacity Study* (Carrying Capacity Study). As described by DPR, a primary purpose of the Carrying Capacity Study was to establish a rational basis for restricting OHV day use "to a specified number of users," as required by Special Condition 3D of Coastal Development Permit 4-82-300. Pursuant to the Commission's 1994 action, OHV day use currently is not limited except in the vegetated dune areas, where no OHV use is allowed.

The Carrying Capacity Study proposes 4,300 vehicles as the OHV day use "carrying capacity" of the ODSVRA. Although the submitted study does not include a particular definition of carrying capacity, the 4,300 figure was first derived through a carrying capacity analysis done for the 1975 General Plan. The figure was based primarily on recreational capacity analyses from other State Park units, with particular focus on the appropriate threshold number of vehicles that would maintain a beneficial visitor experience. It was not based on a comprehensive ecological analysis of the Oceano Dunes environment in relation to the appropriate number of OHVs. However, DPR concluded that the 4,300 figure would not have any adverse effects, based on the results of data collection and data interpretation concerning visitor types, interaction and compatibility of uses, visitor safety, sensitive natural resources, air quality, and sanitation and traffic impacts on the local community.

In particular, the Carrying Capacity Study present data that shows a general improvement in the vegetated areas originally protected in 1982. However, no specific data is presented that correlates actual OHV use levels with environmental impacts. While the submitted study is a significant analysis of current environmental trends at ODSVRA, it reveals the difficulty in setting a proper fixed number limiting day use, in light of the dynamic nature of environmental management questions at the park. In particular, subsequent meetings among DPR representatives and Commission staff have raised questions as to whether a "carrying capacity" approach that focuses solely on a specified number of users can adequately address the dynamics of the different ecosystems, or the wide array of recreational management issues, that are present at ODSVRA, especially in light of an identified need for on-going studies that will address such questions as whether adverse impacts are occurring in areas that might otherwise normally be vegetated dune, or that might serve as western snowy plover or California least tern nesting areas. For example, the Carrying Capacity Study does not adequately address management issues or alternative management measures that would direct not just how much use should occur but when and how such use should be managed to protect the sensitive habitats beyond the vegetation exclosures. Adaptive management through something like a Technical Review Team may more appropriately respond to continually improving management policies and accommodates the complexity of the resource being managed. For these reasons, DPR is proposing to amend Coastal Development Permit 4-82-300.

B. Amendment Analysis

1. Prior Coastal Commission Actions Concerning the ODSVRA

The Commission's prior actions relative to the SVRA include an initial conceptual approval of OHV use on the beach and dunes. Although vehicle use at the ODSVRA predates the Coastal Act, the Commission approved the Pismo State Beach and Pismo Dunes General Development Plan and Resource Management Plan on February 27, 1975, which provided for the future development and public recreational use of the ODSVRA. In 1982, DPR proposed new development to facilitate active management of vehicle use at the Park. The Commission approved permit 4-82-300 (since amended four times) for the construction of fencing to keep OHVs out of the known locations of environmentally sensitive habitats and entrance kiosks. As previously discussed, this action included conditions to further specify and adjust appropriate vehicle use limits at the Park in order to protect sensitive habitat. In particular, in 1994 the Commission required DPR to conduct a carrying capacity study to help in determine an appropriate limit on OHV use. Special Condition number 6 of the 1982 permit clearly indicates that overall vehicle use could be reduced if review of use showed it did not protect environmentally sensitive habitats or community values.

2. Policy Framework

The applicable standards of review for the proposed coastal development permit amendment are Coastal Act Sections 30230-30232, and 30240. In addition, the San Luis Obispo County Local Coastal Program may be used as guidance in reviewing this amendment proposal for consistency with the original Commission action on 4-82-300 and the Coastal Act.

Coastal Act

<u>Section 30230</u>

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

<u>Section 30231</u>

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232
Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30240
(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Local Coastal Program
Although not a standard of review for this permit amendment, policies of the San Luis Obispo County LCP provide a useful context for evaluating the consistency of the proposed amendment with the original Commission action on 4-82-300.

Policy 1 for Environmentally Sensitive Habitats: Land uses Within or Adjacent to Environmentally Sensitive Habitats. *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resource shall be allowed within the area.*

Policy 18 for Environmentally Sensitive Habitats: Coastal Stream and Riparian Vegetation. *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

Policy 27 for Environmentally Sensitive Habitats: Protection of Terrestrial Habitats. *Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.*

Policy 34 for Environmentally Sensitive Habitats: Protection of Dune Vegetation. *Disturbance or destruction of any dune vegetation shall be limited to those projects which are dependent upon such resources where no feasible alternatives exist and then shall be limited to the smallest area possible. Development activities and uses within dune vegetation shall protect the dune*

resources and shall be limited to resource dependent, scientific, educational and passive recreational uses.

Policy 35 for Environmentally Sensitive Habitats: 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.*

Planning Area (South County) Standards for Pismo State Beach and State Vehicular Recreation Area.

4. *General Development Plan Revisions.*
   ...Should the terms and conditions of the coastal development permit [4-82-300] *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.*

7. *Alternative Camping Areas.*
   Beach camping...shall be permitted where it can be established that: a) administration of the entire park unit can be maintained within acceptable carrying enforcement/capacity.... Consistent with the provisions of Coastal Development Permit No. 4-82-300A, this limit can be adjusted either upward or downward based on monitoring of the impacts of this use.

   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.

8. *Habitat Protection. Natural buffer areas for sensitive habitat areas shall be identified and fenced, consistent with the provisions of Coastal Development Permit No. 4-82-300A and the stabilized dune areas.*

OHV Enabling Legislation

The founding of the Off-Highway Motor Vehicle Recreation Division (OHMVRD) of DPR was in response to demand from OHV enthusiasts for increased opportunities, their willingness to support a state-sponsored OHV recreation program, and environmental concerns related to this recreational activity. The statute authorizing OHV Recreation Areas (PRC 5090 et seq.) was added to the Public Resources Code in 1982. Amendments in 1987 included additional provisions for environmental protection, allowed for the temporary or permanent closure of areas that could not be adequately protected from erosion, and placed priority for implementation of the OHV program on a par with other Department of Parks and Recreation programs. The OHV program receives funding from a

portion of the gas tax paid by OHV users, OHV registration fees, fines and forfeitures collected from OHV owners, and fees and other proceeds collected at OHV parks.

The enabling legislation provides for balancing of recreational and environmental factors, specifically allocates funding to both recreational and conservation projects, and requires DPR to operate ODSVRA in a manner consistent with adopted erosion control standards and wildlife habitat protection. The statute also sets up the organizational framework for the administration of the OHV program. The program is administered through an appointed Commission, the Off-Highway Motor Vehicle Recreation Commission, which is a division of DPR. The seven members of the Commission are appointed for four year terms by the Governor (3 appointments), Senate Rules Committee (2 members), and the Speaker of the Assembly (2 members). Originally requiring appointees to have experience and background in OHV activities, the statute now requires that potential members be selected so that the interests of a variety of groups are represented, including biological scientists, rural land owners, soils scientists, and environmental protection groups. The statute also includes additional responsibilities to consider measures to rehabilitate degraded OHV areas, monitor impacts, and ensure compliance with the California Environmental Quality Act.

USFWS/U.S. Army Corps of Engineers Involvement

In 1995, DPR applied for a Regional General Permit from the U.S. Army Corps of Engineers (Corps) to maintain two sand ramps, which provide recreational access throughout the year for users of both street-legal and off-highway vehicles. Maintenance of the sand ramps involves relocation of wind-blown sand from the top, or street end, of the ramp to the bottom, or beach end, of the ramp. A permit from U.S. Army Corps of Engineers was required because Section 7 of the Endangered Species Act of 1973 requires any federal agency issuing a permit for activities that could potentially harm threatened and/or endangered species to engage in a formal consultation with the USFWS.

In 1996, the USFWS provided a Biological and Conference Opinion, which evaluated the effects of the proposed beach access ramp maintenance on western snowy plovers (and their proposed critical habitat) and California least terns, to the U.S. Army Corps of Engineers and the ODSVRA. According to this Biological Opinion, the proposed action was "not likely to jeopardize the continued existence of the California least tern or the western snowy plover, or result in the adverse modification of proposed critical habitat for the western snowy plover."

In May 1998, USFWS issued the ODSVRA an Endangered/Threatened Species ("Take") Permit (PRT-815214) for the western snowy plover and California least tern. Pursuant to this permit, authorized ODSVRA staff are permitted to take the western snowy plover (locate and monitor nests; float eggs; capture, band, and release; and harass by erection of fencing exclosures) and take the California least tern (locate and monitor nests; harass by erection of fencing exclosures) in conjunction with population monitoring and erecting exclosures. Zero plovers and zero terns are allowed to be incidentally injured or killed while conducting these activities. This take permit is valid until May 2001.

On December 7, 1999, the USFWS released the designation of critical habitat for the Pacific coast population of the western snowy plover. The areas designated as critical habitat, which includes the Nipomo/Oceano Dunes system are occupied by snowy plovers at some time during the year and are considered essential to the species' conservation. This designation includes a description and evaluation of those activities (public or private) that may be affected by such designation. Activities that could adversely effect critical habitat of the coastal population of the western snowy plover fall into seven general categories and include, but are not limited to:

1) Projects or management activities that cause, induce, or increase human-associated disturbance on beaches, including operation of off-road vehicles (ORVs) on the beach and beach cleaning. These activities may reduce the functional stability of nesting, foraging, and roosting areas. Activities within posted, fenced, or otherwise protected nesting areas that may adversely modify critical habitat areas include camping, ORV use (day or night), walking, jogging, clam digging, livestock grazing, sunbathing, picnicking, horseback riding, hang gliding, kite flying, and beach cleaning. The extent to which such activities may need to be restricted will vary on a site-by-site basis based on factors such as configuration of nesting habitat, intensity of recreational activity, compliance with nesting area closures and recreational restrictions, and the types of recreational activities normally occurring on the beach. On a case-by-case basis, restrictions could be removed after the plovers have finished breeding. Activities that may adversely modify critical habitat areas that support wintering birds include beach cleaning that removes surfcast kelp and driftwood, and ORVs driven at night.

2) Actions that would promote unnatural rates or sources of predation. For example, producing human-generated litter that attracts predators or designing exclosures that promote perching by avian predators may adversely modify critical habitat by reducing its functional suitability to support nesting snowy plovers.

3) Actions that would promote the invasion of nonnative vegetation.

4) Activities associated with maintenance and operation of salt ponds. Activities that may adversely modify or destroy critical habitat when conducted during the snowy plover nesting season include flooding inactive salt ponds; raising the water level in active salt ponds; grading, resurfacing, riprapping (rocks placed on the land to prevent erosion), or placing dredged spoils on levees; and driving maintenance vehicles on levees. However, levee maintenance activities also may benefit snowy plovers by providing vegetation-free habitat for nesting.

5) Dredge spoil disposal activities that may adversely modify critical habitat when conducted during the nesting season include deposition of spoil material, laying of pipes to transport the material, and use of machinery to spread the material.

6) Shoreline erosion control projects and activities that may alter the topography of the beach, sand transport, and dune processes. Activities that may adversely modify or destroy nesting, foraging, and roosting habitat include, but are not limited to, beach nourishment (sand deposition, spreading of sand with machinery); construction of breakwaters and jetties (interruption of sand deposition); sand and gravel mining; dune stabilization using native and nonnative vegetation or fencing (decreased beach width, increased beach slope, reduction in blowouts and other preferred

nesting habitat); beach leveling (increased tidal reach, removal of sparse vegetation used by chicks for shelter, destruction of rackline (a debris line) feeding habitat). Beach nourishment projects, however, also may have the potential to benefit nesting or wintering plover habitat on some sites experiencing serious erosion.

7) Contamination events. Contamination through oil spills or chemical releases may adversely modify critical habitat by contaminating snowy plovers and/or their food sources.

In addition, a multi-species (including the western snowy plover and California least tern) Habitat Conservation Plan (HCP) is currently being developed for all coastal State Park units in San Luis Obispo County, exclusive of the San Simeon unit. However, according to recent conversations with USFWS, this HCP will only include the non-riding areas of the ODSVRA (it is not clear at this time why the riding area will not be included in the HCP). Thus, the ODSVRA Habitat Management Plan (currently in draft form), prepared by DPR in response to USFWS' 1996 Biological Opinion, will be the primary management tool for the vehicular portion of the Park.

Balancing the legislatively mandated recreational requirements of the off-highway vehicle enthusiast with the numerous other Federal and State mandates is a challenging task. Overall, it is important to evaluate DPR's proposal for maximum consistency with the resource protection policies of the Coastal Act, while acknowledging the ODSVRA's enabling legislation.

3. Biological Resources in the ODSVRA

Several sensitive natural resource areas exist in the SVRA, including vegetation islands, wetlands, and coastal dunes. Approximately 2,000 acres of the total 3,590 acres at the Oceano Dunes SVRA have been permanently 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, and the coastal dune scrub area inland of the OHV riding area (see Exhibit 3).

DPR's vegetation protection efforts began in 1983 under permit 4-82-300 and involved the professional input of Coastal Commission, Department of Fish and Game, San Luis Obispo County, and DPR staffs. Initially, vegetation islands were identified and protective fencing placed around them. Large parts of the eastern and southern portions of the SVRA were fenced to restrict vehicle entry into vegetated areas and wetlands, including Oso Flaco Lake and Creek. In general, efforts made towards vegetation enhancement have taken place in the areas previously designated as protected sensitive resource areas, and have not taken place in the "open" ride areas. The exceptions to this are some areas located either upwind of Oso Flaco Lake or some of the "vegetated islands". The most recent photos reveal that at those locations in which restoration efforts have occurred, the vegetation deterioration been arrested, and in most cases has either been effectively reversed or completely restored.

Numerous wildlife species also inhabit the SVRA; the two that have received the most attention are the western snowy plover and the California least tern, both Federally listed species. The

ODSVRA's beaches and dunes provide nesting habitat for California least terns; nesting, foraging, and wintering habitat for western snowy plovers, and have been designated critical habitat for the western snowy plover.

Since 1992, breeding and resident western snowy plovers and California least terns have been monitored and protected at ODSVRA. Monitoring and protection efforts are conducted by Oceano Dunes staff and trained volunteers, and monitoring activities, analysis of data, and subsequent annual reports have been completed to meet the requirements of a U.S. Fish and Wildlife Service (USFWS) Biological Opinion under permit number 95-50035-TAW (1-8-95-F/C-17) issued by the U.S Army Corps of Engineers to the California State Parks, Oceano Dunes SVRA. The focus of the studies are to survey western snowy plovers and California least terns nesting within the boundaries of the ODSVRA and Pismo State Beach, to protect birds nesting in high-use vehicle traffic areas, and to monitor the use of large nesting exclosures. Beginning in 1998, snowy plover chick banding was undertaken and continuing efforts have been made to monitor chick survival.

California Least Tern

The California least tern (*Sterna antillarum browni*) is a migratory seabird that winters in Mexico and Central America and nests colonially along the coast of California and Baja California, Mexico. Historically, California least terns have nested primarily on sandy beach, dune, and sand spit areas. The least tern was federally listed as endangered in 1970 and a recovery plan was completed in 1980.

According to the *Biological Opinion for Beach Access Ramp Maintenance at Oceano Dunes State Vehicle Recreation Area* (USFWS; August 1996), referred to as the Biological Opinion, California least terns forage on small fish from nearshore waters, estuaries, bays, and coastal lakes, and proximity to foraging areas is thought to be an important attribute of nesting areas. Of the 42 California least tern nesting colonies identified in California since 1978, 32 are located in the Southern California Bight, twenty of which are found in San Diego County. Ten nesting colonies have been identified north of Point Conception; five of these are in northern Santa Barbara and southern San Luis Obispo Counties, and five are in San Francisco Bay.

Least tern nesting colonies along the California coast are typically located on broad dune-backed sandy beaches or small sandspits where vegetation is either sparse or altogether absent. Nests may be found from within several meters of the shore to 2 or more kilometers inland. Open areas allow nesting birds to detect approaching aerial and terrestrial predators from a distance. When threatened, adult birds will leave the nest and harass an intruder by mobbing, defecating and vocalizing. Least terns normally scrape a small depression about 10 cm in diameter in sand or gravel where two to three eggs are incubated for 20-22 days. The semi-precocial chicks, capable of leaving the nest and hiding within a few days of hatching, are fed entirely on small fish brought by the adult birds. Fledgling occurs 21-33 days after they hatch, at which time the young birds may be led to a freshwater lake or slough, where the parent birds continue to provide food while the young birds learn to forage on their own.

The nesting colonies in northern Santa Barbara and southern San Luis Obispo Counties constitute a relatively small portion of the state-wide population. However, they represent the only currently active nesting areas between Point Conception and San Francisco Bay, and are characterized as Key Habitat Units, defined as major areas of importance for recovery of this species, in the California Least Tern Recovery Plan. The Oso Flaco Lake area is identified as one of these Key Habitat Units. According to the Biological Opinion, the USFWS is unaware of data indicating California least terns nested within the ODSVRA prior to 1990.

Western Snowy Plover

The western snowy plover (*Charadrius alexandrinus nivosus*) is a small shorebird that forages on invertebrates in areas such as intertidal zones and wrack lines, dry sandy areas above the high tide line, salt pans, and the edges of salt marshes. On March 5, 1993, the Pacific coastal population of the western snowy plover was listed as threatened under provisions of the Endangered Species Act; a recovery plan is currently being drafted. For all areas of critical habitat proposed for the western snowy plover, the physical and biological features are provided by intertidal beaches (between mean low water and mean high tide), associated dune systems, and river estuaries. Functional stability of areas containing critical habitat is contingent upon isolation from human disturbance and predation, and is essential to the conservation of the coastal population of the western snowy plover.

Although the western snowy plover breeds at both coastal and inland sites in California, Oregon, Washington, Nevada, and Arizona, the largest segment of this population occurs in California. Breeding populations along the coast may be comprised of both migrating and year-round residents. Nesting occurs from the middle of March through late-September, and the first nests to hatch are typically observed in mid- to late-April. The Pacific coast population of the western snowy plover has suffered widespread loss of nesting habitat and has experienced reduced reproductive success at many nesting locations. According to the Biological Opinion, factors resulting in loss of nesting habitat include urban development and the encroachment of European beachgrass. Reduced reproductive success is linked to disturbance from human activities such as walking, jogging, exercising pets, horseback riding, and off-road vehicle use, all of which may crush and destroy nests. These activities may also flush adults off nests and away from chicks, and thus interfere with essential incubation and chick rearing behaviors.

Within the study area, plovers can be found foraging from Pismo Creek south to beyond Oso Flaco Creek, and they primarily forage in the wrack line during the day. At night, plovers can be seen with sanderlings foraging for invertebrates in the intertidal zone. Snowy plover nests are similar to those of least terns, but are more often lined with fragments of shells or pebbles. Nesting sites are also more variable than terns and may be found in the open dunes, foredunes, slat flats, sand spits, and vegetated back dunes. The typical clutch size of the snowy plover is three eggs, but can range from one to four. Incubation is complete in 26-32 days and chicks are highly precocial and will leave the nest within hours of hatching to hide and forage on their own. The male bird is left to brood the chicks while the females re-nest with a new mate. Plover chicks typically fledge 29-33 days after hatching.

Coastal Strand
The coastal strand vegetation occupies the primary foredune area just above the high tide/storm tide zone where shore wrack accumulates. The native species that occupy this habitat are primarily low-growing, mat-forming, succulent perennials with deep and extensive root systems. Characteristic plants in this vegetation type include beach saltbush (*Atriplex leucophylla*), coastal saltbush (*A. californica*), beach sand verbena (*Abronia maritima*), sea-rocket (*Cakile maritima*), beach evening-primrose (*Camissonia cheiranthifolia*), and beach-bur (*Ambrosia chamissonis*). These plants are primarily pioneer native plant species that often do not become permanently established and are either washed or blown away during storms. Species diversity is very low and is principally limited to the six species listed.

Active Coastal Dunes
Non-vegetated active coastal dunes are not only a natural phenomenon, but also represent the most common habitat type (characterized by a lack of vegetation) found within the Nipomo Dunes. It is principally within this habitat type that OHV open ride areas have been designated. Dunes of this habitat type form along the coastal strand and extend inland until stabilized by the vegetation of the central coast dune scrub. Active dunes move well inland from the coast and often cover older stabilized dunes by engulfing coastal dune scrub, dune swale, marsh, and riparian plant associations. The Nipomo dune area north of Oso Flaco Lake, which includes both the State Preserve and SVRA, is a vast open space of moving sand of higher secondary dunes that form a massive dune ridge often exceeding 100 feet in elevation. Found in the hollows which are located both windward and leeward of this ridge are pockets or "vegetation islands" of central coast dune scrub, willow thicket, and dune swale. Closer to the ocean the active coastal dune habitat type is broken up by parallel ridges, mounds, and hummocks of central coast foredune vegetation.

Central Coast Foredunes
The central coast foredune plant community occurs just inland from the beaches and active dunes where dune succession has resulted in well established dune hummocks or foredunes. These vegetated foredunes form a corridor just inland from the beach and gradually grade into backdune plant communities (central coast dune scrub, dune swales, etc.) and the active coastal dune habitat. Species richness and total vegetative cover is higher in this community than in the coastal strand community. Common species include exotic European beachgrass (*Ammophila arenaria*), beach sand-verbena, yellow sand-verbena (*Abronia latifolia*), beach-bur, sea rocket, exotic ice plant (*Carpobrotus edulius*), dune morning glory (*Calystegia soldanella*), beach evening primrose, salt bush, cryptantha (*Cryptantha clevelandii*), dune poppy (*Eschscholzia californica maritima*), California aster (*Lessingia filaginifolia*) and coastal silver lupine (*Lupinus chamissonis*). Where exotic sand-binding species like European beach grass and ice plant are dominant, the foredune vegetation exists in a series of sand dunes that parallel the direction of the prevailing winds.

Central Coast Dune Scrub
This community type occupies the inter-dune and secondary dune area inland of the central coast foredune vegetation on dunes which offer more protection from wind and salt spray and which are more stable (i.e. not subject to movement). Coastal dune scrub is a successionally older and more

diverse native plant community than that of the previously described communities. The most common native plant species that occupies (and hence stabilizes) the sides and tops of the sand dunes located within this community type is mock heather (*Ericameria ericoides*). A number of other native perennial herbaceous and woody plant species occupy those sandy openings not dominated by mock heather. Principal amongst these are silver beach lupine, beach strawberry (*Fragaria chiloensis*), telegraph weed (*Heterotheca grandifolia*), Blochman's leafy daisy (*Erigeron blochmaniae)*, dune lotus (*lotus heermannii*), crisp dune mint (*Monardella crispa*), coyote bush (*Baccharis pilularis*), shrubby phacelia (*Phacelia ramosissima*), wallflower (*Erysimum insulare suffrutescens*), locoweed (*Astragalus curtipes*), yarrow (*Achillea millefolium*), deerweed (*Lotus scoparius*), and coastal buckwheat (*Eriogonum parvifolium*).

Arroyo Grande Creek

Arroyo Grande Creek, which empties into the Pacific Ocean approximately one-half mile south of Pier Avenue, serves as potential habitat for red-legged frogs and once supported a run of steelhead trout (none have been seen in the last 20-30 years). Due to the creek's location between the entrances to the ODSVRA and the OHV riding area, street-legal vehicles are forced to cross the creek at, or near, where it flows into the ocean. When it is flowing, Arroyo Grande Creek presents an obstacle to lateral vehicular beach travel. Nonetheless, attempts are made to cross the creek even during winter storms when the creek can be more than several feet deep near its convergence with the ocean. Vehicles crossing and/or getting stuck in the creek may have adverse impacts on water quality from dripping oil and gasoline leakage.

The Dunes System as an Environmentally Sensitive Habitat

The Oceano Dunes system, including the OHV riding area, must be considered environmentally sensitive habitat for several reasons. First, coastal dunes are an extremely limited environmental resource of statewide significance. Oceanfront dunes provide unique, sensitive habitat values and throughout its history, the Commission has placed high priority on the protection and preservation of dune systems. On the Central coast, this includes the Nipomo Dunes , Asilomar Dunes, and the Del Monte Dunes. The significance of the natural resource values of the Nipomo Dunes– particularly the Flandrian component along the shoreline -- is well recognized, as is the potential to restore and enhance these values in degraded areas (see more detail below).

As shown, one of the most critical functions of the dune system is its role as habitat for very unique flora and fauna. These are species which are specially adapted to the conditions and opportunities found in the dunes. Dune plants in particular play a special role by both stabilizing the dunes from the effects of wind erosion, and hosting rare fauna. However, as the natural dune system has been fragmented and degraded, the risk of extinction has increased for several species. Thus, each new impact within the dunes system has and will continue to contribute to the cumulative decline of these species.

Specifically, several rare plant species are found within the ODSVRA, the Oso Flaco Lake Natural Area, and the Tosco Refinery Buffer. At least one sensitive plant species found in the area, marsh sandwort *(Arenaria paludicola)*, is listed by the State and federal governments as being endangered.

Other sensitive species include the beach spectacle pod (*Dithyrea maritima*) (ramets), LA Graciosa thistle (*Cirsium loncholepis*), surf thistle (*Cirsium rhothophilium*), San Luis Obispo monardella (*Monardella frutescens*), Gambell's watercress (*Rorippa gambelli*), Nipomo lupine (*Lupinus nipomensis*), and dune larkspur (*Delphinium parryi* var. *blochmnainiae*).

While the distribution of these dune plants may appear sparse to the uninitiated, over time they can collectively be expected to use the entire available dune surface. This is because the Flandrian component of the dunes complex is a dynamic system. The dunes present a rather harsh and difficult growing environment, where the wind keeps shifting the shape of the ground, rainfall rapidly percolates out of reach, and, lacking a distinct topsoil horizon, nutrients are quickly exhausted. This dynamic ecosystem is characterized by significant levels of natural disturbance (wind, moving sand) such that specially-adapted dune species have a competitive advantage over the typical coastal bluff flora found along the central coast of California.

Native dune plants are adapted to (and may actually require) disturbance at some level, but they remain vulnerable to trampling and crushing during the growing season. A single pass by an OHV can leave tracks -- and a disturbed site susceptible to wind erosion -- that will persist for the rest of the year. Staff has observed that in similar dune areas where disturbance has been completely precluded (as at Salinas River Lagoon National Wildlife Refuge), a thin crust forms on top of the sand. This thin and fragile crust is comprised of sand grains, presumably cemented together with calcium carbonate, kelp algins or other such materials available in the immediate environment. The presence of such crusts, their environmental importance, and recreational impacts on them, have been reported elsewhere (for example, at Arches National Park in Utah).

It is not clear whether in coastal dune systems microcrust formation is concurrent with, or follows, establishment of native "pioneer" plants. It appears that they have a possible stabilizing effect on the dunes, by reducing wind erosion and consequent dune movement. The crust supports small colonies of fungi, moss or lichen, which yield a tiny amount of nutrients in an otherwise relatively sterile sand expanse. The thin but hard crust also appears to inhibit germination or at least rooting of native plant seeds, except where rodent burrows, animal or human footprints have broken the surface. At these broken-through locales, native plant seedlings are often profuse. It can be hypothesized that at these sites, the sandy "soil" is suitable for root penetration, nutrients are available from rodent droppings and/or fungi/moss/lichen remnants, and at least some moisture is to be found under the adjacent intact crust (in what is otherwise a very hostile and xeric environment).

Further stages of dune stabilization follow. As the native (or introduced) dune plants grow, their root systems tend to hold the sand together, providing resistance to wind erosion. Further plant growth attracts plant eaters, particularly rodents and rabbits. These animals in turn attract predators such as hawks and grey foxes. Animal droppings, and the remains of dead plants and animals provide more nutrients, thus leading in successional stages to increasingly more vegetated and stable dunes.

Therefore, the overall growing area ("habitat") needed over the long run is vastly larger than the area occupied by the plants at any one "snapshot" in time. This also helps explain why the entire dune

surface -- not just the locations where the plants (and animals) are found in any one particular year -- must be considered as ESHA.

Breeding Habitat for Federally Listed Species
One of the most important habitat values provided by the ODSVRA is the nesting, foraging, and wintering area it provides for the federally threatened western snowy plover. As previously discussed, the ODSVRA is included within the "critical habitat area" for this species designated by the U.S. Fish and Wildlife Service, which includes Pismo Beach and the Nipomo Dunes. Additionally, the Park provides nesting and foraging areas for the federally endangered California least tern.

As seen in Exhibit 5, snowy plover nests have been found up and down the beach and foredune areas within the ODSVRA, and are not necessarily limited to a specific location. Additionally, as discussed above, snowy plovers forage near the wrack line, which often requires them to travel away from their nest. Finally, both snowy plovers and least terns have been known to migrate south toward Oso Flaco Lake, and beyond, during the breeding season. Thus, it is clear that the entire ODSVRA, as it provides nesting and foraging habitat for at least two known federally listed species, is an environmentally sensitive habitat area.

Summary of Biological Resources
Under the Coastal Act, the entire ODSVRA is an environmentally sensitive habitat area. First, as discussed above, the ODSVRA is part and parcel of a significant and sensitive ecological system -- the Flandrian component of the Nipomo-Guadalupe dunes complex. Since approval of Coastal Development Permit 4-82-300 in 1982, much has been learned about the important role of specific areas within the dunes, and how both vegetated and barren sand surfaces contribute to the overall functioning of the dunes habitat system - even when these areas are to one degree or another degraded. In addition, threatened species such as the western snowy plover have since been identified, further highlighting the importance of dune preservation in this area.

Indeed, the ODSVRA, in addition to being an environmentally sensitive habitat area by virtue of its importance as a piece of the larger Nipomo Flandrian dune system, is also existing and potential habitat for particular sensitive species. Although the natural formation of the dunes have been substantially altered by vehicle use, the site currently supports rare and important native dune habitats. This includes the significant extent of bare sand habitat, which provide nesting areas for the threatened western snowy plover. Bare sand areas will also support the natural and human induced recurrence of rare native plant and animal species, as will areas of the site where habitat values have been diminished by the presence of non-native species.

Overall, there is no doubt that the ODSVRA is an "area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which easily could be disturbed or degraded by human activities and developments." Because native dune plants are superbly adapted to life in an environment subject to periodic disturbance, natural recovery would be expected following removal of disruptive activity.

4. Vehicle Access/Recreation Trends

Visitors access the ODSVRA by paying an entrance fee at either the Grand Avenue or Pier Avenue entrance, located at the northern end of the Park (see Exhibit 2). Off-highway vehicles are either towed or trailered into the Park by street-legal vehicles and overnight campers. In addition, OHVs are available for rent within the open ride area of the Park (this service is offered by private OHV rental businesses located outside the ODSVRA). Camping and OHV use is restricted to the area south of Mile Post 2 -- all OHVs must be transported to this point before unloading. Thus, street-legal vehicles must travel south, approximately one to three miles (from Pier and Grand Avenue, respectively) along this stretch of sandy beach in order to access the OHV area. Consequently, this vehicle travel conflicts with other beach uses and becomes aggravated as street-legal vehicles from the OHV area travel back and forth over the beach to the gasoline, food and beverage support centers to the north, outside of the ODSVRA.

Once inside the boundaries of the OHV (open ride) area, vehicles are essentially free to travel wherever they choose, with the exception of fenced exclosures. Sand Highway, named for its relatively flat surface, serves as an interior corridor to access many of the different riding areas within the ODSVRA. Although camping and day-use activities are permitted throughout the entire OHV area, intensive day-use riding occurs almost entirely in the expansive back dunes while overnight campers typically locate themselves closer to the beach, along the coastal strand and foredune areas. All vehicles are required to stay out of fenced vegetated areas and temporary breeding exclosures; however, there are no restrictions against vehicles driving on the wet beach.

Vehicle Use Data

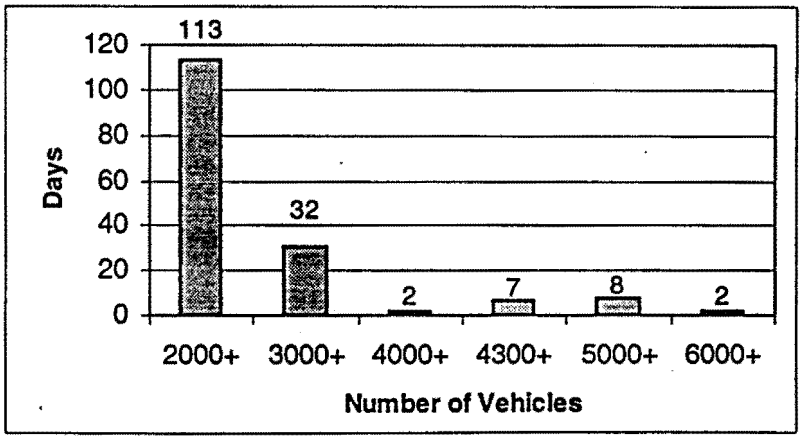
A range of recreational activities occur within the Park. Not all street-legal vehicles that enter the ODSVRA necessarily take part in off-highway vehicle activities. Unlike the period before Oceano Dunes was managed as a SVRA, visitor use to the area is now monitored to provide a basis for balanced and appropriate levels of recreational opportunity, visitor safety and environmental management.

Within the last nine years, three different vehicle count surveys have been conducted at the ODSVRA. The first survey was conducted to support the Access Corridor EIR during the period of April 22 to April 28, 1991 to determine on- and off-highway vehicle numbers and fleet composition. That survey resulted in a weekly average OHV/on-highway vehicle ratio of 0.36, meaning that for every 100 street-legal vehicles, approximately 36 OHVs were towed or trailered into the ODSVRA. The second survey (questionnaire) was conducted between May 28 and August 4, 1994 to shed additional light on visitor and vehicle trends at the Park, in support of the Carrying Capacity Study. That survey, which covered two peak holidays (Memorial Day and 4th of July weekends), resulted in an average OHV/on-highway vehicle ratio of 0.81. The third survey, conducted from June 14 to June 20, 1996 by Park staff had very similar results to that of the 1991 survey, resulting an OHV/on-highway vehicle ratio of 0.36.

Currently, DPR is able to obtain accurate counts of both OHVs and street-legal vehicles entering the Park. Day use and camper vehicles are monitored (counted) on a daily basis by ODSVRA staff within the Park and specially programmed cash registers allow kiosk attendants to collect specific data such as the purpose of the visit (day-use or camping), length of stay (number of nights), and number of OHVs being brought into the Park. Prior to May 1999, determining the approximate number of OHVs in the Park on any given day, or the number over any given time span was a matter of understanding the relationship that exists between OHVs and their sources. In order to determine the number of OHVs that entered the Park, staff applied an OHV/street-legal vehicle ratio derived from the three visitor-use studies (0.36 for the off-season and 0.81 for the peak season) to the street-legal vehicle counts. Additionally, a transitional ratio (0.6) was used for the months of May, September, and November based on the occurrence of peak weekends and higher camper rates during these months. It is important to note that these ratios (derived from survey data collected from 1991-1996) were applied to all data collected from 1982 to April 1998, and it's possible that actual street-legal/OHV ratios were different in 1982 than they are now. For this reason, the estimated number of OHVs within the Park throughout the 1980's may be less accurate than the estimated figures for the 1990's.

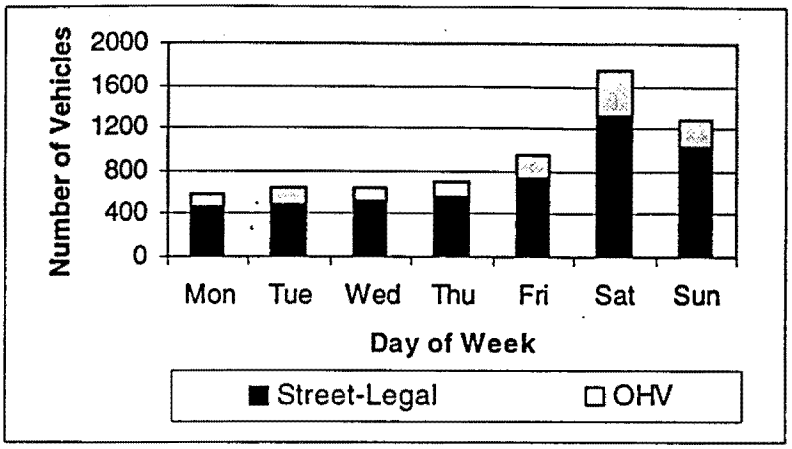
It is also important to note that because the counting of vehicles and more recently, OHVs, has historically been divided into two categories (day-use or camping) and regulated by two different vehicle limits (4,300 and 1,000, respectively), day-use and camping data has rarely been analyzed together. In addition, many vehicles enter the Park at night after the kiosk attendants leave, do not pay either a day-use or a camping fee, and thus, are categorized separately as "Free Day Use". Thus, a comprehensive understanding of how many street-legal vehicles and OHVs are in the Park on a daily basis or at any given time, and their collective impact on the Park's resources, is not readily apparent. For the sake of consistency between data collection and current vehicle regulation, the following data analysis refers specifically to either day-use or camping figures. However, because this topic deserves further discussion, the potential impact of such a counting method is discussed in a following section of this report (Proposed Interim Vehicle Limits).

Figure 1 – Number of Days Street-Legal & OHV Day-Use Count Exceeded 2,000 Vehicles (1984-2000)



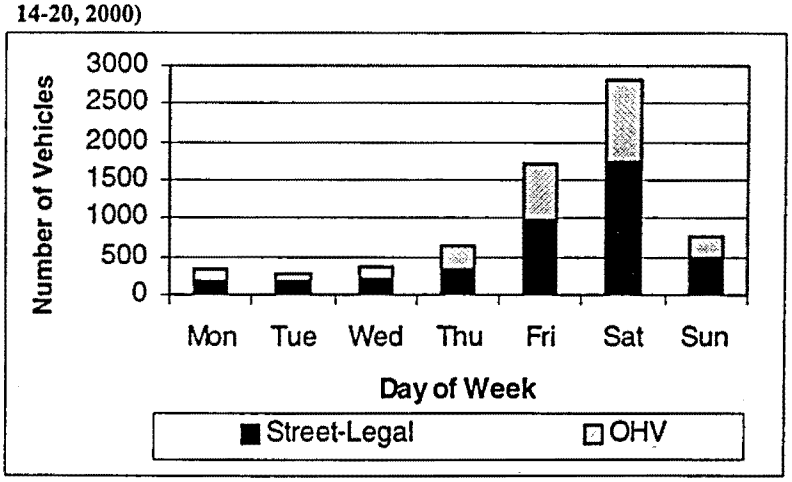
Daily and Weekly Trends. Although completely accurate attendance figures are not available for the 1970's, it is generally acknowledged that the Park attendance exceeded the capacities established by the 1975 General Plan on many holiday weekends (the day-use capacity determined by the 1975 General Development Plan is 4,300 vehicles). As seen in Figure 1, since 1984, the ODSVRA has only exceeded its official (i.e. General Plan) day use carrying capacity on 17 days during particularly busy holiday periods (Memorial Day, 4th of July, and Labor Day weekends). In fact, the number of days that the street-legal vehicle and OHV day-use counts have exceeded 2,000 amounts to only 2.7% of the days in the last 16 ½ years.

Figure 2 – ODSVRA Weekly Day-Use Vehicle Trend (Week of August 14-20, 2000)



Assuming a non-holiday weekend, vehicle data shows a strong correlation between the number of on- and off-highway vehicles in the Park and the day of the week (Figures 2 and 3). The typical weekly vehicle trend can be separated into weekday and weekend use. From Monday to Thursday, vehicle use of all types appears to be relatively low and flat. Starting Friday, the weekend influx begins, typified by both greater number of all vehicles and a greater ratio of OHVs to street-legal vehicles. The data indicates that the number of vehicles accessing the park (either day use or overnight campers) peak on Saturday. Sundays, while part of the weekend peak period, represent a decline in both total number of vehicles and the ratio of OHVs to street-legal vehicles.

Figure 3 – ODSVRA Weekly Camping Vehicle Trend (Week of August 14-20, 2000)



Seasonal Trends. The seasonal vehicle use trends were developed using real monthly data counts on the numbers of day use and camper vehicles. The number of OHVs was estimated by applying the OHV-street-legal vehicle ratios (0.36, 0.6, 0.81) discussed above. The seasonal pattern is quite regular and repeatable and therefore lends credence to the use of OHV ratios to determine the likely number of OHVs at the Park over a given period of time. As seen in Figure 4, street-legal and OHV

use of the ODSVRA peaks around July or August and the slowest part of the year tends to be around December or January, with an occasional low point in March.

Since May 1999, DPR has been able to obtain relatively accurate counts of how many street-legal and off-highway vehicles are entering the Park. This information was used to determine more up-to-date seasonal OHV/street-legal vehicle ratios. As seen in Figure 5, within the last 1 ½ years, the OHV/street-legal vehicle ratio has varied from 0.32 (3,207 OHVs/10,020 street-legal vehicles) in March 2000 to 0.61 (8,776 OHVs/14,447 street-legal vehicles) in May 1999. These figures include all street-legal vehicles and OHVs that entered the Park, regardless of whether they were counted as day-use or camping vehicles. This amounts to a "peak season" (May through September) average ratio of 0.5 and an "off season" (October through April) average ratio of 0.43. So, while the ratio of OHVs to street-legal vehicles does appear to decrease during the off season, the variance is relatively slight. Thus, one can assume that *overall* use of the ODSVRA decreases during the winter and spring,

Figure 5 – Seasonal OHV/Street-Legal Vehicle Ratio (1999-2000)

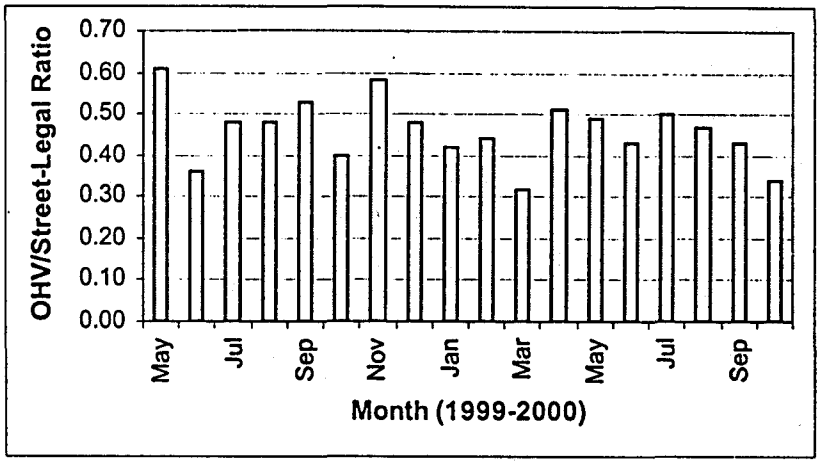
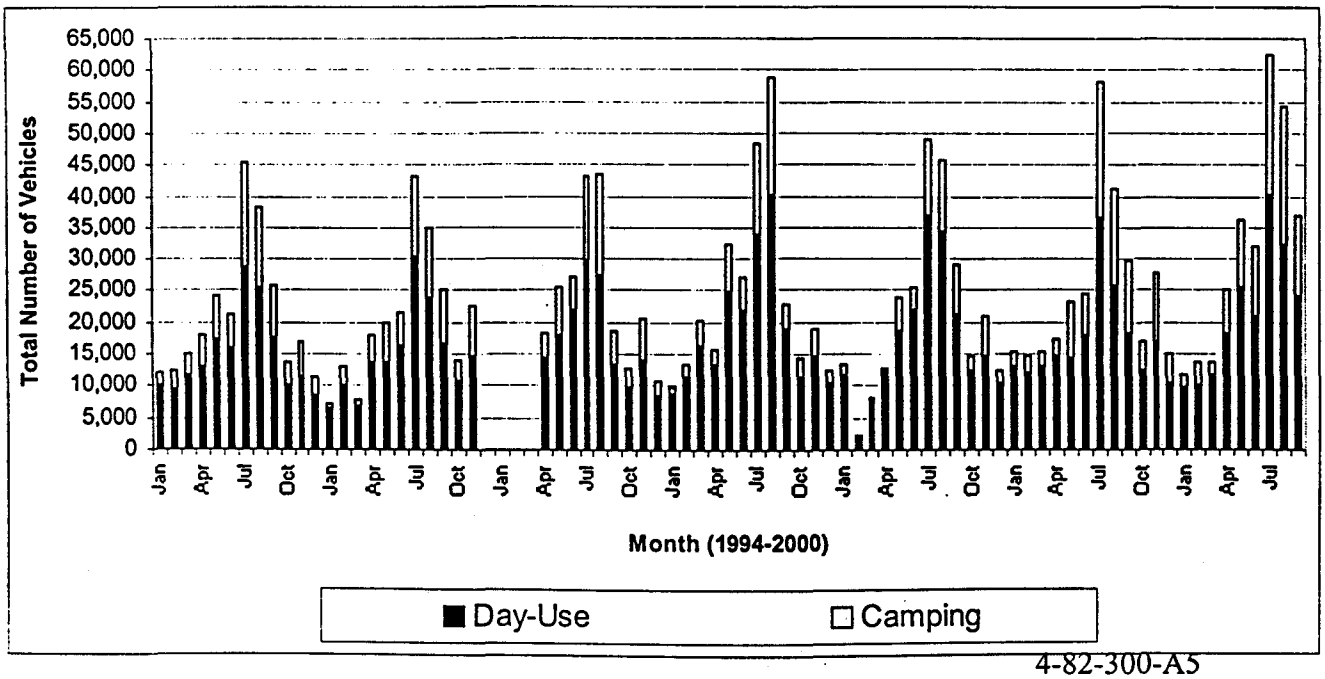


Figure 4 – Seasonal Day-Use and Camping Trends: Street-Legal Vehicles and OHVs (1994-2000)



Alternative Accessways

Currently, the ODSVRA is accessible from two locations: Grand Avenue in the City of Grover Beach and Pier Avenue in the community of Oceano. These entrances were proposed and established pursuant to Coastal Development Permit 4-82-300 in order to control access to the ODSVRA. In 1991, an Environmental Impact Report (EIR) was prepared under the direction of DPR to address the potential environmental effects of developing an alternate entrance to the ODSVRA. One reason to establish an alternative entrance is to avoid the impacts to Arroyo Grande Creek, as well as the long beach drive south into the OHV riding area. Five alternative entrance corridors were investigated as a part of that EIR (see Exhibit 4 for the locations of the five alternative entrances). According to the EIR, both the Grand Avenue and Pier entrances were found to be adequate for continued use as an entrance to the ODSVRA, and should be considered for expansion based on future recreational demand.

Grand Avenue. The preferred alternative to serve as the primary entrance to the ODSVRA, according to the EIR, is the Grand Avenue entrance, as it was determined to be the least environmentally damaging alternative. The southern boundary of Grand Avenue is the most biologically diverse in the corridor. This area contains a variety of native vegetation species and some wetland habitat and is immediately adjacent to the existing 40-acre dune/wetland natural area. The northern border of the corridor consists of a parking lot and mostly urbanized land uses. The continued use of this corridor would not result in the removal of any native vegetation in or adjacent to the corridor and thus, direct impacts to biological resources are less than significant. However, because this entrance is located north of the ODSVRA, street-legal vehicles must travel south, approximately three miles along this stretch of sandy beach, in order to access the OHV area. The stretch of beach between the Grand and Pier Avenue entrances, referred to as the "midramps area," is currently used almost solely for street-legal vehicle travel from the entrances to the OHV area. If the Grand Avenue entrance was no longer being used, it is possible that this beach area could be made available for more passive recreational uses.

Pier Avenue. The second least damaging alternative is the Pier Avenue entrance. The majority of this corridor has been developed for residential and commercial use; the 40-acre dune/wetland natural area is a block north of Pier Avenue. The continued use of this corridor would not result in the removal of any native vegetation in or adjacent to the corridor and thus, would have a less than significant direct effect on biological resources. However, similar to the Grand Avenue entrance, the use of Pier Avenue to access the OHV area requires street-legal vehicles to travel approximately one mile along the sandy beach before reaching the staging area. If a feasible entrance were found south of Pier Avenue, this portion of the beach could be made available for more passive recreational uses.

Railroad Avenue. Of the three alternatives not currently being used as an entrance to the ODSVRA, Railroad Avenue was ranked as the preferred choice. However, development of this corridor would have the greatest adverse effect on local traffic patterns due to increased traffic volumes associated with the Park. The corridor consists of a paved two-lane road from Highway 1 to Creek Avenue, a dirt road. The corridor follows Creek Avenue south approximately a quarter of a mile before turning west through a ruderal field to the existing Arroyo Grande Creek levee. The eastern portion of the

levee contains ruderal vegetation, and as one moves west along the levee, the vegetation changes from ruderal to a group of pine and cypress trees, through a floodplain containing a wet willow grove. This willow habitat is ideal habitat for the two-striped garter snake red-legged frog, and a valuable biological resource since a variety of native wildlife species utilize this area for foraging and nesting activities.
Development of this corridor would result in the loss of a substantial amount of native habitat, the bridge would require the removal of a number of arroyo willows and other native vegetation, and the result would be a dissection of the wet willow grove habitat. Vehicle movement and noise may result in incidental kills of wildlife species, adversely affect nesting success, and inhibit the use of the habitat by certain wildlife species. The development of the parking area, administrative building, and maintenance yard would require the removal of the ruderal vegetation in the field; however, the field provides marginal habitat since it is within the flight pattern of Oceano Airport.

Silver Spur Place. The Silver Spur Place alternative was ranked fourth due largely to significant land use conflicts with adjacent agricultural uses, including loss of prime agricultural land. This corridor consists of a two-lane paved road from Highway 1 to Arroyo Grande Creek, where it turns into a two-lane dirt road. The corridor then turns west and heads toward the dune preserve. A parking lot, kiosk, and other improvements related to the SVRA entrance would be developed on an agricultural field at the end of Silver Spur Place. The road would continue across the Arroyo Grande Creek levee and follow the same route as the Railroad Road alternative.

Development of this corridor would necessitate the widening of 22nd Street and widening and paving Silver Spur Place and the levee road to accommodate two lanes of traffic. A two-lane bridge would be constructed across the levee to gain access to the northern levee road and another bridge would be constructed at the end of the levee road to cross the southern bank of Arroyo Grande Creek. The proposed improvements would result in the loss of commercial row crop plant species in the field, dissection of the willow grove by the bridge, and loss of some conifer, arroyo willow, and cypress trees. Vehicle movement and noise may result in incidental kills of wildlife species, adversely affect nesting success, and inhibit the use of the habitat by certain wildlife species. The loss of trees may reduce the nesting opportunities for native bird species

Callendar Road. The Callendar Road alternative was ranked as the most environmentally damaging alternative as it would have unavoidable significant impacts on biological and visual resources, and on land use. This corridor does not contain any development at the present time. The corridor exits Highway 1 approximately a quarter of a mile south of Callendar Road and enters a disturbed field with a variety of introduced ruderal plant species. From this field the corridor heads directly west across the Southern Pacific Railroad right-of-way into stabilized dune structures. The vegetation found in the stabilized dunes is less disturbed than that found in the field; therefore, a greater density of native shrubs exist.

Development of this corridor requires that either an overpass or underpass be constructed to cross the railroad tracks. West of the SVRA right-of-way the two one-way dirt roads would continue through the stabilized dunes into the SVRA and require the removal of native vegetation the entire width and

length of the proposed entrance and exit roads. Overall, development of this corridor would result in the loss of a substantial amount of native habitat where the road passes through the dune areas. The dune habitat provides foraging and nesting opportunities for native wildlife which are only found in several locations in California. The dissection of this area would result in two separate and smaller units that are presently part of the largest contiguous block of native vegetation along this part of the central coast. In addition, removal of mature eucalyptus trees may disturb the Monarch butterflies that use these trees for resting. Vehicle movement and noise may result in incidental kills of wildlife species, adversely affect nesting success, and inhibit the use of the habitat by certain wildlife species. This in turn could lead to a reduction in plant and animal diversity in the dunes.

Safety

A variety of uses occur on the beach at ODSVRA, including vehicle driving, sunbathing, horse riding, sand castle building, surf fishing, and claming. Although the speed limit on the beach is 15 miles per hour, vehicle-pedestrian accidents do occur. While they are infrequent, such accidents have involved fatalities. Single and multi-vehicle accidents also occur in the dunes inland of the beach and have resulted in fatalities. These accidents can occur, for example, when a vehicle tops a dune at a speed which causes the vehicle to literally fly off the dune and crash in the sand at the base of the dune or into another vehicle. Rollover accidents can occur when a driver attempts to scale a dune face that is too steep. Through data analysis, DPR is identifying factors involved with the rate and cause of vehicular accidents and is developing strategies for reducing the rate of accidents. Some factors that contribute to vehicle accidents include unfamiliarity with equipment, operator error, speed too fast for conditions, and poor visibility. Overall, the Carrying Capacity Study concluded that, in terms of motor vehicle accidents, the ODSVRA is safer than most other off-highway areas in the state and that the visitor accident rate is declining.

5. Resource Impacts of OHV Activity

Resource Monitoring

One of the first resource management tasks of the ODSVRA was the construction of the fence system in 1983 to preserve and protect the dune plant communities. The determination of areas for protection from vehicular recreation was performed jointly by a professional committee of ecologists and managers from several public agencies (San Luis Obispo County, Coastal Commission, DFG, and DPR). As a result of this determination, the "vegetation island" plant communities, Oso Flaco Lake, and the southern 1/3 of the ODSVRA north and south of Osos Flaco Lake were permanently closed to OHV recreation.

In total, approximately 2,000 acres (56%) of the area managed as the SVRA 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, five vegetation islands: Pavilion Hill, Acacia Eucalyptus Tree, Pipeline, Maidenform Flats, and the Pismo Dunes Natural Preserve Area, and the coastal dune scrub area inland of the OHV riding area.

The ODSVRA staff has monitored California least terns since 1991, and western snowy plover monitoring began in 1992. DPR has undertaken a very large effort to enhance plover and least tern habitat and to protect their nesting sites. To this end, DPR implements a western snowy plover and California least tern monitoring and management program during the nesting season. This program includes the following elements:

1) Conducting censuses of adult and juvenile birds, locating and monitoring nests, and collecting behavioral observations.
2) Four large exclosures are established before the start of the western snowy plover nesting season (North Grand, Dune Preserve or Arroyo Grande Creek, Milepost 8, and South Riding Boundary). These exclosures are established through placement of interpretive signs and fencing.
3) Individual nest closures are constructed around western snowy plover and California least tern nests found outside of the four large exclosures.

According to recent conversations with USFWS, actual implementation of these habitat management measures differ from what is listed above, due to the changing nature of the habitat being managed. Because snowy plovers do not nest in the same place every year, it is difficult to predict where, and how large, the seasonal exclosures should be. Thus, DPR has varied the location of seasonal exclosures, while maintaining the overall acreage required by USFWS. In order to recognize the variability involved in establishing these exclosures, USFWS is in the process of updating the 1996 Biological Opinion, which is expected to be released in January/February 2001. With the establishment of the proposed TRT, of which the USFWS would be a member, this type of adaptive management would be on-going as we learn more about snowy plover breeding habits.

Surveying is conducted on foot and by vehicle following a routine methodology that includes traversing the habitat along north/south transects. The first priority of breeding season surveys is to locate new nests and determine the status of any nests established in areas where human activities pose the greatest potential for disrupting nesting birds. Factors which are considered when searching for nests are slope and exposure of the beach and dunes, extent and types of vegetation, evidence of potential predators, and the extent and types of human activities. When nests are found, the area around the nest is fenced to prevent vehicles from physically destroying nests and eggs and from causing abandonment of the nesting site due to vehicle operation too close to the nest. When a nest is located in an area exposed to vehicle, pedestrian, or equestrian traffic, the State Parks Radio Communications Center is contacted and a State Park fencing crew is dispatched to meet at the nest site. The surveyor remains near the nest to re-direct traffic from the immediate area, while monitoring the behavior of adult birds, until a nest exclosure can be constructed.

Single nest exclosures are circular with a 10-meter diameter, constructed with 1.8 meter steel stakes placed at 3 meter intervals, and surrounded with 1.2 meter steel roll fencing (with 2 x 4 inch mesh). The bottom of the steel mesh fencing is buried eight inches below grade to prevent predators from encroaching on the nest. These small exclosures are typically constructed by two to three people in less than 30 minutes. Following the construction of an exclosure, the surveyor remains in the area to

monitor adult birds to be certain that the fence or staff activities had not disrupted the nesting birds (i.e. until the bird returns to the nest).

Primary concerns of the monitoring program are to locate and protect nests, determine chick survivorship of fledglings, the fledgling to male ratio, and recruitment of fledglings into the breeding population. The ODSVRA is in the third year of a banding program designed to address these important biological indicators.

A few examples of how adaptive management has played a role in the monitoring and protection of these sensitive species is noted below.

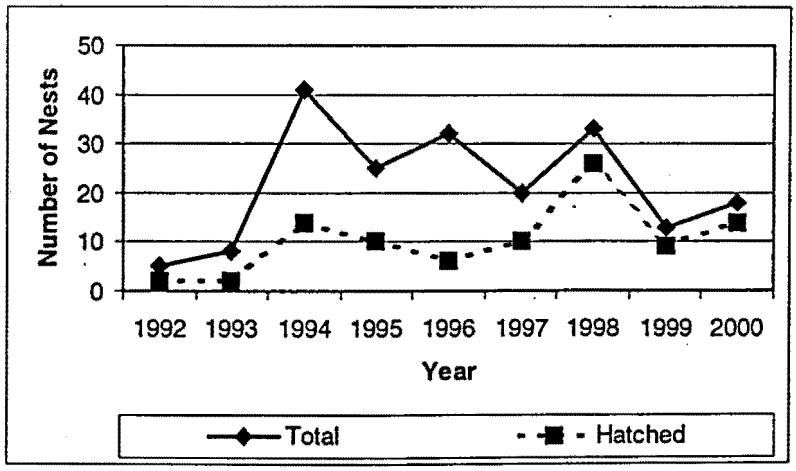
1) In 1998, some California least tern adults fed their fledglings on the Oso Flaco bridge railing. Because the presence of humans on the bridge was disturbing to the birds, the bridge was closed for eight days until the feeding activity ended.
2) In 1999, to reduce nest disturbance, exclosures were posted with signs prohibiting parking and camping within 50' of the exclosures.
3) In 2000, 25 acres were closed when a California least tern brood moved out of the exclosure (posted fencing) erected to protect it.
4) In 2000, park concessionaire employees were trained on specific species identification and critical habitat areas.
5) In 2000, some Western snowy plover chicks moved south after hatching and began to forage. As a result, the wrackline near Milepost 8 was closed to motor vehicles during the 2000 breeding season after having identified this area as important to chick survival.

Overall, DPR concludes that environmentally sensitive habitats are in much better condition than they were in 1982 and that community values are being protected.

Western Snowy Plover

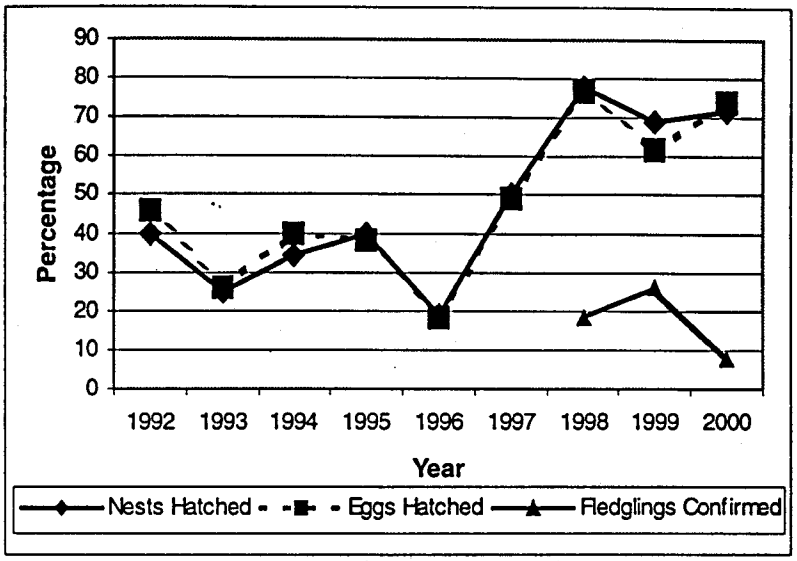
In a 1978 survey, no plovers were found in the ODSVRA and human activity or development had destroyed or rendered potential plover habitat unsuitable. DPR began monitoring western snowy plovers on an annual basis beginning in 1992, and it is not known whether plover surveys were conducted from 1979 to 1991. All data presented in this section of the report was taken from "Breeding Season Facts at Oceano Dunes SVRA" (DPR, June 2000) and cross-referenced with DPR's annual reports on western snowy plover and California least tern breeding results at the ODSVRA, for the years 1994, and 1996-1999 (see Exhibit 9 for list of references).

Figure 6 - Western Snowy Plover Nesting Success at ODSVRA



As seen in Figure 6, the number of snowy plover nests found within the ODSVRA has been quite variable over the past nine years. 1992 marks the lowest year in snowy plover nest production, when five nests were found, whereas the most productive year (41 nests found), occurred just two years later in 1994.

Figure 7 – Western Snowy Plover Nesting, Hatching & Fledgling Success at ODSVRA

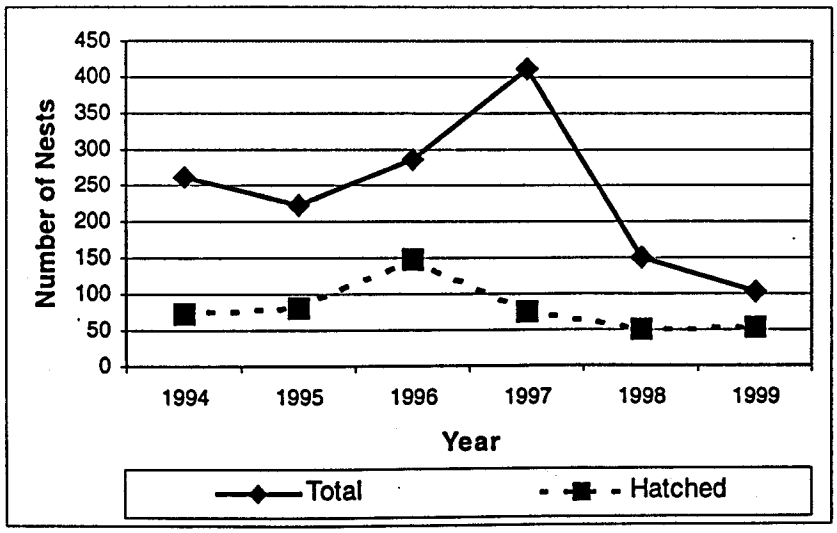


Note: Nests Hatched = Percent of nests producing chicks
Eggs Hatched = Percent of eggs producing chicks
Fledgling = A young bird that has acquired its flight feathers

The trend in the hatching success of nests (the number of chicks produced by all nests) appears to be somewhat proportional to the number of nests, except for relatively unsuccessful nest hatching noted from 1994 to 1996 (Figure 6). This exception is most likely due to the nests being abandoned or lost to predation. In 1994, 39% of the nests found were lost to either the wind, tide or blowing sand, and in 1995, 44% of the nests were lost due to the same natural forces. In 1996, 25% of the nests were abandoned for the same reasons, and 22% were lost to predation.

Figure 7 reveals that for the past nine years, the percentage of snowy plover eggs that successfully hatch chicks nearly equals the percentage of snowy plover nests that successfully hatch chicks (this suggests that all nests are equally successful in hatching some chicks, as opposed to a few nests producing all the chicks). However, the confirmed number of fledglings (chicks) in the last three years does not have a similar success rate. For example, in 1998, 78 eggs were produced and 60 of the eggs (77%) successfully hatched chicks. However, only 11 chicks (18%) were confirmed to have fledged out of a total of 60 chicks. This decline in success rate from hatches to fledglings could be due to a number of factors. Perhaps the success rate of hatches is higher than fledglings because the nests are

Figure 8 – Western Snowy Plover Nesting Success at Vandenberg Air Force Base



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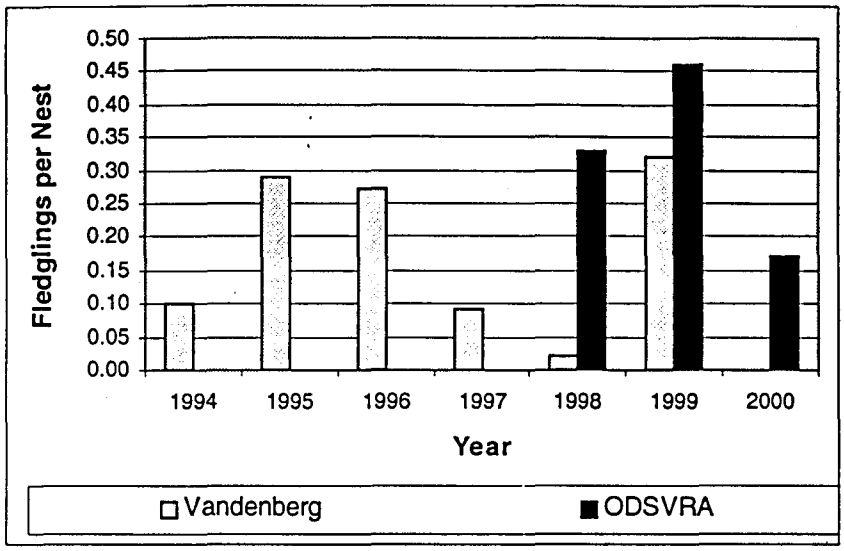
contained within the semi-protective environment of exclosures, whereas, the fledglings are subject to the more dangerous environment outside the exclosures as they forage for food and move south towards Oso Flaco Lake. Because DPR has just begun to band chicks and monitor for fledgling success, it is difficult to chart trends or conclude that the fledgling success rate of the last three years accurately represents what we would expect to see in the future. Although a typical fledgling success rate is not known, it is important to note that even in an undisturbed environment, a portion of the chicks will not survive due to natural factors. It is estimated that 30-40% of the chicks need to fledge to retain a stable population (Gary Page, Point Reyes Bird Observatory and Recovery Team).

Figure 9 – W. Snowy Plover Fledgling Success at Vandenberg & ODSVRA



One way to better understand the nesting and fledgling success rates of the snowy plovers and least terns at the ODSVRA is to compare that data to nesting sites in other areas. One such area, is Vandenberg Air Force Base, located approximately twelve miles south of the ODSVRA, in Santa Barbara County. Figure 8 shows the number of nests found and hatched at Vandenberg Air Force Base from 1994 to 1999. Once again, the trend in the hatching success of nests appears to be somewhat proportional to the number of nests, except for a relatively unsuccessful nest hatching in 1997. This is due to one-half of the nests being lost to predators. In other years, the percentage of nests lost to predators ranged from 19% in 1997 and 1999 to 41% in 1998.

Figure 10 – California Least Tern Nesting Success at ODSVRA

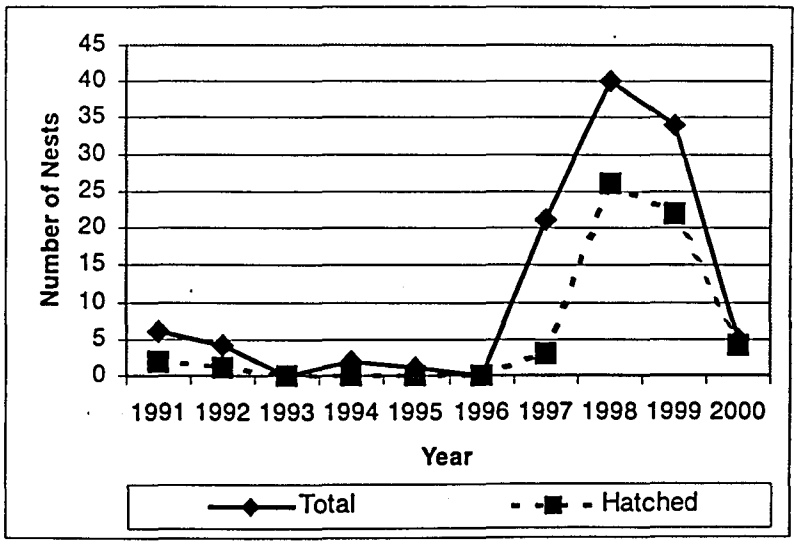


Figure 9 shows a comparison of fledglings per nest at Vandenberg Air Force Base and the ODSVRA. This helps illustrate that although the average number of nests found at Vandenberg Air Force Base

is more than ten times the number of nests found at the ODSVRA, the number of fledglings per nest (i.e. success rate of chicks) is higher at the ODSVRA.

California Least Tern

DPR began monitoring California least terns on an annual basis beginning in 1991. As seen in Figure 10, the number of least tern nests found within the ODSVRA has changed quite dramatically between 1996 and 2000. Prior to 1997, an average of two nests were found each year (no breeding occurred in 1993 and 1996). A dramatic increase in the number of nests found is noted initially in 1997 and then peaks at 40 nests in 1998. In 1999, a downward trend begins slowly and then the number of nests found sharply decreases to just five during the 2000 breeding season.

The trend in the hatching success of nests appears to be somewhat proportional to the number of nests, except for relatively unsuccessful nest hatching noted in 1997. This is most likely due to the nests being abandoned or lost to predation. In 1997, 19% of the nests found were abandoned due to unknown causes and 14% were lost to predation. An additional 52% were lost unknown causes, but predation by coyote is expected.

Figure 11 reveals that the confirmed number of least tern fledglings in the last three years does not appear to have a similar success rate as the number of hatches, although it is difficult to conclude with only three data points. For example, in 1998, 40 least tern nests were found and 26 of them (65%) produced chicks. Sixty-three eggs were produced that season and 38 of the eggs (60%) successfully hatched chicks. Similarly, 24 chicks (60%) were confirmed to have fledged out of a total of 38 chicks. Thus, the 1998 breeding season seems to indicate that the number of hatched nests

Figure 11 – California Least Tern Nesting, Hatching & Fledgling Success at ODSVRA

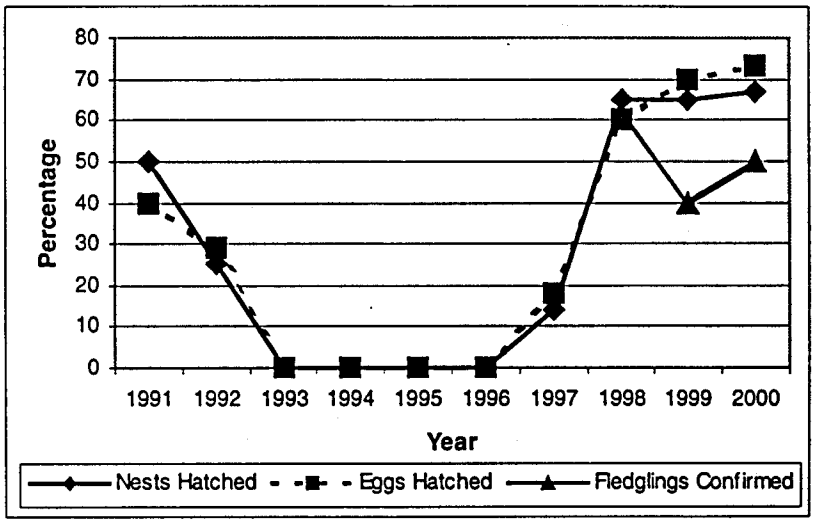
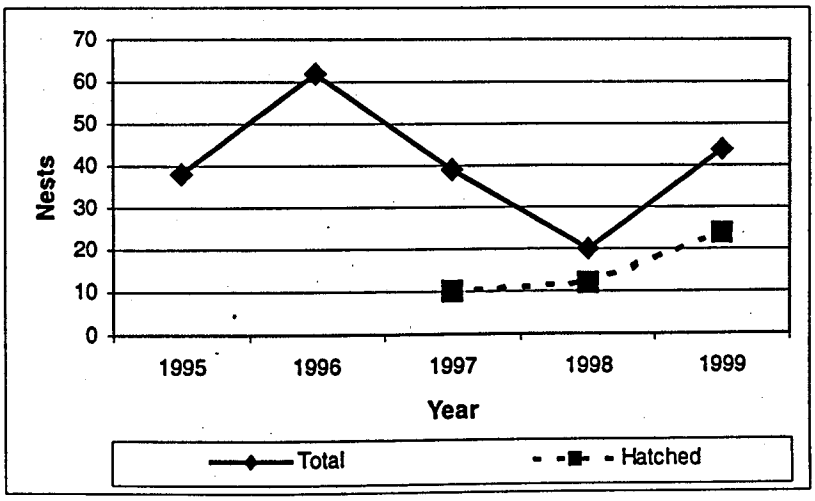


Figure 12 – California Least Tern Nesting Success at Vandenberg Air Force Base



and eggs, and the number of chicks fledged have similar success rates. However, 1999 does not show such a trend. This indicates that more data is needed to draw conclusions about the trends of fledgling success. Because DPR has just begun to band chicks and monitor for fledgling success, it is difficult to chart trends or conclude that the fledgling success rate of the last three years accurately represents what we would expect to see in the future.

Once again, one way to better understand the nesting and fledgling success rates of the snowy plovers and least terns at the ODSVRA is to compare that data to nesting sites in other areas. Figure 12 shows the number of nests found at Vandenberg Air Force Base from 1995 to 1999, and because the number of nests hatched is unknown for 1995 and 1996, only three years of hatching data is presented. Although it is difficult to make conclusions about data with only three points, the trend in the hatching success of nests may be somewhat proportional to the number of nests, except for a relatively unsuccessful nest hatching in 1997. The cause of this low hatching rate is unknown.

Figure 13 – CA Least Tern Fledgling Success at Vandenberg & ODSVRA

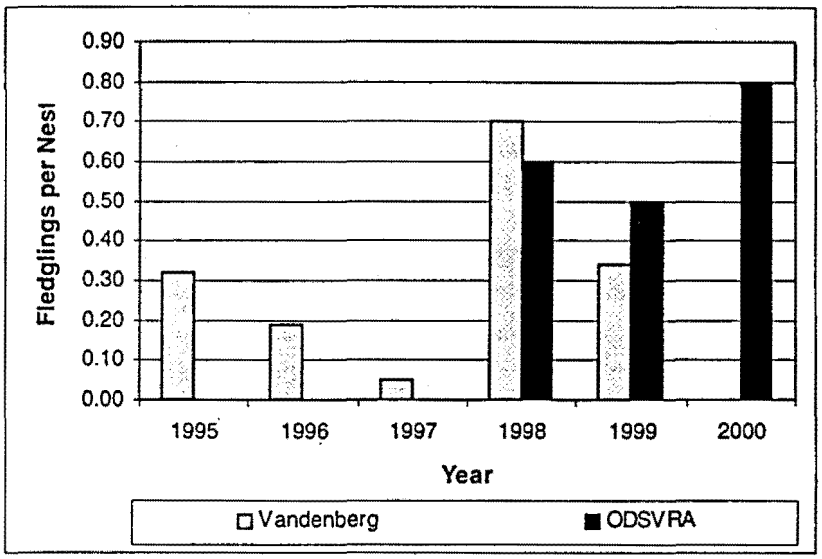


Figure 13 shows a comparison of fledglings per nest at Vandenberg Air Force Base and the ODSVRA. Although there are only two data points to compare, the data suggests that the number of fledglings per nest (i.e. success rate of chicks) is relatively similar at Vandenberg Air Force Base and the ODSVRA.

Potential Impacts to Sensitive Species from Recreational Activities

According to the USFWS 1996 Biological Opinion, vehicle use on the beach and dunes, and the other recreational activities could result in mortality of western snowy plovers and California least terns. Nests that are established outside protected areas could be crushed by vehicles before they are detected or before individual nest exclosures can be constructed. Similarly, recreational activities facilitated by vehicle access to the beach, such as camping, sunbathing, and walking, could directly destroy western snowy plover and California least tern nests before they can be protected. In the Biological Opinion, USFWS offers measures to reduce the likelihood of direct loss from crushing such as increasing, or better distributing through time, efforts to locate and protect nests. In addition, the effectiveness of larger exclosures to minimize nest loss should be evaluated.

California least terns are semi-precocial, are fed by their parents, and fledge in about 22 days. California least tern chicks remain in the nest for a day or two after hatching and then begin to move

around the area. Depending on the extent of the protected area around the nest, the location of the nest relative to other protected area, and the behavior of the individual California least tern broods, the exclosures used to protect nests may also afford protection to the chicks. However, monitors at the ODSVRA have observed California least tern chicks outside of protective exclosures in the ride area. According to the Biological Opinion, widespread loss of nesting habitat, introduction and concentration of urban-adapted predators, and disruption of foraging areas are the primary factors contributing to the decline of California least terns. Recovery efforts initially focused on securing nesting sites; however, current recovery efforts emphasize management of the remaining nesting areas, especially with respect to minimizing human induced disturbance and controlling predation on California least tern colonies.

The precocial nature of western snowy plover chicks increases the likelihood, relative to California least tern chicks, that they will be crushed by vehicles using the beach and dunes. Western snowy plover chicks can leave the nest to forage within a few hours after hatching. Fledging occurs about 31 days after hatching, and broods rarely remain in the immediate vicinity of the nest during that time. As a result, the flightless chicks are likely to leave the confines of protective exclosures rendering them vulnerable to vehicle traffic for most of the period between hatching and fledging. Western snowy plover chicks have been observed in the riding area and one dead chick was found in 1999.

According to the Biological Opinion, the types of recreational activities that could disturb nesting western snowy plovers and California least terns could also disturb brooding western snowy plovers, California least terns, and their chicks. Such harassment could cause or contribute to chick mortality by interfering with essential chick rearing behaviors or by causing intolerable stresses directly to the chicks. For example, disturbance that interferes with foraging could result in the starvation of western snowy plover chicks. Lethal exposure to wind and cold temperatures could result from disturbance that interferes with brooding by western snowy plover and California least tern adults. Potential sources of such disturbance include camping, walking, unleashed dogs, riding of horses, vehicle use, and other recreational activities requiring or facilitated by vehicle access.

California least tern and western snowy plover nest loss could also occur as a result of repeated disturbance of incubating adults. Continued or frequent disturbance could cause nests to be abandoned, or could interfere with incubation such that eggs become buried by sand or fail to hatch because of exposure to cold. Disturbance of incubating western snowy plovers and California least terns could result from vehicle use near nests, and from other types of recreational uses such as camping, sunbathing, and surf fishing.

Thus, even though breeding data for the western snowy plover and California least tern reveals that only one plover and two least terns have been reported (additional take of chicks and adults may go unreported) to be taken directly by a vehicle, many other factors may contribute to the harassment of these sensitive species. If exclosures are not large enough, or do not provide adequate, contiguous nesting and foraging area, the breeding success may decline and thus, their chances for survival are diminished.

In addition, the recreational use of the ODSVRA facilitated by vehicle access could increase the number of scavenging species that also prey on western snowy plover and California least tern nests. For example, trash left on the beach could attract American crows, gulls, coyotes, and other opportunistic predators. Increased use of the beach by such predators would be expected to increase the predation pressure on nesting California least terns and western snowy plovers. The ODSVRA reduces this threat by requiring all campers to pack out their trash, providing covered trash receptacles, and by picking up trash left on the beach.

Biologists studying western snowy plovers and piping plovers, a behaviorally and ecologically similar species found on the east coast, have noted that adults of these species appear to be unresponsive to approaching vehicles until the vehicles are almost upon the plover (Persons 1995, Flemming 1988). The lack of flight response to oncoming vehicles may increase the risk that western snowy plovers will be struck by or crushed by vehicles, especially vehicles moving at faster speeds. According to the Biological Opinion, a common response of both western snowy plover and California least tern chicks to threat or disturbance is to stand or lie motionless on the sand. This behavior, combined with the cryptic coloration of the chicks, can render avoidance difficult. People moving through habitat quickly, such as vehicle drivers, or individuals untrained and unpracticed in detecting the chicks of these species, are unlikely to see and avoid running over or stepping on California least tern and western snowy plover chicks. As a result, chicks within areas open to recreation use could be crushed. Snowy plovers may also become trapped in tire tracks that could reduce the opportunity to escape threats.

In the Biological Opinion, USFWS states that they are not aware of any information regarding the response of adult western snowy plovers to vehicles at night. However, in 1993 two adult western snowy plovers were crushed by all-terrain vehicles conducting safety patrols at night on the beaches of Vandenberg Air Force Base. Adult California least terns are expected to flush in response to oncoming vehicles; thus, the risk of direct injury or mortality from collisions with vehicles is likely to be low. USFWS mentions that one measure available to reduce the risk of vehicles striking or running over adult western snowy plovers is the establishment and enforcement of speed limits. A speed limit of 15 MPH is currently in effect for portions of the ODSVRA.

The locations where western snowy plover chicks forage at the ODSVRA are not known. However, the USFWS' observations of western snowy plover chicks in other areas of their range indicate that they are frequently, and may prefer to, forage on the invertebrates associated with the surf-cast kelp along the wrack line. None of the protected areas within the ODSVRA encompass this type of habitat, and the portion of the wrack line that is partially protected (south of the ride area but open to other types of recreational use) is not contiguous with any of the larger exclosures. Consequently, western snowy plovers and their chicks must traverse areas subject to recreational vehicle use to reach this habitat, and remain vulnerable to traffic while foraging.

Vehicle use outside of the ride area could have many of the same impacts on western snowy plovers and California least terns as vehicle use within the ride area. These adverse effects include destruction of nests, interference with incubation, running over chicks and adults, disturbing

brooding and foraging behaviors, and disturbing energetically stressed western snowy plovers. These impacts are described in more detail above. Measures are available to avoid most of these impacts and to minimize those that remain. These measures include restricting vehicles to the hard-packed wet sand, or as close as possible to the hard-packed wet sand during high tides, enforcing the speed limit, and ensuring that all personnel driving vehicles are trained to recognize and avoid western snowy plovers. These, and other alternative management measures are discussed in further detail below.

Expected Take of Western Snowy Plovers and California Least Terns
In the Biological Opinion, the USFWS states that they anticipate the following forms of take in association with vehicle use or recreational activities at the ODSVRA:

1) Three (3) western snowy plover nests per year, including all eggs therein, in the form of direct mortality through crushing as a result of vehicle use or recreational activities, or in the form of indirect mortality through abandonment, inadequate incubation, or burial by sand as a result of disturbance associated with vehicle use or recreational activities.
2) Three (3) western snowy plover chicks per year in the form of direct mortality through crushing as a result of vehicle use or recreational activities.
3) One (1) western snowy plover adult per year in the form of direct mortality through crushing as a result of vehicle use or recreational activities.
4) All western snowy plover broods and the attending adults in the form of harassment by flushing broods out of suitable habitat, by interfering with foraging, or by interfering with distraction behaviors or other essential chick rearing behaviors.
5) One (1) California least tern nest per year, including all eggs therein, in the form of direct mortality through crushing as a result of vehicle use or recreational activities, or in the form of indirect mortality through abandonment, inadequate incubation, or burial by sand as a result of disturbance associated with vehicle use or recreational activities.
6) One (1) California least tern chick or adult per year in the form of direct mortality through crushing as a result of vehicle use or recreational activities.
7) One (1) California least tern brood and the attending adults per year when total nests equal five or less, or two (2) broods and the attending adults per year when the total nests equal six or more, in the form of harassment by flushing broods out of suitable habitat, by interfering with foraging, or by interfering with defensive behaviors or other essential chick rearing behaviors.

In one year, the USFWS anticipates that a total of one snowy plover adult, one California least tern chick or adult, three snowy plover chicks, one least tern nest (affecting a maximum of three eggs), and three snowy plover nests (affecting a maximum of nine eggs) will be lost due to vehicle use or recreational activities on the beach. In addition, one or two least tern broods and *all* western snowy plover broods will be "harassed" by being flushed out of suitable habitat, and having their foraging and essential chick rearing behaviors disturbed due to activities within the ODSVRA. Although

reported breeding data is inconclusive concerning whether the USFWS' amount of anticipated "take" is actually realized, the USFWS clearly acknowledges, through these statements in the Biological Opinion, that current activities (vehicle use and other recreational activities) in the ODSVRA may result in take and harassment of these listed species.

Overall, while it is generally understood by biologists that OHV activity is generally impacting sensitive species, no specific data correlation has been made between levels of recreational activity and resource impacts. Further systematic monitoring and analysis is therefore needed to draw more firm conclusions.

6. Alternatives for Habitat Conservation & Management

Technical Review Team

DPR has proposed, and the San Luis Obispo County Board of Supervisors endorses (see Exhibit 6 for the Board of Supervisors Resolution), the formation of a Technical Review Team (TRT) to assist the Superintendent of the ODVSRA with on-going park management. Rather than rely on a fixed number for day and overnight use, the TRT would be part of an adaptive management process that oversees on-going monitoring of both environmental and use trends in the Park for the purpose of supporting decision-making about such things as total day and overnight use in the park. Such a process would allow for adjustments, based on what we learn over time, in not only allowable use limits, but other critical management concerns of the park as well. Sometimes referred to as adaptive management, this approach provides a procedural framework for responding to changing environmental conditions and increases the overall success of management activities.

Adaptive Management. Adaptive management is a systematic process for continually improving management policies and practices as new information is gathered through on-going study and monitoring of implementation. This approach to resource management allows participants to accommodate the uncertainty and complexity of overall ecosystem management, while improving our understanding of ecosystem responses, thresholds and dynamics. It may not always be completely clear how to achieve given objectives, but throughout the management process, reliable feedback may be gained about the effectiveness of alternative policies and practices.

In the case of Ocean Dunes, it is clear that we have learned a great deal about dune systems, habitats, and sensitive dunes species since the original permit that led to the fencing of vegetated areas. In addition, while the Carrying Capacity Study provides significant environmental baseline data, this data also highlights the importance of continuing such data collection and monitoring to provide for on-going assessment of management actions, planning, etc. to address changing circumstances in the ODSVRA environment. These questions, though, are not necessarily addressed through the establishment of, and reliance on, a static carrying capacity number except inasmuch as this number is understood to be appropriate in light of current information. To the extent that the overall intensity of use is a known factor in creating environmental impacts, resource managers need to be able to adjust this intensity as more information becomes available and we continue to gain a better understanding of the complex system in which we are working.

Adaptive management also allows for more subtle and comprehensive environmental management by focusing on early identification of undesirable trends and providing the guidance, through experimentation, necessary to determine the appropriate remedial action to reverse an undesirable trend. For example, Commission staff have identified a number of issues of particular importance as potential initial tasks of an adaptive management approach. Such environmental management issues for the ODSVRA are not addressed by the simple mechanism of establishing a carrying capacity number.

Due to the varied nature and complexity of these factors, the scientific community's level of understanding is in a continual state of growth and refinement. Similarly, the techniques utilized to monitor the "health" of an ecosystem are typically complex, not necessarily standardized and are also in a continual state of refinement. Therefore, an adaptive management approach will allow for the application of a broad range of scientifically accepted techniques and measures which are appropriate for the unique habitats found within the ODSVRA. The difficulty in relying on an ecological carrying capacity analysis is that environmental systems are dynamic, and often comprise multiple and related subsystems. In other words, the system that is being analyzed for sustainability is a moving target. For example, as previously discussed the Oceano Dunes complex is actually composed of at least four major and distinct ecological systems (habitats) that, over time, have fluctuated depending on various ecological and human disturbances. These characteristics lead to considerable uncertainty about appropriate management actions. In addition, managers often face uncertainty about appropriate regulatory actions because understanding of biological mechanisms is limited. Therefore, it is appropriate to explicitly admit that uncertainty exists and take actions in an experimentally designed context to learn which actions are better than those currently in use.

Overall, adaptive management appears to be very appropriate in this particular regulatory situation. Rather than only establishing a specific limit of users within the park, adaptive management leaves open the possibility for subsequent changes to data collection, program evaluation, and management reaction as new information is discovered over the long-term. Although interim vehicle limits should be established as a baseline for future analysis, any changes in use limitations would follow from this on-going systematic monitoring and management approach. More generally, Commission participation in an on-going adaptive management approach will allow for better balancing between the Public Access, Recreation, and Environmentally Sensitive Habitat Policies of the Coastal Act over time rather than through more limited permit decisions. Finally, adaptive management through something like a TRT more appropriately recognizes that the recreational uses of the ODSVRA are established by state legislation, and that the management challenge is how to balance this legislatively sanctioned activity with on-going and dynamic environmental management concerns.

Establishment of a Technical Review Team. The purpose of the TRT is to assemble a group of stakeholders who will actively participate in the adaptive management process and provide recommendations to the Superintendent of the ODSVRA (Superintendent). The TRT will assist the ODSVRA Superintendent in the protection of the SVRA natural resources by helping identify and review needed research and recommend management measures and restoration efforts to rebuild or

protect the ODSVRA resources. To this end, DPR will commit to use, absent compelling reasons, the recommendations made by the TRT.

As proposed, the TRT will be composed of members employed by Federal, State, or local agencies with expertise in management of natural resources, representatives of local user groups, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple use management of the ODSVRA resources. DPR also proposes to add members or make adjustments to the make-up of the TRT in order to reflect a balance of interests or to reflect changing dynamics of stakeholders and/or issues.

In addition, a scientific subcommittee will be created to identify, develop and evaluate the scientific information needed by decision-makers to ensure that the ODSVRA's natural resources are adequately managed and protected. The subcommittee will be composed of TRT members from the five government agencies (CCC, SLO County, USFWS, DFG, DPR), and at least two independent scientists with expertise in Western snowy plover, California least tern, steelhead trout or other species of concern, as well as ecological pocesses, to analyze technical data and ensure that conclusions regarding technical studies are impartial. . An important task of the scientific subcommittee will be to make management recommendations to the TRT based upon the scientific information that is reviewed by the scientific subcommittee. The TRT will then use that information to make recommendations to the Superintendent of the ODSVRA.

Tasks of the TRT. It is anticipated that the TRT will meet at least twice a year and maintain correspondence in order to evaluate monitoring results at the ODSVRA. It will also reevaluate monitoring protocols, develop recommendations to DPR regarding additional monitoring focuses and management strategies, provide oversight review for the various research studies, and assist DPR in the development of annual reports. In addition, based on the results of ongoing research studies, the TRT will advise the ODSVRA Superintendent regarding changes in the limits of day use and overnight camping in the park.

As mentioned, issues of particular importance have been identified as potential initial tasks of the TRT. These include but may not be limited to 1) evaluating the location and size of single nest and seasonal exclosures; 2) completing a shorebird impacts study; 3) establishing a study plot for research on successional events in dune stabilization; 4) assessing motor vehicle fluids contamination; 5) initiating an Arroyo Grand Creek vehicle crossing study; 6) improving the retrophoto baseline archive; and 7) studying the response of western snowy plovers and California least terns to vehicle activity at night. It should be noted, however, that the TRT may also identify and initiate the investigation of other issues reasonably related to the carrying capacity and ongoing management of the SVRA.

To address the issue of resource management, the dynamics of the different ecosystems that are present at ODSVRA must be recognized. One logical task for the Technical Review Team is to become familiar with the four main categories of natural resource areas (systems) in the ODSVRA and answer the following related questions raised as a result of the completion of the Carrying

Capacity Study. These four categories are; 1) the ocean, especially the intertidal (wet) beach which is home to the Pismo clam and other species, as well as a feeding area for various shorebirds and a possible breeding area for grunion on certain high tide nights; 2) the barren sand areas, including the dry sand beach and adjacent barren dunes, which are either devoid of vegetation (or nearly so), are used by the endangered Snowy plover for nesting; 3) the vegetated dunes, generally located further from the shoreline; and, 4) freshwater streams and ponds. Each of these ecosystems interacts with its neighbors. The following is a more detailed consideration of these different natural resource systems found at ODSVRA:

1a. Wet Beach (clams and other infaunal organisms). Although no specific data has been found, there does not appear to be any evidence that OHVs are directly impacting clams and other subsurface beach dwellers. OHVs do make it easy for clam diggers to access the beach, so it would be logical that there is an indirect impact from increased take of the resource. The allowable take is explicitly regulated by the California Department of Fish and Game and no issue of overuse of this resource has been raised with respect to OHV use levels. Nonetheless, future research with respect to compaction, petrochemical contamination, reproductive success, growth rates, etc., would be appropriate.

1b. Wet Beach (shorebirds). As a feeding area for shorebirds, considerable disruption is possible whenever vehicles cruise along the water's edge close enough to make the birds move away or take flight. The result (we can presume) is similar to what happens when there is intense use by pedestrians, equestrians cantering in the surf run-up, or dogs chasing the birds. That is, less feeding success due to less time on the surface and a greater drain on the bird's energy reserves from having to run away or take flight frequently. Together these effects are said to "stress" the impacted species.

To learn more about the potential relationship between the intensity or type of use at the ODSVRA and the bird foraging function of the wet beach, the TRT should investigate:

1) How often does OHV activity stress the resident shorebird population, as compared to similar non-OHV recreational beaches?
2) Are wildlife population balances being upset by the presence of OHVs? Are there particularly skittish species which flee, resulting in overcrowding by another, more tolerant species such as gulls?
3) Are there direct impacts on food supply attributable to OHVs running on the wet beach, such as from vibrations or trace hydrocarbon residues?
4) Are there indirect impacts on food supply attributable to OHV activity, such as competition from crows or gulls which are attracted to left-behind picnic scraps?
5) Is the level of disruption attributable to OHV activity significant? Is there evidence of the local populations of any of the shorebirds naturally occurring at this beach being placed in jeopardy?

6) If there is a significant local disruption, is it also significant in terms of cumulative impacts over the whole system? (Which, in this case, could be considered the entire wet beach from Pismo Beach to Point Sal)

7) If there are significant impacts to the system, are there available mitigation measures which could reduce the impacts to a less than significant level?

8) If the appropriate mitigation measures include testing a reduced OHV use level, what level would be appropriate to test? (Such reduction should be, at a minimum, statistically significant, in the mathematical sense.)

1c. Wet Beach – Grunion. According to the California Department of Fish and Game, grunion runs occur in the Pismo Beach area. These small fish utilize the wet beach to lay their eggs. Important questions for the TRT to address are; 1) Will their nests (if any) be smashed by day-time OHV use? 2) If so, would this be a significant impact? 3) Can such impacts be mitigated by banning driving on the wet beach after a grunion run? 4) And, would this be practical to enforce?

1d. Wet Beach – Summary. Only generalized concerns have been raised regarding the wet beach ecosystem. No information is available that demonstrates that marine resources or ESHAs are at risk from OHV activity. Nonetheless, further study is warranted because of the possibility of cumulative adverse effects on this portion of the marine environment. Accordingly, staff is recommending that the TRT undertake wet beach-specific studies regarding clams and other resident fauna; shorebird activities; grunion runs; and an assessment of impacts from motor vehicle fluids.

2a. Barren Sand – Western Snowy plover Habitat. The barren sand ecosystem is comprised of dry sandy beach and dunes with sparse or no vegetation. This is a dynamic system that is characterized by a high level of natural disturbance. Here is where the western snowy plover makes its nest on bare sand. Loss of suitable breeding habitat has contributed to the decline of the species, such that it is a Federally-listed threatened species. Accordingly, known western snowy plover breeding habitats are considered to be environmentally sensitive habitat areas (ESHAs). The bare sand portions of the plover's habitat also happen to (otherwise) be the most tolerant and suitable for intensive recreational use.

The problem is not the absence of bare sand areas, but that too many bare sand areas have been made unsuitable. For example, observations on the Monterey Bay shoreline reveal visitors approaching too closely to the difficult-to-see nests (frightening the parent bird off the eggs and exposing the eggs to gull predation); harassment by domestic dogs running unleashed on the beach; and direct predation by introduced red foxes. At Oceano Dunes, an additional element of stress is added by OHV activity, including noise and vibration. Also, young plover chicks have been reported to take shelter in the minimal (but only available) shade offered by the wheel tracks of an OHV. Of course, this places them in jeopardy of being hit by a following OHV. (Despite the apparent hazard, there is no significant reported evidence of plover chick mortality from this cause).

The number of snowy plover nests have increased from none in 1978 to an annual average of 22 nests in the last nine years (it is unclear as to whether plovers studies were conducted from 1979 to 1991). Because the plover is holding its own or increasing at ODSVRA, one can assume that the current management measures adopted by DPR are effective at some level. DPR concludes that the present levels of OHV activity do not represent a significant disruption of snowy plover habitat.

2b. Barren Sand – Other. No significant plant or animal habitats are readily evident on the majority of bare sand areas at ODSVRA. Nonetheless, a closer look will reveal evidence of insect activity, vertebrate and invertebrate insect predators, wind-blown seeds and other evidence of biologic activity. Thin strands of plant life are sporadically present only as native "pioneer" species, or remnants of introduced exotics such as European dune grass and South African iceplant.

Information is lacking regarding what characteristics the dunes would have without OHVs. We do not have the information necessary to adequately assess recreational impacts "from scratch," that is, by describing first a dunes ecosystem without OHV use and then analyzing the impacts of OHV use on the previously OHV-free dunes ecosystem. Although sensitive sites marked by vegetation and identified as active plover and tern nesting areas have been fenced, sites that may have held sensitive resources prior to 1982 (the date of the first fencing of sensitive sites) have been degraded, and fencing may not preclude off-highway vehicle operators from attempting to enter sensitive sites. Experience here and in other coastal dune systems demonstrates that native (or exotic) dune plants will revegetate those areas where OHV impacts are eliminated. In other words, from a biological perspective, the dunes represent a single habitat type -- the "sensitive areas" exist because of exclusionary fencing, not some special natural characteristic.

Thus, it is critical that the TRT evaluate past revegetation efforts both inside and outside the ODSVRA and the feasibility of expanding vegetation exclosures, and monitor the ability of barren dunes to revegetate if given the chance (i.e. OHV impacts are eliminated).

For many years, residential development along Strand Avenue (located north of Arroyo Grande Creek) has been inundated by blowing sand. Large amounts of sand are deposited on the beach by wave action in the spring and summer months, and during the summer and fall, wind blows the sand landward creating dunes that advance toward the houses and grow vertically. In the past, the homeowners have obtained emergency permits from either the County or the Commission (a portion of the neighborhood lies within the Commission's retained permit jurisdiction) to stabilize the dunes by relocating the sand, via heavy equipment, to the inter-tidal zone.

In 1993, the Commission staff asked the residential community to explore alternative means of addressing the drifting sand; a vegetation program was one of the options discussed. Since then, DPR has placed vegetation on the state park property in front of the homes between Pier Avenue and Surf Avenue. The presence of vegetation has greatly reduced the need for sand maintenance in this area; however, it currently covers only the northern half of the dunes. In 1999, the Commission issued an emergency permit for the relocation of between 1,000 and 4,00 cubic yards of sand seaward of the homes. The related follow-up coastal development permit is pending further

application information and coordination among the Oceano Homeowners Beach Maintenance Committee.

Several approaches to address dune management and stabilization in this area have been discussed in the past; however, to date, consensus among the homeowners has not been reached. The homeowners wish to retain the sandy beach, as it is enjoyed by large numbers of the general public and the homeowners themselves for recreational activities; however, it potentially poses a risk to their life and property. DPR has expressed a willingness to work with the USFWS, San Luis Obispo County, and the Commission to establish a dune management and stabilization approach on their properties if there is consensus between the agencies and the homeowners. The TRT may play an important role in developing a dune management plan for this area.

3. *Vegetated Dunes.* This dynamic ecosystem is characterized by significant levels of natural disturbance (wind, moving sand) such that specially-adapted dune species have a competitive advantage over the typical coastal bluff flora found along the central coast of California. These dune systems along California's central coast which are naturally stabilized by native vegetation are generally recognized as ESHAs. While native dune plants are adapted to (and may actually require) disturbance at some level, they are vulnerable to trampling and crushing during the growing season. A single pass by an OHV can leave tracks -- and a disturbed site susceptible to wind erosion -- that will persist for the rest of the year.

As the native (or introduced) dune plants grow, their root systems tend to hold the sand together, providing resistance to wind erosion. Further plant growth attracts plant eaters, particularly rodents and rabbits. These animals in turn attract predators such as hawks and grey foxes. Animal droppings, and the remains of dead plants and animals provide more nutrients, thus leading in successional stages to increasingly more vegetated and stable dunes.

Dune plants also cause wind velocities at the immediate surface to be reduced, acting as miniature "windbreaks." This causes the wind to drop its load of sand grains; the amount of sand that a given gust of wind can bounce along the dune surface is proportional to the velocity of the wind. Thus, any object which reduces wind energy results in dune building. Put another way, plant cover builds higher dunes.

4. *Freshwater Ponds and Streams.* A number of unusual freshwater lakes and marshes occur along the inland side of this dune formation, which include the relatively large Oso Flaco Lake. All of these wetlands have been made off-limits to OHVs. In addition, Arroyo Grande Creek runs through the ODSVRA and empties into the ocean across the beach. Thus, the creek must be forded by all OHVs headed south of this point. It is not clear what the relationship is between the intensity of use at the ODSVRA and the impacts on the stream ecosystem. Thus, a better understanding of potential cumulative effects is needed, especially with respect to petrochemical contamination.

Equilibrium Between Barren and Vegetatively Stabilized Dunes. At the ODSVRA, there appears to have historically been areas of both naturally barren and naturally vegetated dunes. The proposed

levels of OHV use on the barren dunes will discourage establishment of pioneer plants and eliminate any likelihood of crust formation and other successional events which would lead to loss of bare sand areas. On the other hand, beyond the fences on the vegetated dunes, there is complete protection from OHV disturbance (and only minimal passive recreational use and animal disturbance).

This situation is dependent on having enough management measures in place to assure that OHV use is confined to the existing barren sand areas. If for example the OHV-user educational program were to fall short, if the fences were to fall into disrepair, or if the ranger patrol forces were cut back, OHV exclusion from the vegetated part of the dune system could no longer be counted on. Even a small number of "outlaw" OHVs could, with continuous activity, threaten the sustainability of this ESHA.

The separation of uses is absolutely critical to the capacity of the barren portion of the dune system to co-exist with the vegetated portion of the dune system. The capacity of the barren dunes to sustain motorized recreational disturbance is very great. The capacity of the (naturally) vegetated dunes to sustain motorized recreational disturbance is very small. The precise historic extent of the bare sand areas is not known, but appears to have been extensive. What is known is that excessive disturbance will increase the proportion of bare sand at the expense of habitat suitable for native dune plants. Formerly vegetated areas that were made barren through excessively concentrated recreational use, including OHVs, equestrians, and pedestrians, have recovered nicely once they are fenced and restored. This may be possible in currently unvegetated areas if fenced exclosures were expanded. Thus, establishing and studying various test plots of fenced barren dunes is recommended as a task of the TRT. On the other hand, through artificial stabilization, especially through planting of (highly undesirable) European dune grass, the area of bare dunes could theoretically be greatly increased. However, in accepting continued substantial OHV use on part of the dune system, we are perpetuating (and probably emphasizing the distinction between) two distinct subsystems.

It is believed that a dynamic equilibrium once existed between the barren dunes and the vegetated dunes. That equilibrium was upset through the introduction of artificial stabilization (planting of European dune grass), and then again in the other direction by extensive OHV activity extending into naturally vegetated areas. In recognition that the new equilibrium requires an attentive, adaptive management effort in order for it to be sustained, the TRT is encouraged to ensure that: 1) the historic photographic record be found, protected and analyzed, in order to better understand long-term trends especially as they concern the equilibrium between barren and vegetated areas; 2) research test plots be established, to better understand actual OHV impacts on the successional process; and, 3) that the interim vehicle limits be reduced proportionately in the event that management capability is reduced (e.g., because of a budget reduction) or that natural resources are being degraded.

Proposed Interim Vehicle Limits

As discussed previously, DPR has proposed an interim limit on vehicle day-use of 4,300 per day, including OHVs, and an interim limit of 1,000 overnight camping units. This proposal reflects the current vehicle use limits of the ODSVRA. The SVRA's General Plan of 1975 identified the

carrying capacity of the Park to be 4,300 day-use vehicles, and given the improvements in enhancement and management of environmentally sensitive habitats, DPR believes it can manage this intensity of use without significant degradation of coastal resources.

DPR also proposes that an allowance be made for day-use vehicle limits to exceed 4,300 only during the four major holiday periods of Memorial Day, July 4th, Labor Day, and Thanksgiving, on an interim basis, in order to allow historic use patterns during busy holiday periods. These "bump days" would be in effect for an initial three year period to allow for comprehensive monitoring and comparative analysis of historical levels of visitor uses and impacts during these highest attendance periods. This proposal is consistent with the County of San Luis Obispo Board of Supervisors Resolution No. 98-355, attached as Exhibit 6.

Other Management Alternatives

In the critical habitat designation for the western snowy plover and the 1996 Biological Opinion, USFWS points out the potential for vehicles and other recreational activities to cause direct take or harassment of snowy plovers and least terns. Specifically, the USFWS' report on critical habitat designation states that, "activities that could aversely affect critical habitat of the...western snowy plover...include, but are not limited to: projects or management activities that cause, induce, or increase human-associated disturbance on beaches, including operation of off-road vehicles (ORVs) on the beach...".

In addition, and as previously mentioned, the USFWS expects a certain amount of "take" and "harassment" to occur among western snowy plovers and California least terns within the ODSVRA. In one year, the USFWS anticipates that a total of one snowy plover adult, one California least tern chick or adult, three snowy plover chicks, one least tern nest (affecting a maximum of three eggs), and three snowy plover nests (affecting a maximum of nine eggs) will be lost due to vehicle use or recreational activities on the beach. In addition, the Biological Opinion states that one or two least tern broods and *all* western snowy plover broods will be "harassed" by being flushed out of suitable habitat, and having their foraging and essential chick rearing behaviors disturbed, due to activities within the ODSVRA. Although breeding data is inconclusive that the USFWS' amount of anticipated "take" is actually realized, the USFWS clearly acknowledges, through these statements in the Biological Opinion, that current activities (vehicle use and other recreational activities) in the ODSVRA may result in take and harassment of these listed species.

In order to further efforts for conservation of western snowy plovers and California least terns, the USFWS recommended in the Biological Opinion that the following measures be implemented, or continued, at the ODSVRA. Most, if not all, of these measures should be reviewed and considered by the TRT for future management action.

1) ODSVRA should continue the ongoing public education and interpretation program, which includes the distribution of educational materials, placement of interpretive signs, and outreach to the surrounding community and user groups.

2) ODSVRA vehicles used for routine enforcement and management activities outside of the ride area shall be restricted to the hard-packed wet sand, or shall stay as close to the wet sand as possible during high tides, and shall avoid the wrack line if possible.

3) All ODSVRA personnel engaged in activities within or outside the ride area shall be trained to recognize California least tern and western snowy plover adults and chicks, and shall be provided with instruction regarding the measures implemented by the ODSVRA to protect these species.

4) The ODSVRA should expand efforts to conserve nesting western snowy plovers and California least terns by increasing the size and numbers of areas in which recreational activities are prohibited during the nesting season. The increases in protected areas that should be considered include the following:

   a) Expansion of the North Grand, Dune Preserve, and Milepost 8 exclosures to the water;
   b) Expansion of the Milepost 8 exclosure to be contiguous with the South Riding Boundary exclosure and the protected area south of the riding area;
   c) Expansion of the Dune Preserve exclosure to the southern boundary of the Dune Preserve and to include an equal area of Arroyo Grande Creek;
   d) Establishment of one or more additional exclosures north of Pier Avenue; and
   e) Maintenance of exclosures throughout the year to provide undisturbed areas for migrating and wintering western snowy plovers.

It is important to note that the USFWS is currently working on an update to their 1996 Biological Opinion, in which an analysis will be completed to determine the appropriate locations for seasonal exclosures as they relate to historic snowy plover nesting areas. This update will play a critical role in determining whether the current location and size of seasonal exclosures are adequate for the continued protection of sensitive nesting habitat. In addition to the USFWS' pending recommendations, and in an effort to protect the area with the largest concentration of snowy plover nesting sites (illustrated in Exhibit 5), the Commission finds that the seasonal exclosure near Milepost 8 shall be expanded to the north and south (contiguous with the South Riding Boundary) and shall extend to the water (illustrated in Exhibit 12). This expanded exclosure area is consistent with above USFWS recommendations (4a and b) and will serve as a control area large enough to effectively study the potential impacts of recreational activities on Western snowy plovers.

In addition, staff recommends that the TRT consider the following alternative management measures:

1) Limiting all street-legal vehicle travel to the hard-packed wet sand in the area between the Park entrances and the OHV riding area;

2) Increasing the size of single nest exclosures;

3) Constructing single nest exclosures to be contiguous with adjacent single nest or seasonal exclosures, and expand all exclosures to the water;

In order to better understand what other management and conservation alternatives may be available for the ODSVRA, it is important to consider how the protection of western snowy plover habitat has been addressed in other areas. Two such case studies are Vandenberg Air Force base and Wilder Ranch.

Vandenberg Air Force Base, Santa Barbara County. The beaches of Vandenberg Air Force Base are a historic nesting site for western snowy plover and California least terns, and have been designated as critical habitat for the western snowy plover.. In 1995, the U.S. Air Force proposed a one-year "linear" closure of the beaches at Vandenberg Air Force Base during the western snowy plover's nesting season. In 1999, after monitoring results indicated decreasing plover nesting success, the USFWS recommended an immediate emergency closure of three miles of publicly accessible beaches where the greatest concentrations of plover nesting occurs. USFWS noted that a four-year study of monitoring data concluded that reproductive success of western snowy plovers on these beaches was "substantially lower in the areas with linear exclosures than in areas that were fully closed." After reviewing the monitoring data and adopting formal "critical habitat" designations for the plover, the USFWS recommended that all beaches where plovers nest be fully closed during the nesting season. In March 2000, the Commission found that the U.S. Air Force's proposal to "increase interim restrictions on public access at beaches where snowy plovers nest on Vandenberg Air Forces Base" was consistent with the Coastal Act.

Wilder Ranch, Santa Cruz County. Wilder Ranch is a small pocket beach on the coast of northern Santa Cruz County, which has been known as a western snowy plover nesting site since 1922 and is designated as critical habitat for the plover. During the period of 1989-1993, the number of chicks fledged from Wilder Ranch steadily declined from 18 in 1989 to none in 1993. In 1994, State Parks increased efforts to provide protection for the preserve. This included fencing, improved signing, ranger patrols, and volunteer docents to inform park visitors of the closed and protected status of the preserve. These efforts successfully resulted in a very substantial reduction in the level of human disturbance at the natural preserve, including the beach. In 1994, a total of 13 nests were found at Wilder Ranch, reversing a steadily declining trend for the preceding five years that saw numbers fall from 18 nests (1989) to no nests (1993).

Both the Vandenberg Air Force Base and Wilder Ranch case studies indicate that snowy plover habitat and nesting success may improve if recreational access to the ODSVRA were further restricted. It may be that only portions of the Park would need to be further restricted, or closed, during the nesting seasons in order to reduce adverse human impacts on breeding success. In the event that the ODSVRA were subject to further restrictions, the TRT would be involved in determining what portion of the ODSVRA should be restricted and the length of time the restriction should be in effect.

7. Consistency Analysis

DPR has proposed an interim limit on vehicle day-use of 4,300 per day, including OHVs, and an interim limit of 1,000 overnight camping units. This proposal reflects the current vehicle use limits of the ODSVRA. DPR is also proposing that an allowance be made for day-use vehicle limits to

exceed 4,300 on the four major holiday weekends (Memorial Day, July 4th, Labor Day, and Thanksgiving).

An analysis completed for the 1975 State Park General Plan suggests a carrying capacity of 4,280 vehicles. It should be noted, however, that this figure includes 1,280 vehicles allocated to the Pismo State Beach *non-vehicle* area. In addition, the figure was based primarily on *recreational* capacity analyses from other State Park units, with particular focus on the appropriate threshold number of vehicles that would maintain a beneficial visitor experience. It was not based on a comprehensive ecological analysis of the Oceano Dunes environment in relation to the appropriate number of OHVs. Thus, the current limit of 4,300 vehicles is somewhat arbitrary both in its derivation, and applicability to the ODSVRA 25 years later. However, the Department of Parks and Recreation (DPR) concludes that the 4,300 figure would not have any adverse effects, based on the results of data collection and data interpretation concerning visitor types, interaction and compatibility of uses, visitor safety, sensitive natural resources, air quality, and sanitation and traffic impacts on the local economy.

The limit of 4,300 day-use vehicles has historically been accepted absent any compelling evidence that it should be some other number. It is difficult to know if there is a better basis for any particular number over another for interim vehicle limits. Intuitively, it would seem that a lesser number of vehicles would have a lesser impact on the resources of the SVRA and a greater number of vehicles would have a greater impact. This concept also appears to be supported by the USFWS' critical habitat designation discussion in a previous section of this report. Permit 4-82-300 is silent on the magnitude of a reduction or increase in OHV and camping use. Under 4-82-300, the decision of how big an increase or decrease there should be was left to the Executive Director and the San Luis Obispo County Board of Supervisors, based on the results of an annual or any other review.

From 1982 to April 1999, only those day-use vehicles entering the SVRA under their own power (street-legal vehicles) were counted for attendance purposes. Towed or trailered day-use OHVs were not counted as a part of this established limit until May 1999. In the past, both the County of San Luis Obispo staff and the Commission staff have expressed the desire to have all OHVs counted. Such OHV counts would include both those OHVs brought into the SVRA by day use vehicles and those towed or trailered via overnight vehicles.

It is important to note that because the counting of vehicles and more recently, OHVs, has historically been divided by activity (i.e. day-use or camping), the two activities have rarely been analyzed together. Thus, a comprehensive understanding of how many street-legal vehicles and OHVs are in the Park at any given time is not readily apparent. Because a camping unit is defined as one vehicle entering the Park under its own power, regulation of the number of camping units has focused entirely on the number of street-legal vehicles, and not OHVs, entering the Park. For example, on August 12, 2000, 1,167 street-legal vehicles trailering 264 OHVs entered the Park through one of the kiosks and paid a day-use fee. On the same day, 1,241 street-legal vehicles trailering 843 OHVs spent that night in the Park and paid a camping fee. Based on historic counting and data recording methods, the number of day-use vehicles that entered the ODSVRA would be

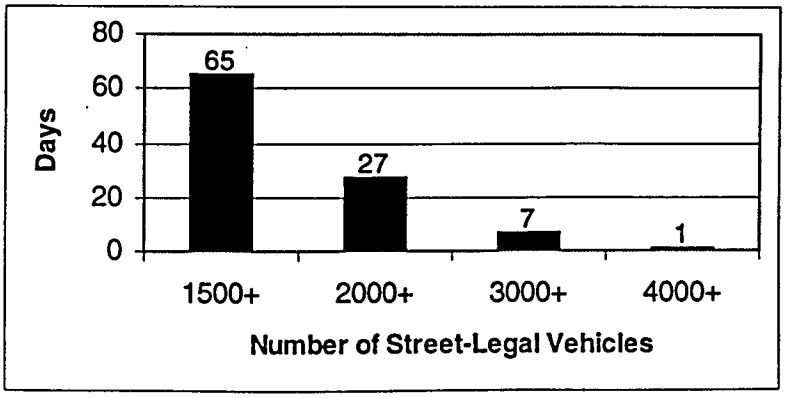
interpreted as 1,431 (1,167 + 264) and the number of camping units would be 1,241. Total vehicles that entered the Park on this day, though, was actually 3,515. Under DPR's proposal, the additional 843 OHVs brought into the Park by camping units would be exempt from any day-use or camping vehicle limit.

While both camping and OHV day use affect the ODSVRA environment, OHV day use is potentially more harmful since it entails driving vehicles over the dunes and possibly into sensitive sites. In contrast, most street-legal vehicles and camping units entering the ODSVRA tend to stay along the beach, as they are unable to traverse the dunes. Due to potential resource impacts and user conflicts associated with OHVs, and in order to continue establishing baseline monitoring data, the staff recommends that all OHVs be counted and be subject to a separate vehicle limit than the street-legal vehicles. Such OHV counts would include both those OHVs brought into the SVRA by day use vehicles as well as those towed or trailered by vehicles intending to camp overnight. DPR has been able to count all OHVs as they enter the Park through one of two kiosks since May 1999; however, there is currently no clear limit on the number of OHVs that can be brought into the ODSVRA. Placing a limit on OHVs would not only ensure that they continue to be counted separately, it would also allow for future adjustment to OHV limits without necessarily adjusting the street-legal vehicle limit. More important, it would mark the beginning of a more scientifically valid monitoring system to better manage impacts. For example, if further studies reveal that OHVs pose the largest threat to snowy plovers, least terns, and their habitat, then limitations on that type of use should be considered independently from limitations on street-legal vehicle use.

Campers at the ODSVRA are usually also there for OHV day use; however, camping per se is relatively passive. This is not to say that camping does not have any impacts. Since there are no designated campsites, camping occurs wherever vehicles are allowed. Thus it is possible for there to be campsite remains (charcoal, partially burned wood, cans, bottles, etc.) anywhere, not just confined to a designated campsite.

Although a change in the day use and camping vehicle limits may be subject to update and refinement in the future, based on ongoing monitoring efforts and as we learn more about use trends and potential resource impacts, interim limits need to be established at this time. Perhaps the most important conclusion that can be reached from the vehicle use counts provided for the last 18 years is that the data strongly suggests that both current levels and patterns of visitor use have not reached the established vehicle limits, except on busy holiday weekends. In light of this, and in an effort to establish day-use vehicle and camping limits which

Figure 14 – Number of Days Street-Legal Vehicle Count Exceeded 1,500 Vehicles (1984-2000)

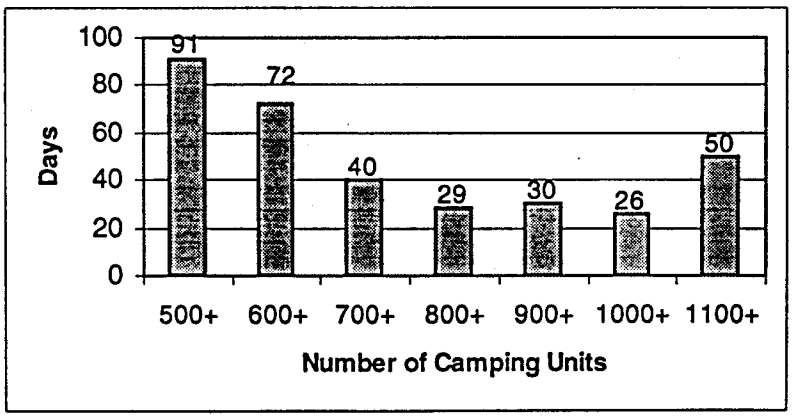


more closely reflect those recognized at the time of coastal development 4-82-300 approval and which serve to protect the biological resources of the ODSVRA, separate limits should be placed on street-legal vehicles, OHVs, and camping units.
In addition, lacking specific impact evidence, allowances may be made for interim street-legal and off-highway vehicle limits to be exceeded only during the four major holiday periods of Memorial Day, July 4th, Labor Day, and Thanksgiving, as proposed by DPR. Given the lack of evidence though (due to lack of specific data collection and monitoring during these holiday periods), to conclude that such allowances should not be made, exceptions to vehicle limits will be permitted during an initial three-year period to allow for comprehensive monitoring and comparative analysis of historical levels of visitor uses and impacts during these highest attendance periods. If further monitoring reveals that sensitive resources of the ODSVRA are being severely degraded during these peak holiday periods, the TRT would be expected to re-evaluate such exceptions to vehicle limits, or consider management measures to respond to such peak usage.

Based on historical and current use patterns, as seen in Figure 14, the number of street-legal vehicles entering the ODSVRA on a daily basis has exceeded 3,000 only eight times over the last 16 ½ years (approximately 0.13%). A closer look at the data reveals that every one of these instances occurred during the peak season (May – September), particularly on the 4th of July.

Based on historical and current use patterns, as seen in Figure 15, the number of camping units (street-legal vehicles) staying overnight in the ODSVRA has exceeded 1,000 a total of 76 times over the last 16 ½ years (approximately 1.3%). Thus, if an interim camping limit of 1,000 units was continued, as required by the current coastal development permit and proposed by DPR, it may be exceeded on approximately five days during the peak season each year. However, based on historical data, these days would most likely occur during the 4th of July, Memorial Day, and Labor Day weekends, and thus, would not be subject to the 1,000 camping unit limit. Therefore, it is unlikely that DPR would be forced to turn away camping units.

Figure 15 – Number of Days Camping Units Exceeded 500 Vehicles (1984-2000)



Based on three visitor surveys, which occurred between 1991 and 1996, estimated OHV/street-legal vehicle ratios ranged from 0.36 throughout most of the year to 0.81 during the peak season. As discussed previously, updated OHV/street-legal vehicle ratios were determined based on 1999-2000 vehicle data, which revealed that the average OHV/street-legal vehicle (including camping units) ratio is 0.5 during the peak season (May through September) and 0.43 during the off-season (October through April). In order to determine an appropriate (in terms of reflecting current use and long-term trends) limit on OHVs, a ratio of 0.40 was applied to the existing limit of 4,300 total (street-legal and

off-highway vehicles) day-use vehicle limit. This application results in an interim limit of 1,720 OHVs(4,300 x 0.40).

A method to evaluate visitor impacts and management effectiveness is critical to the establishment of interim vehicle use limits. DPR's monitoring and evaluation protocols and the establishment of a TRT to provide recommendations to the Superintendent provide the means to critically analyze the SVRA attendance impacts and evaluate the effectiveness of SVRA management actions to mitigate impacts. Thus, vehicle use limits may be continually updated to reflect changing conditions and results of various monitoring efforts. However, in the interim, the Commission finds that a limit of 2,580 street-legal vehicles per day, 1,000 camping units (defined as one street-legal vehicle that enters the Park under its own power) per night, and a total of 1,720 off-highway vehicles at any given time is appropriate. In other words, the maximum vehicle use in a 24-hour period would be 3,580 street-legal vehicles and 1,720 OHVs.

8. Conclusion

Having established that the ODSVRA qualifies as ESHA under the Coastal Act, the Commission must find that the activities at the ODSVRA protect ESHA, and that any "development" will prevent impacts that significantly degrade or threaten the continuance of surrounding ESHA (Coastal Act Section 30240). In addition, the Commission must find that the activities at the ODSVRA will sustain the biological productivity of coastal waters (Coastal Act Sections 30230 and 30231), and protect against the spillage of crude oil, gas petroleum products (Coastal Act section 30232).

It is important to recognize that in its stewardship role, DPR has undertaken considerable proactive management measures to mitigate for recreational impacts and protect sensitive species and habitat in the park. These measures include fencing of vegetated islands, fencing of snowy plover and least tern nests, and revegetation of areas now closed to OHV use. In addition, DPR continues to work with other agencies such as the U.S. Fish and Wildlife Service in pre-permit actions to establish snowy plover and least tern nest protection measures. New monitoring systems have also been developed and implemented that will play an increasingly important role in on-going management of the Park.

DPR's vegetation efforts began in 1983 under permit 4-82-300 and involved the professional input of the Coastal Commission, Department of Fish and Game, San Luis Obispo County, and DPR. Initially, vegetation islands were identified and protective fencing placed around them. Large parts of the eastern and southern portions of the SVRA were fenced to restrict vehicle entry into vegetated areas and wetlands, including Oso Flaco Lake and Creek. While the location of the initial fencing did not necessarily mean that there might not be other areas that could be considered sensitive upon review and analysis of additional information, the findings of permit 4-82-300 do not indicate that additional areas beyond those identified at that time were considered "sensitive."

In general, efforts made towards vegetation enhancement have taken place in the areas previously designated as protected sensitive resource area, and have not taken place in the "open" ride areas.

The exceptions to this are some areas located either upwind of Oso Flaco Lake or some of the "vegetated islands". Based on aerial photography and on-the-ground inspection, vegetated areas that were fenced off have generally become more densely vegetated and less fragmented (see Exhibit 7). The most recent aerial photos (1993) reveal that at those locations in which restoration efforts have occurred, not only has the deterioration been arrested, but also in most cases, it has either been effectively reversed or completely restored. Generally, these photos show that:

1) The vegetation has made substantial recovery in those habitat areas where it naturally occurs (i.e. generally in those habitats that are protected from onshore winds and sufficiently close to the water table).

2) Most of the protected sensitive areas commonly referred to as "vegetation islands" are today characterized by a mixture of both generally contiguous vegetation and open sand; the proportion of each principally determined by environmental conditions.

3) In 1978, these protected sensitive resource areas were characteristically of a highly fragmented nature. This was principally due to the network of trails that had been created during the previous forty years of recreational vehicle use. The 1993 photos reveal how those same trails are generally non-existent or at least much diminished.

4) In addition to an expansion in vegetative cover within these protected sensitive resource areas, there has also been a noticeable increase in the density of the vegetation. The Carrying Capacity Study found that the total vegetative cover in 1994 was 138 percent of that which existed in 1983; when revegetated areas were included, the increase was 308 percent. Density in 1994 was 218 percent of that in 1983; when revegetated areas were included, the increase was 435 percent.

5) With the advent of improved restoration techniques (and perhaps more importantly with the end of one of California's more historically significant droughts), the pioneer plant species which characterize this ecosystem are finally realizing those conditions which will and have allowed for their re-establishment.

There is little doubt that DPR's management policies have enhanced vegetation island habitats by excluding OHVs from those areas. Similarly, by excluding OHVs from snowy plover and least tern nesting sites, DPR has enhanced the viability of those species. Because snowy plovers and least terns are holding their own at the ODSVRA, one can assume that the current management measures adopted by DPR are effective at some level. In this regard, DPR is protecting specific ESHA to the maximum extent feasible given the types of uses that occur at the ODSVRA.

However, regardless of measures employed by DPR throughout the nesting season to protect snowy plovers and least terns, the recreational activities made possible by the establishment of the ODSVRA will continue to harm or cause the direct mortality of these birds. Thus, in order to decrease the potential for "take" of snowy plovers and least terns, the activities that put them in danger should be appropriately restricted. However, we do not have adequate evidence (due to lack of specific information) to determine the severity of such impacts as they relate to the intensity of use at the Park. In other words, we do not know to what level sensitive resources may be more greatly

impacted by 4,000 vehicles, than by, for example, 1,000 vehicles. So, while the recommended day-use vehicle and overnight camping limits reflect those established in 1975 and 1983, respectively, the TRT can assess the various impacts in relation to the intensity of use at the Park. Through such an adaptive management approach, the TRT will be able to protect ESHA to the maximum extent possible within the broader context of balancing DPR's recreational mandate with Coastal Act Policies. For example, expanding the southern seasonal exclosure area provides the TRT with a control area large enough to effectively study the potential impacts of recreational activities on Western snowy plovers, and make management decisions in the future based upon the information gained from those studies.

Thus, critical to the establishment of interim vehicle use limits is a means to evaluate visitor impacts and management effectiveness. DPR's monitoring and evaluation protocols and the establishment of a TRT to provide recommendations to the Superintendent provide the means to critically analyze the SVRA attendance impacts and evaluate the effectiveness of SVRA management actions to mitigate impacts. The intensity of use at the ODSVRA, which is further restricted by Special Condition 3 of this coastal development permit amendment, will be closely monitored and analyzed for the extent to which this level of use impacts snowy plovers, least terns, and the dune system. In addition, the recommended interim vehicle limits will serve as the principal basis for making any necessary adjustments in the future, based on recommendations from the TRT. Thus, the interim vehicle use limits should not be viewed as the ODSVRA's carrying capacity; rather they serve as starting points from which the TRT may make adjustments based on what is learned over the years.

Special Condition 6 of Coastal Development Permit 4-82-300 requires that OHV access and the number of camp units within the ODSVRA be further limited, or increased, based on an annual (or any other) review that evaluates the extent to which environmentally sensitive habitats and community values are protected. The concept of a Technical Review Team, given its ability to initiate and review studies, make recommendations based on changing circumstances and new information, and its authority to advise the Superintendent of the ODSVRA in adjustments to vehicle use limits, meets the intent of Special Condition 6 of Coastal Development Permit 4-82-300.
As proposed by DPR, the TRT will prepare annual (October – September) reports that highlight the TRT's major accomplishments, projects, correspondence, and recommendations as well as a summary of subcommittees, working groups, and task force activities. These annual reports will be submitted to San Luis Obispo County and the California Coastal Commission for informational purposes no later than January 1st of the following year. Special Condition 5 identifies the necessary information to be included in the annual reports and suggests priority research and management projects for the TRT's consideration.

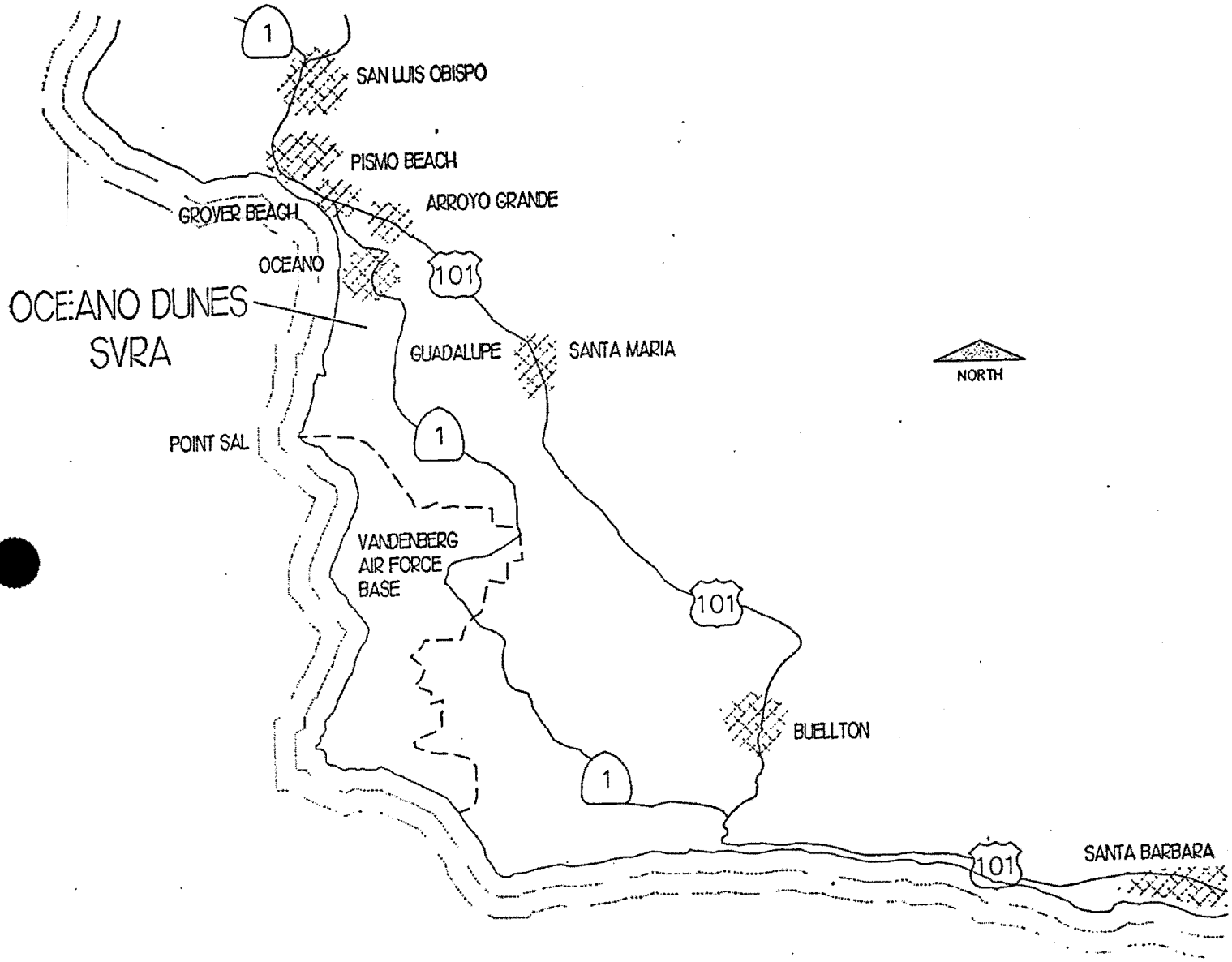
In addition, this coastal development permit is conditioned to be reviewed annually from the date of final approval, in order to evaluate the overall effectiveness of the Technical Review Team in managing vehicle impacts at the ODSVRA. If, after any annual review, the TRT's tasks and recommendations are found to be inconsistent with the intent of the Commission's approval, an alternative approach to resource management, or set of management measures, may need to be instituted.

As discussed previously, the Oceano Dunes is a complex ecological system that also supports a variety of recreational activities pursuant to DPR's legislative mandate. The adaptive management approach, made possible by the TRT, provides a more responsive management process for effectively balancing EHSA protection with the existing recreational use. The likelihood of minimizing significant disruption of sensitive habitat is enhanced through the provision of such a management process. In addition, this approach is consistent with the Commission's on-going management of coastal resources at Oceano, which have always been premised on revisiting periodically the question of intensity of use in relation to protection of ESHA. Finally, as conditioned to reevaluate the TRT effectiveness in managing impacts, efforts to protect ESHA will be maximized within the broader context of balancing DPR's recreational mandate with Coastal Act Policies. Thus, DPR's proposed coastal development permit amendment, as conditioned, is consistent with Coastal Act Sections 30230, 30231, 30232, and 30240.

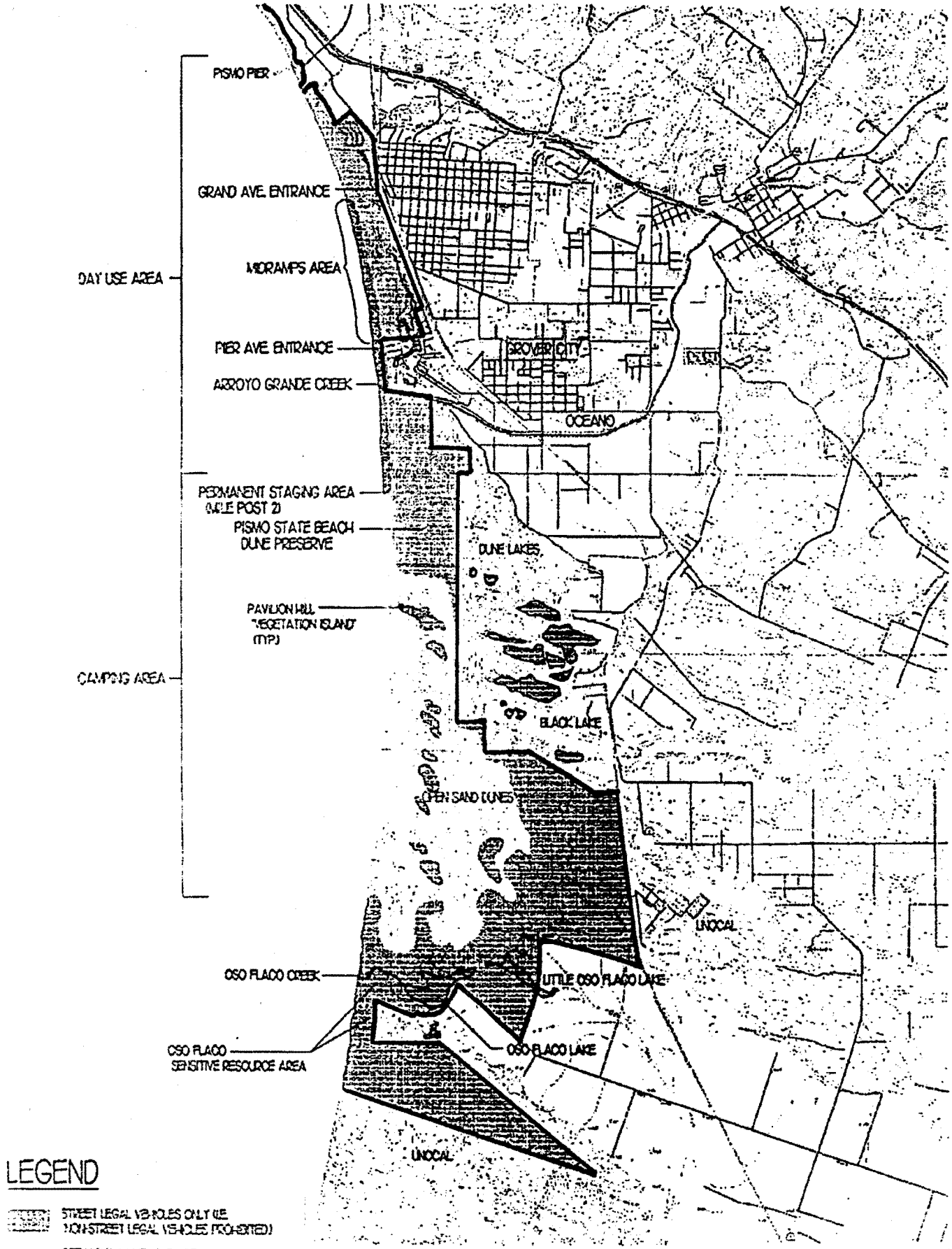
V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit amendment applications showing the application to be consistent with the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures that would substantially lessen any significant adverse effect that the project may have on the environment.

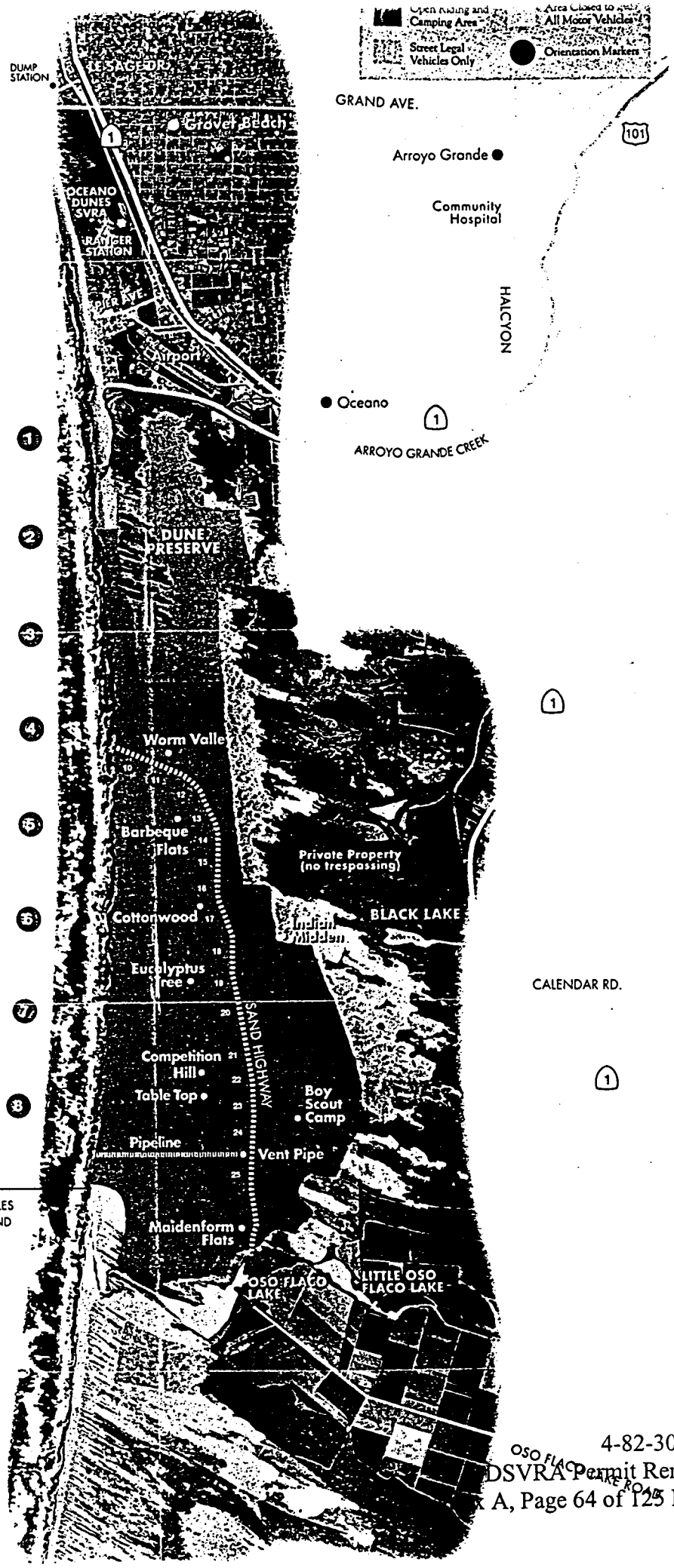
The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The impacts of the proposed interim limits on vehicle use within the ODSVRA and the establishment of a Technical Review Team have been discussed in this staff report. The proposed permit amendment is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions of Approval). As such, the Commission finds that only as modified and conditioned will the proposed coastal development permit amendment not have any significant adverse effects on the environment within the meaning of CEQA.



4-82-300-A5
Vicinity Map
Exhibit 1



Site Map
Exhibit 2



Aerial Site Map Exhibit 3

Oceano Dunes SVRA Within Nipomo Dunes Complex

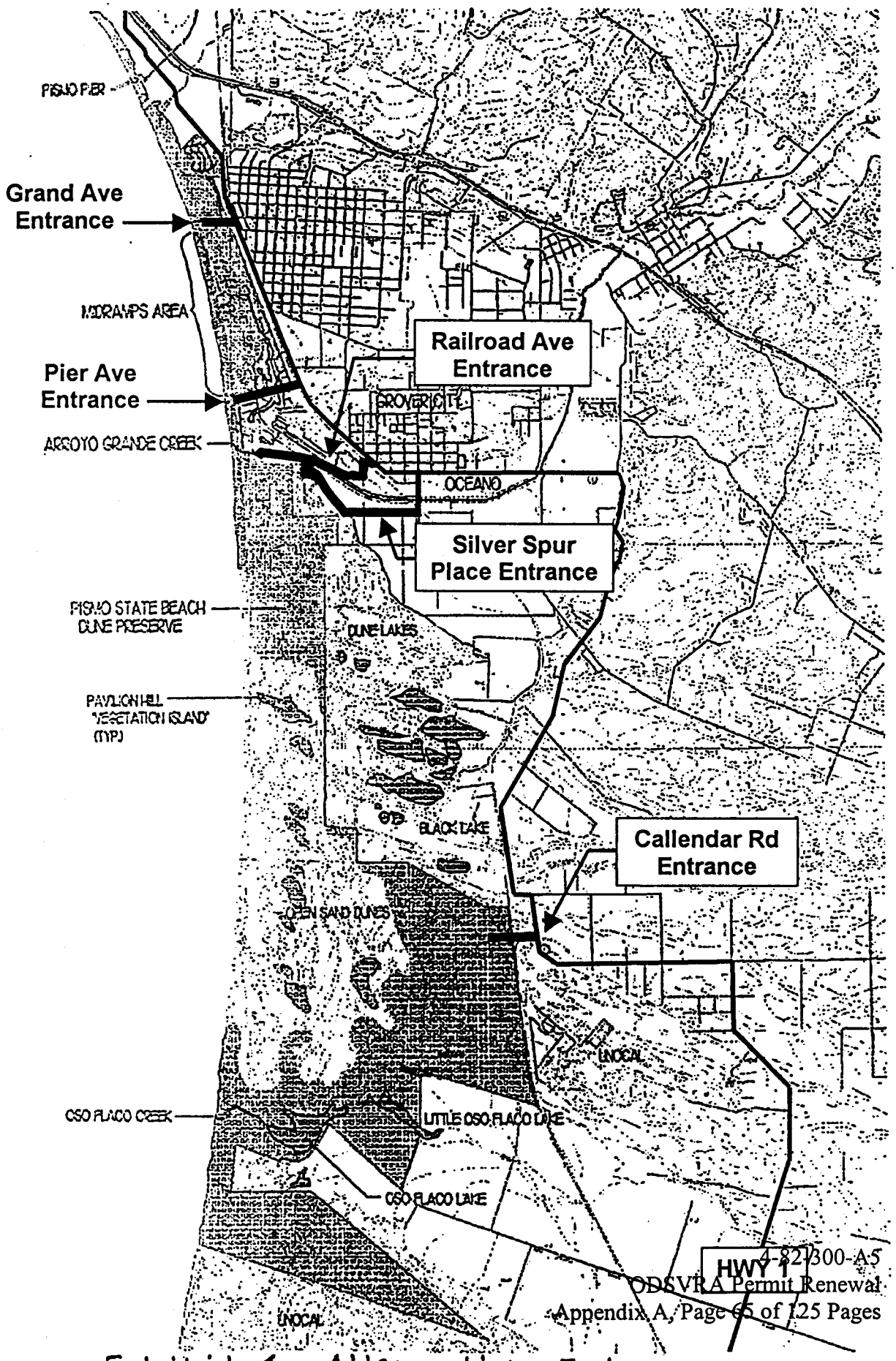
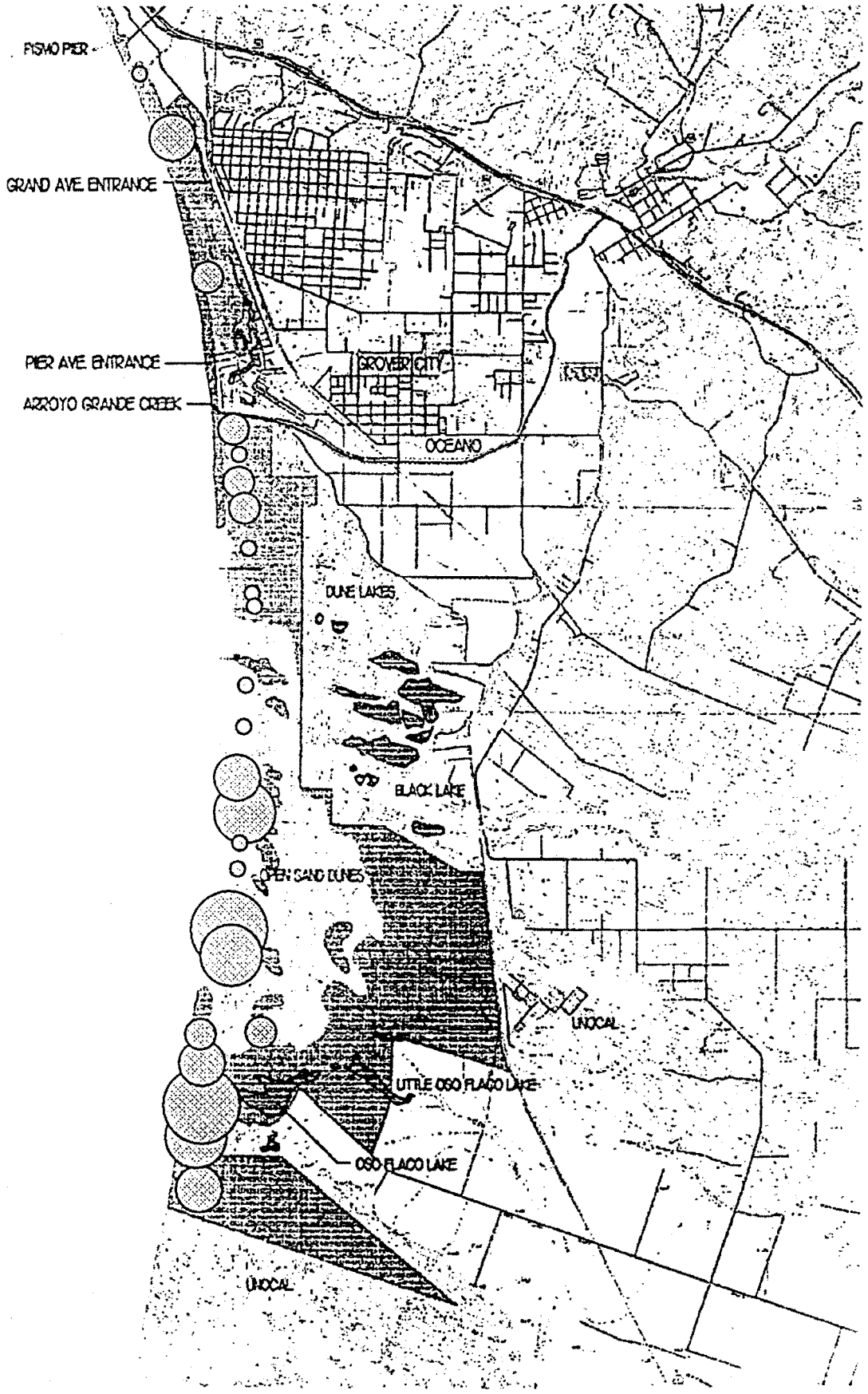


Exhibit 4 - Alternative Entrances

Western Snowy Plover Nest Locations at the ODSVRA (1994 and 1996-1999)



○ =1-2 Nests ○ =3-5 Nests ○ =6-12 Nests ○ =12-18 Nests ○ =18-24 Nests

Exhibit 5
Western Snowy Plover Nesting Locations

0301.0105

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day October 6, 19 98

PRESENT: Supervisors Harry L. Ovitt, Peg Pinard, Ruth E. Brackett and Chairperson Michael P. Ryan

ABSENT: Supervisor Laurence L. Laurent

RESOLUTION NO. 98-355

RESOLUTION CORRECTING RESOLUTION NO. 98-213 RECOMMENDING THE EXECUTIVE DIRECTOR OF THE CALIFORNIA COASTAL COMMISSION ACCEPT THE CONCLUSIONS OF THE DEPARTMENT OF PARKS AND RECREATION CARRYING CAPACITY STUDY

The following resolution is hereby offered and read:

WHEREAS, the California Coastal Commission approved Coastal Development Permit 4-82-300 to the California Department of Parks and Recreation on June 17, 1982 for the operation of Oceano (formerly "Pismo") Dunes State Vehicular Recreation Area, and amendments to such permit on August 26, 1982, and August 22, 1984; and

WHEREAS, Condition 3(b) of the Coastal Development Permit states, "OHV day use will be limited to a specific number of users established in consultation with and agreement by the County of San Luis Obispo, Executive Director of the Coastal Commission and the Department of State Parks. OHV day use fees may be collected."; and

WHEREAS, on October 22, 1996, the Board of Supervisors adopted Resolution 96-404 which contained the following recommendations:

1. The California Coastal Commission accept the conclusions of the Department of Parks and Recreations' Carrying Capacity Study; and

2. The established day use carrying capacity of Oceano Dunes State Vehicle Recreation Area be set at 4,300 day use vehicles, including off-highway vehicles, and 1,000 camping vehicles; and

3. The Department of Parks and Recreation monitor this level of use for the four major holiday periods and the normal summer usage and reevaluate this day use limit every three years; and,

4. The California Coastal Commission direct an independent consultant to prepare a new study, under direct contract with the California Coastal Commission.

CD-34

WHEREAS, the staff of the California Coastal Commission, County of San Luis Obispo Planning and Building Department and the Department of Parks and Recreation have diligently

Exhibit 6 (1 of 3) - Resolution

worked together to develop a carrying capacity study in which the permitted carrying capacity number has been determined; and

WHEREAS, on July 7, 1998, the Board of Supervisors adopted Resolution 98-213 superseding Resolution 96-404 which omitted references to the establishment of a technical review team to annually review monitoring efforts and assisting in re-evaluating day use carrying capacity; and

WHEREAS, the day use carrying capacity study provides for ongoing review and monitoring by the County of San Luis Obispo, Department of Parks and Recreation and the California Coastal Commission; and

WHEREAS, the day use carrying capacity study is consistent with state and local coastal plans; and

WHEREAS, the carrying capacity study provides for State Park management actions based upon the detailed assessment of social and environmental impacts associated with visitor use; and

WHEREAS, Oceano Dunes State Vehicular Recreation Area is highly valued and utilized for coastal access by a wide variety of recreationalists, including campers, hikers, picnickers, anglers, equestrians, and off-highway vehicle operators: and implementation of the day use carrying capacity study at this time will be in the public interest; and

WHEREAS, the Board wishes to correct its position to include support for the establishment of a Technical Review Team.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The Board supports the recommendations and conclusion of the Oceano Dunes Day Use Carrying Capacity Study, and recommends that the Coastal Commission accept the conclusions of the Carrying Capacity Study.

2. The Board recommends that the day use carrying capacity of Oceano Dunes SVRA be established at 4300 day use vehicles which includes the off-highway vehicles transported into the recreation area.

3. The Board recommends that day use vehicle limits may be exceeded only during the four major holiday periods of Memorial Day, July 4th, Labor Day and Thanksgiving; during an initial three year period to allow for comprehensive monitoring and comparative analysis of historical levels of visitor uses and impacts during these highest attendance periods.

4. The Board recommends that the Department of Parks and Recreation utilize the day use carrying capacity study recommendations to monitor the impacts of visitor use and

Exhibit 6 (2 of 3)

annually provide the data and analysis to the County Department of Planning and Building and the California Coastal Commission.

5. The Board supports the establishment of a Technical Review Team (TRT) to annually review the status of the monitoring efforts and to assist in reevaluating the day use carrying capacity.

6. The Board recommends that any adjustments to the day use carrying capacity that are proposed by the Technical Review Team, be made in consultation with and agreement by the County of San Luis Obispo, the Executive Director of the California Coastal Commission and the Department of Parks and Recreation.

7. The Board recommends that any future modifications to the day use carrying capacity for the Oceano Dunes State Vehicular Recreation Area shall be based upon scientific and statistically valid data derived from monitoring and assessment.

8. This resolution supersedes and replaces Resolution No. 98-213.

Upon motion of Supervisor Ovitt, seconded by Supervisor Brackett, and on the following roll call votes, to-wit:

AYES: Supervisors Ovitt, Brackett, Pinard, Chairperson Ryan

NOES: None

ABSENT: Supervisor Laurent

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors, County
of San Luis Obispo, State of California
BY Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By:
Deputy County Counsel

Dated: September 28, 1998

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss

I, JULIE L. RODEWALD, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors this 13 day of Oct 19 98.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors

By Deputy Clerk

Exhibit 6 (3 of 3)

1978

1993

Comparison of Vegetated Dunes at ODSVRA (1978 & 1993)

Exhibit 7

Western Snowy Plover Breedi[illegible] Data at ODSVRA (1992-2000)

Nests	1992	1993	1994[1]	1995	1996	1997	1998	1999	2000	Total
Total	5	8	41	25	32	20	33	13	18[8]	195
In Seasonal exclosures	0	2	20	8	12	6	24	10	13	95
% in Seasonal Exclosures	0	25	78	32	37	30	73	77	78	49
Individual Exclosures	5	5	9	14	20	9	9	3	4	78
% Individual Exclosures	100	63	22	56	63	45	23	30	22	40
Hatched	2	2	14[2]	10	6	10	26	9	14	93
% Hatched	40	25	34	40	19	50	78	69	72	48
Abandoned, unknown cause	2	0	0	1	5	1	5	3	1	18
Abandoned (wind, tide, blowing sand)	1	5	16	11	8	0	0	0	0	41
% Abandoned	60	63	39	44	31	5	12	23	0	30
Lost to predation	0	0	1	0	7	5	0	1	2	17
Lost to pedestrian traffic	0	0	0	0	0	0	0	0	0	0
Lost to equestrian traffic	0	0	0	0	0	0	0	0	0	0
Lost to vehicular traffic	0	0	0	1	0	0	0	0	0	1
Lost to unknown causes	0	1	10[3]	2	6	4	2	0	1	26

Eggs										
Total	13	23	107[4]	52	67[5]	43	78	37	46	466
Hatched	6	6	43[4]	20	12	21	60	23	34	225
% Hatched	46	26	40	38	18	49	77	62	74	48

Chicks										
Total	6	6	46[4]	20	12	23	60	23	34	232
Banded	n/a	n/a	n/a	n/a	n/a	n/a	30[6]	9[7]	28	67
% Banded	0	0	0	0	0	0	50	39	82	29
Lost to predation	0	0	0	0	0	0	0	0	2	2
Lost to pedestrian traffic	0	0	0	0	0	0	1	0	0	1
Lost to equestrian traffic	0	0	0	0	0	0	0	0	0	0
Lost to vehicular traffic	0	0	0	0	0	2	0	0	0	2
Lost to unknown causes	1	0	0	0	0	0	0	0	0	1

Fledglings										
Confirmed	0	0	9[9]	0	0	0	11	6	3	29
% Confirmed	0	0	0	0	0	0	18	26	8	13

Adults										
Lost to vehicular traffic	0	0	0	1	0	0	0	0	0	1

1 - includes area from Pismo Pier to Oso Flaco Creek
2 - hatch data includes confirmed and probable
3 - unknown values include some possible hatches
4 - # eggs in 2 nests undetermined
5 - [illegible]s in 5 nests undetermined
6 - banding permits not obtained until June
7 - limited by availability of master bander
8 - data includes: vehicle (3), non-vehicle (5), OHV-camping (10) areas
9 - estimate

Exhibit 8 (Appendix A, Page 71 of 125 Pages
Summary of Breeding Data

California Least Tern Breeding Data at ODSVRA (1991-2000)

Nests	1991	1992	1993[3]	1994	1995	1996[3]	1997	1998	1999	2000	Total
Total	6	4	0	2	1	0	21	40	34	5	113
In Seasonal exclosures	0	0		0	1		10	19	29	4	63
% in Seasonal Exclosures	0	0		0	10		48	48	85	67	56
Individual Exclosures	5	4		0	0		11	21	5	2	48
% Individual Exclosures	83	10		0	0		52	52	15	33	42
Hatched	2	1		0	0		3	26	22	4	58
% Hatched	50	25		0	0		14	65	65	67	51
Abandoned, unknown cause	3	0		0	0		4	2	5	1	15
Abandoned (wind, tide, blowing sand)	0	3[2]		0	1		0	0	0	0	4
% Abandoned	50	75		0	100		19	5	15	33	17
Lost to predation	0	0		2	0		3	4	2	0	11
Lost to pedestrian traffic	0	0		0	0		0	0	0	0	0
Lost to equestrian traffic	0	0		0	0		0	0	0	0	0
Lost to vehicular traffic	1	0		0	0		0	0	1	0	2
Lost to unknown causes	0	0		0	0		11[4]	8	4	0	24

Eggs											
Total	10	7		3	2		34[5]	63	61	10	190
Hatched	4	2		0	0		6	38	43	8	101
% Hatched	40	29		0	0		18	60	70	73	53

Chicks											
Total	4	2		0	0		6	38	43	8	101
Lost to predation	0	0		0	0		1	1	1	1	4
Lost to pedestrian traffic	0	0		0	0		0	0	0	0	0
Lost to equestrian traffic	0	0		0	0		0	0	0	0	0
Lost to vehicular traffic	0	0		0	0		0	1	1	0	2
Lost to unknown causes	0	1		0	0		0	1	2	0	4

Fledglings											
Confirmed	4[1]	1		0	0		0	24	17	4	50
% Confirmed	50[1]	50		0	0		0	60	40	50	50

Adults											
Lost to vehicular traffic	0	0		0	1		0	0	1	0	1

1 - 2 confirmed and 2 believed to have fledged
2 - 1 egg blown ~ 50m from nest and run over by vehicle
3 - no breeding occurred
4 - 6 possibly preyed upon by coyote
5 - # eggs in 6 nests undetermined

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

References

1997 Oceano Dunes State Vehicular Recreation Area Habitat Monitoring Annual Report (California Department of Parks & Recreation: May 4, 2000).

1999 Western Snowy Plover and California Least Tern Breeding Season at Oceano Dunes State Vehicular Recreation Area, California (Tipton, Anne Marie: March 21, 2000).

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1998 Western Snowy Plover and California Least Tern Breeding Season at Oceano Dunes State Vehicular Recreation Area, California (California Dept. of Parks & Recreation: March 23, 1999).

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State of California • The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Gray Davis, *Governor*
Rusty Areias, *Director*

Oceano Dunes District
576 Camino Mercado
Arroyo Grande, CA 93420
(805) 473-7230

RECEIVED
DEC 21 2000
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

December 15, 2000

Ms. Renee Brooke, Coastal Program Analyst
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Ms. Brooke:

The following information is furnished in response to your letter of August 9, 2000 in which you asked for additional information about how off highway vehicles, day use vehicles and camping vehicles are counted within Oceano Dunes State Vehicular Recreation Area (SVRA). Also following is information on SVRA entrance routes and consideration that had been given in the past to alternative entrances to the SVRA.

Overnight Camping

Overnight campers are counted daily by two methods. One count is taken at cash registers as camping fees are collected. Camping fees are collected daily at the entrance stations at the Pier and Grand Avenue beach entrance ramps. Each street legal vehicle, i.e., a vehicle licensed for operation on public highways, entering under its own power and registering for an overnight stay in the SVRA is counted as a camping unit. The number of night's stay is recorded. There is no limit on the number of OHV's each camping vehicle may transport into the recreation area. The register also counts the number of off-highway vehicles (OHVs) transported into the recreation area by each registered camping vehicle. The register count is reliable for controlling the number of camping permits issued.

The SVRA is open and accessible 24 hours daily. Campers may enter after hours when the entrance contact stations are closed. Camping fees and counts of OHVs associated with campers are also collected by employees assigned to field collect daily during the summer season, except on days when the entrances station are open 24 hours during major summer holiday weekends.

Employees conduct the camper counts daily on weekdays and weekends during the balance of the year. The camper count is conducted in the camping area each morning between 7a.m and 8a.m. A handheld counter is used to count each street legal vehicle as a camping unit. Trailers are only counted as camping units when there is no tow vehicle nearby that can be associated with the trailer. This trailer count is done with the assumption that there is a street legal tow vehicle temporarily away from the campsite that needs to be counted as a camping unit. This counting procedure identifies day use visitors who stayed overnight illegally without a camping permit or those campers who enter the recreation area after the entrance stations were closed.

The field count does not include an actual OHV count because it cannot be determined if an OHV has already previously been counted at the entrance station. OHVs are not issued

Exhibit 10 (1 of 5)
DPR's Response to Staff's Letter

individual receipts upon fee payment. To account for all OHVs, a ratio of OHVs per camping unit can be developed. Data gathered at the entrance stations when campers register enables a ratio of OHVs to Camping Units to be developed that can be applied to field counts of camper units to estimate a reasonably accurate count of OHVs associated with campers.

Over the past decade, the 1,000 camper limit has occasionally been exceeded during the following periods: Memorial Day Holiday weekend, Independence Day Holiday weekend, the third weekend of August (Saint Anthony's weekend celebration in local community) and Labor Day Holiday weekend. Weather is a major influencing factor in visitor attendance. The sunny and warm weather during the 1999 and 2000 Thanksgiving Day Holiday weekends drew tens of thousands of visitors to the central coast, and the SVRA experienced visitation that exceeded the 1,000 camper limit on several days during these holidays. Visitors through Reserve-America may reserve all 1000 campsites.. The reservation period extends from mid-May through the Thanksgiving weekend each year. It is during these popular holiday periods that some day use visitors lacking reservations stay overnight without registration or payment as a way to bypass the 1,000 camping permits limit. During the year 2000 (including the Thanksgiving Day Holiday Period), an average of 209 camper units stayed without camping permits on each of the 1[illegible] nights that the 1,000 camping unit limit was exceeded. Normal staffing allows Rangers to issue citations to approximately half of the illegal campers during the morning camper count. Illegal campers are cited for violation of Title 14, California Code of Regulations, Section 4302, nonpayment of fees. The current bail schedule established by the local courts for this violation is less than the cost of a night's stay in a typical motel room, perhaps making the fine payment potential for this infraction of little deterrent value. Increasing the bail amount for these citations through the local courts and the adjustment of schedules of staff assigned to the morning camping violator detection duty might reduce the number of illegal campers.

Off-Highway Vehicles

The current 4,300 day use vehicle limit includes street legal and off-highway-motorized vehicles. Day use open hours are from 6:00a.m. til 11:00 p.m. daily, year round.

Prior to July 1998, only street legal day use vehicles were counted. No attempt was made, nor was any system in place, to count OHVs brought into the recreation area for day use activities.

An OHV counting method was implemented in July 1998. The method involved keeping a tally on paper as OHVs were transported through the entrance stations. This method proved unreliable and inaccurate because staff would lose count or forget to enter their tally during heavy traffic periods.

In July 1999, a cash register counting system was implemented. Cash registers that could be programmed for tally functions were purchased. The registers allow staff to simply press an additional button, or two, when entering ticket sales to tally OHVs. With continued staff diligence in entering the OHV count, this system is accurate enough to provide reliable counts of OHVs as they enter the park when the entrance stations are staffed. With a full fiscal year of data now gathered from using this system, Vehicle to OHV ratios can be determined for use in estimating previous years' Vehicle to OHV ratios and OHV attendance. This ratio can also be used to determine the number of OHV's associated with the camper units counted by staff

during field counts as well as the number of OHV's associated with the day use vehicles counted by traffic counters when the entrance station is not staffed. Refinement of this estimating method is needed to be able to account for OHV ratio variations associated with day of week and seasonal differences. These seasonal and day of week ratios will be established by examination and analysis of the count data gathered during the full year operation of the entrance station registers.

A portion of the day use vehicle count includes counts taken by car counters set on the roadway at both Pier and Grand Avenues. These vehicle counts are gathered for periods when the entrance stations are closed. The counter only records vehicles as they enter the park. With this method, it can not be determined how long the vehicles stayed after closed hours, nor if they can be considered camping or day use vehicles. Traffic Counter technology exists that allows determination of the number of vehicles staying past day use open hours. The system involves a traffic counter that is embedded in the pavement and counts traffic according to time and direction of travel. This data gathering system, however, can not differentiate among vehicles driven by registered campers or day use visitors who leave and return to the SVRA; vehicles that are driven in and out of the SVRA for early morning or late evening day use purposes; camping vehicles (either with or without reservations) entering after entrance stations are closed for the day; or camping vehicles leaving as they end their stay. An analysis of cost, benefit, practicality, and usefulness on the utilization of this equipment may be considered if data on the number of vehicles that enter the park while the entrance stations are closed appears to be of great importance in managing the recreation area.

Copies of monthly attendance reports for Oceano Dunes SVRA from 1982 to the present have previously been furnished to you.

Alternative Entrances to OHV Area

Coastal Development Permit No. 4-82-300, Condition 1B, required the Department of Parks and Recreation to identify the least environmentally damaging entrance and staging area for the SVRA, and upon approval, to amend the SVRA General Development Plan and the County LUP to include the selected site, with all additional standards or conditions for its design and operation. Several sites were specifically listed in the permit condition for review and study: the Callender Road area the stables/agricultural land south of Arroyo Grande Creek; the agricultural lands north of Oso Flaco Creek adjacent to the Union Oil property; and on the beach as per the interim staging area described in the permit (the existing route and staging area).

In 1991, the Department of Parks and Recreation completed an Environmental Impact Report that analyzed five possible entrance routes and staging areas for the SVRA. A conceptual design was developed for each of the five corridors investigated as part of this study. Based upon this study, the least environmentally damaging corridor(s) was/were identified and considered the preferred alternative(s). The five entrance corridors studied, and ranked from least biologically sensitive to most sensitive, were: Grand Avenue, Pier Avenue, Railroad Avenue, Silver Spur Place and Callender Road. No other potential routes were investigated. The five routes selected were the only ones considered to be possibly feasible.

Both Grand and Pier Avenue entrances have been used for beach access by vehicles for nearly a century. They represent the two remaining beach access ramps out of many that existed into the 1970's in the Pismo Beach - Oceano area. Prior to 1982 vehicles, including

OHVs, commonly entered and exited the beach and local communities without control. Largely as a result of Coastal Commission actions, all but the Grand and Pier Avenue entrances were closed. Also, closed in 1982 was the beach and dunes vehicular access to all vehicles in the area of Oso Flaco Lake. The area in which vehicles had been operated was reduced from 17 miles of coastline to 5 ½ miles, with only 3 ½ miles of that available for OHV use, and all of the beach and dune vehicle use was confined to an area comprised predominantly of approximately 1,500 acres of active sand sheets within the SVRA.

The EIR addressed visual resources, biological resources, traffic and air quality, archeological resources, soils, noise, hydrology and water quality, utilities/energy, and hazardous materials. For all factors but biological resources, traffic and air quality, and archeological resources, the effects were deemed equal for all alternatives. In all other factors investigated, the Grand and Pier Avenue alternatives were found to present the least impacts.

Since the completion of the EIR, additional biological data and information has been gathered that further validates the selected alternatives as having the least impacts. A summary of the effects on biological resources for the considered alternatives identified in the EIR follows, with comment on additional information now available.

Grand Avenue---This alternative corridor would not have a significant effect on biological resources. This route would not intrude upon or result in the removal of any native vegetation within the corridor.

Pier Avenue---This alternative would not have a significant effect of biological resources. Improvements would not intrude upon or result in the removal of any native vegetation within the corridor.

Railroad Avenue---The development of this corridor would have a significant impact on biological resources. The loss of ruderal field, increased human activity, and the dissection of wetland habitat/wet willow grove all have negative effects on both vegetative and wildlife resources. Mitigation measures were identified that involved the restoration of disturbed wetlands in the area, the purchase of mitigation lands near Oso Flaco Lake and road development design to allow periodic flooding of the willow grove. Increased human activity could not be mitigated. Development of this alternative would require the construction of a bridge over Arroyo Grande Creek. Since the EIR, wetlands and wetland vegetation have been recognized as critical habitat for several listed threatened and endangered species. The California red-legged frog and the steelhead trout are two species not considered when the EIR was completed. Both species could be impacted with the development of this alternative.

Silver Spur Place---The development of this corridor would have significant impact on biological resources. Loss of agricultural lands, increased human activity and dissection of wetlands/wet willow grove all have negative effects on both vegetative and wildlife resources. Mitigation measures identified with this corridor included landscape plantings, road development design to allow periodic flooding of the willow grove, restoration of disturbed wetlands in the area, and the purchase of additional lands near Oso Flaco Lake for mitigation. The effects of increased human activity could not be mitigated. Development of this alternative would require the construction of a bridge over Arroyo Grande Creek. Since the completion of the EIR,

wetlands and wetland habitat have been identified as critical habitat for several threatened and endangered species. The development of this alternative could have adverse effects on the California red-legged frog and the steelhead trout, neither species of which was listed when the EIR was completed.

Callender Road---The development of this alternative would have a significant effect on biological resources. The intrusion and subsequent dissection of the stabilized and unstabilized dune habitat could reduce the population of sensitive vegetative species. Loss of habitat and increased human activity would likely reduce the utilization of this area by native wildlife. Development of a field in this corridor might result in a direct adverse effect on the monarch butterfly, a sensitive species, by disturbing eucalyptus trees on-site. Additionally, increased human activity would be significantly increased in the area. No mitigation measures are available to adequately offset the negative effects on biological resources found in this corridor. In 1998, California State Parks commissioned a survey for rare and endangered plants in the SVRA including the Callender Dunes area. Several additional listed plant species, including a new discovery of several populations of the endangered Nipomo Lupine (previously known form only one other location) were located in the Callender Dunes area through this survey.

There are a number of listed species present in the Oceano Dunes SVRA. The California least tern and the western snowy plover both utilize the open sand areas in the recreation area for nesting and foraging. Both species are protected and management programs are in place for species population enhancement through terms of biological opinions with the US Fish and Wildlife Service and the California Department of Fish and Game. Management of vehicle use and other human activity within the recreation relative to the protection of these species would be virtually the same, regardless of which corridor had been selected for ingress and egress in the SVRA. A Habitat Conservation Plan currently under development will further define protection measures for not only the California least tern and the western snowy plover, but other sensitive species as well.

A complete copy of the EIR has been previously supplied to your office. The Department of Parks and Recreation has not identified or studied any other possible alternative public access corridors for the SVRA. It appears that any access corridor(s) other than Pier and Grand Avenues would involve crossing Arroyo Grande Creek, impacting wetlands, and/or traversing vegetated coastal dunes and would have significant effects on wildlife and wildlife habitat.

I trust that this answers all of your questions. Please contact me if additional information is needed.

Sincerely,

Dennis A. Doberneck
District Superintendent

4-82-300-A5

Exhibit 11

Correspondence

Off-Highway Motor Vehicle Recreation Division
David Widell, Deputy Director
The Resources Agency, California State Parks 1725 23rd St. Suite 220, Ca 95816-7100 • P.O. Box 942896 • Sacramento • California 94296-0001 • E-Mail: pubinfo@parks.ca.gov
Rusty Areias, Director
Gray Davis, Governor

January 18, 2001

RECEIVED
JAN 22 2001
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Mr. Douglas:

As you are aware, the California Coastal Commission is scheduled at its February meeting to consider a Coastal Permit Amendment by California State Parks that will put a course of action in place that will have significant impacts for years to come on visitor use demands and environmental protection concerns at Ocean Dunes State Vehicular Recreation Area.

My purpose in writing to you is to express my support for the permit amendment as presented in the staff report. It represents the combined staff efforts of both the Coastal Commission and California State Parks and achieves what I believe is the balance of resource protection and public access that is the cornerstone of both our agencies.

As the long public history that has led to the development of this permit amendment indicates, there are vocal and organized interests who will accept nothing short of a complete ban on off-highway vehicle use at Oceano Dunes SVRA. That position comes despite the successes that have been recorded to date of the least tern and snowy plover protection programs, the confinement of OHV use to one-tenth of the area first allowed 20 years ago, the reality that a significant segment of the public has supported and sought such access of the coast for decades, and the prior endorsement of the proposed action by the San Luis Obispo County Board of Supervisors through its Local Coastal Plan process.

To emphasize, the matter at hand is the permit amendment as presented in the Coastal Commission staff report to the Commission. Passage is imperative if we are to move forward with coastal protection and access mandates in this new century.

I look forward to seeing you in San Luis Obispo. Please feel free to call me at (916) 324-5801 if you have any questions.

Sincerely,

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

cc: Dennis Doberneck

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JAN 10 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 5, 2001

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

Subject: Public Comment on DPR Request to Amend ODSVRA Coastal Development Permit 4-82-300

Dear Honorable Commissioners,

The Environmental Defense Center has reviewed the Coastal Commission Staff Report for the Department of Parks and Recreation's request to amend the Oceano Dunes State Vehicular Recreation Area's Coastal Development Permit and wishes to submit the following comments on behalf of its client, the Santa Lucia Chapter of Sierra Club. Although EDC agrees with the concept of the Technical Review Team, neither DPR's proposal, nor the Staff Report's additional conditions, provide adequate assurance that the Coastal Commission's mandate to protect the resources of this Environmentally Sensitive Habitat Area will be fulfilled. EDC's concerns include, but are not limited to, the following:

1. Membership of the Technical Review Team: As this is a "technical review" team whose mission is to protect environmentally sensitive habitat in light of the recreational use at ODSVRA, the inclusion of non-expert stakeholders is inappropriate. The highly controversial nature of the combined uses at ODSVRA will render the TRT, as currently proposed (see Staff Report at 7), a political battleground, inhibiting its ability to complete in a timely manner the research necessary to provide effective management.

   EDC requests that the members of the TRT be assembled from the:
   a) California Coastal Commission
   b) San Luis Obispo County
   c) United States Fish & Wildlife Service
   d) California Department of Fish and Game
   e) California DPR, Off-Highway Motor Vehicle Division Commission
   f) Additional members of the scientific and resource management community, as determined by the agency affiliated TRT members.

   Stakeholder input from local governments and the OHV, environmental, and business communities is appropriate only after needed biological and other studies have been performed.

2. Substantive Duties of the TRT: The five listed expectations of the TRT, as proposed (see Staff Report at 7), are unacceptably vague and non-binding, rendering them insufficient to

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Santa Barbara, CA 93101
Phone (805) 963-1622
FAX (805) 962-3152

2021 Sperry Avenue, Suite 18
Ventura, CA 93003
Phone (805) 677-2570
FAX (805) 677-2577

864 Osos Street, Suite A
San Luis Obispo, CA 93101
Phone (805) 781-9932
FAX (805) 781-9384

ensure that the TRT will perform the specific studies necessary for the effective management of the ODSVRA. The Staff Report's recommendations for initial tasks and studies to be performed by the TRT (see Staff Report at 43-47) should be included in a substantive mandate regarding the duties of the TRT. Further, the Staff Report's comment that "DPR will commit to use, absent compelling reasons, the recommendations made by the TRT" (see Staff Report at 42) should be made a condition of any Permit Amendment approval.

The Oceano Dunes have been identified as an Environmentally Sensitive Habitat Area, Critical Habitat for the western snowy plover, and home to other endangered and threatened species, such as the California least tern and the marsh sandwort. Given the ecological significance of this area, biological studies of the behaviors and characteristics of these plants and animals in the specific ecological context of Oceano Dunes are essential, as are studies on the compatibility of the survival of these species with the functioning of the ODSVRA. Arroyo Grande Creek, which vehicles must drive through to reach the riding area, has also been identified as critical habitat for southern Central Coast steelhead trout, the California red-legged frog, and the western snowy plover. As such, the impact of motor vehicle traffic in the Arroyo Grande Creek on these species, as well as on water quality in general, must also be examined.

EDC requests the Coastal Commission to condition any acceptance of the proposed Amendment on the inclusion of mandatory studies and tasks to be performed in the TRT's initial three year period prior to review. Such a requirement will maintain the desired flexibility of adaptive management, yet ensure progress toward improved resource management and compliance with state and federal law. EDC further requests that the Commission condition acceptance of the Permit Amendment on DPR's commitment to use the recommendations of the TRT absent compelling reasons.

3. Meeting and Reporting Requirements of the Technical Review Team: Similar to the unacceptably vague expectations referred to above, the requirements of two meetings and one report per year are also inadequate to meet the adaptive management goals set forth by DPR's proposed amendment and the Staff Report.

   EDC requests the Commission to require monthly meetings and progress reports from the TRT. If the Commission does not believe such an active TRT is feasible, quarterly meetings and progress reports, at a minimum, are essential to the adaptive management scheme.

4. Interim Capacity Limits: The interim capacity limits proposed by DPR and the Staff Report are insufficient to protect the resources of the ODSVRA, as evidenced by the continued decline of the western snowy plover. Further action must be taken to address daily vehicle limits and seasonal closures to protect nesting western snowy plovers and California least terns.

   EDC agrees with the Staff Report's proposal of separate limits for street-legal vehicles and OHVs, but finds that an increase in the overall number of vehicles is unacceptable at this time. As the Staff Report's proposal would create a daily limit of 3000 street-legal vehicles and 2,000 OHVs, an overall increase of 700 vehicles per day would be possible. EDC

requests that such an increase in allowable vehicle use be allowed only after further study has been completed. Correspondingly, enforcement of the vehicle limits must be a priority in order to avoid what staff refers to as "Free Day Use" (see Staff Report at 26).

EDC further agrees with the recommendation to expand seasonal protection for nesting western snowy plovers and California least terns (see Staff Report at 49), but believes the protection must go beyond the Staff Report's recommendations. Given the continued decline in reproductive success of the western snowy plover, EDC requests a seasonal closure of the beach and fore dunes from March through September each year. This time period will allow for maximum protection for the breeding, nesting, and fledgling periods.

5. Implications of Biological Data on Fledglings: EDC would like to emphasize the importance of fledgling data, as opposed to nesting data, in the specific context of the ODSVRA and the behavior of the western snowy plover. As the Staff Report notes on page 20, snowy plover chicks are highly precocious and leave their nests within hours of hatching, encountering increased danger from pedestrians and vehicles as they move from their nests. Thus, survival of the species depends on fledging success.

EDC is in agreement with the establishment of a Technical Review Team, yet urges the Commission to **REJECT** the proposed Permit Amendment unless appropriate conditions are imposed. As proposed, the Permit Amendment will NOT protect ESHA and prevent impacts that significantly degrade or threaten the continuance of surrounding ESHA, as required by Coastal Act Section 30240. It will similarly fail the requirements of Coastal Act Sections 30230 and 30231 by depleting the biological productivity of coastal waters, and of Coastal Act Section 30232 by allowing the spillage of gas and petroleum products.

Thank you for consideration.

Sincerely,

Gordon R Hensley

Gordon R. Hensley,
Environmental Analyst

City of Grover Beach

Mayor Richard Neufeld Mayor Pro Tem Stephen Lieberman
Council Member Ronald Arnoldsen, Council Member David Ekbom, Council Member Dee Santos

Tom A. Odom
City Manager

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JAN 22 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 18, 2001

Agenda Item No.: W 16b (per Jan 10th)
Hearing Date: Week of Feb 12, 2001
Permit No: 4-82-300-A5
Position: SUPPORT

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

SENT VIA FACSIMILE
(831) 427-4877
AND REGULAR U.S. MAIL

SUBJECT: APPLICANT - DEPARTMENT OF PARKS AND RECREATION
PERMIT NUMBER - 4-82-300-A5
PROJECT LOCATION - OCEANO DUNES STATE VEHICULAR RECREATION AREA (SAN LUIS OBISPO COUNTY)
HEARING DATE: CONTINUED FROM WED, JANUARY 10, 2001 TO WEEK OF FEBRUARY 12, 2001 IN SAN LUIS OBISPO, CALIFORNIA

Honorable Chair and Members of the Coastal Commission:

The City of Grover Beach is following with considerable interest the continued debate over vehicular access to the Oceano Dunes Recreational Area. The discussions to limit access to this part of the California coast is of upmost concern to our community and the Five Cities Area.

Of all the issues which the Coastal Act addresses, those concerned with provision of public access to the coast are perhaps the most significant and most familiar. Provision of coastal access was a primary concern of California voters who approved the Coastal Zone Management Initiative in 1973. The Coastal Act of 1976, which arose from the preliminary work accomplished under the Initiative's mandate, helped to establish protection of public access to the State's 1,072 miles of coastline as a high-priority objective designated for immediate implementation.

The City of Grover Beach recognizes it is imperative for the California Coastal Commission to fully understand the high value placed on recreational needs of families that travel to the Central Coast to access the Oceano Dunes Recreational Area. The Vehicular Recreation Area is one of the most popular of California's State parks. In 1996-97 fiscal year, the Pismo State Beach and Vehicular Recreation Area attracted over one and one-half million visitors. Peak use periods occur primarily during the months of July, August, and September and particularly during holidays and three-day weekends such as those accompanying Labor Day and Memorial Day.

During these peak period times, families come together for recreation, relaxation, and activities which strengthen relationships in an environment which the Coastal Commission is obligated to keep open for the public. Any limitation to prohibit vehicular access for family recreation activities will not only be a

154 S. 8th Street ❖ P.O. Box 365 Grover Beach, California 93483 ❖ (805) 473-4567 FAX (805) 489-9657

travesty but in direct contrast to the laws intended to protect the right of public enjoyment to the Vehicular Recreation Area.

The California Coastal Commission will need to take into serious account recreational rights of the public before taking any action to limit vehicle access. Remember, the public consists of those families that work hard to provide a nurturing environment for their children. A successful component of that environment is recreation and over a million people a year visit the Central Coast expecting to have access to recreational activities in the Oceano Dunes.

Furthermore, Oceano Dunes provides the only broad sandy beach in California where families may drive to near the water's edge. Oceano Dunes provides the only opportunity for many elderly or disabled visitors to California's coastline to drive to within close proximity to the ocean waters. Some recent surveys conducted by the Department of Parks and Recreation indicate that between 5 and 9 percent of vehicles entering the recreation area on any day have one or more disabled members within their party.

The City of Grover Beach is aware of the unique wildlife species, such as California least terns and western snowy plovers, that may be found within Oceano Dunes. We are aware of the ongoing successful efforts on the part of California State Parks to protect these species and at the same time provide high quality recreation opportunities. The City of Grover Beach supports the use of a Technical Review Team and the analysis of data derived from natural resource monitoring to objectively review and recommend change to State Parks in recreation area operations so as to achieve a good balance of public use and species protection.

In closing, the Grover Beach business community derives a considerable amount of their business from tourism and visitors to the Oceano Dunes Recreation Area. The business generated from this segment of the travel industry drives our local economic engine, creating jobs and tax revenues which are used to improve the quality of life for our residents. A significant decline in visitor destination trips to our City would result in a negative impact to our local economy. Therefore, the City of Grover Beach respectfully requests the Coastal Commission to also carefully consider the economic ramifications to our community in regards to any decision effecting access to the Oceano Dunes Recreation area.

Sincerely,

RICHARD W. NEUFELD
Mayor

c:\Council\Ltr-CoastalCommVehicleAccess.105

c: City Council
Pismo Beach City Council
San Luis Obispo Board of Supervisors
Assembly Member Abel Maldonado
State Senator Jack O'Connell

Nora Jenae'
692 Beverly Drive
Nipomo, California
93444
January 22, 2001

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CENTRAL COAST AREA

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

I am writing concerning the upcoming hearing on February 13 dealing with the Carrying Capacity Study, the number of acceptable vehicles on the dunes.

I firmly believe no vehicles should be allowed on the beach or near the mouth of the Arroyo Grande Creek. The vehicles I have observed the few times I've been on the beach were not enjoying the beach, but only intent on their driving from here to there as fast as possible, generating a tremendous amount of noise and danger.

My daughter and I were riding horseback enjoying the winds and waves, watching the birds and wading in the water. Around the mouth of the Arroyo Grande Creek, we were honked at and nearly run over on purpose by one truck hauling a trailer load of ATV's. After that, we realized it was so necessary to be aware of all the vehicles flying by it was difficult to relax and enjoy the environment. It was more like a free-for-all. Seemingly, most of the vehicle traffic we observed were not of a mind to share and be considerate behind their steering wheels thus endangering everyone else enjoying the birds, surf, sand and sea.

I called to talk with law enforcement officers and was informed that given the number of officers available and the number of vehicles driven on the beach, they could not properly patrol or enforce vehicle regulations on the beach! This statement was validated in total by one letter to the editor this past summer stating she was told the same thing. Vehicles and pedestrians are a dangerous mix, even on clearly marked roadways and sidewalks. With no marked lanes or crosswalks, it is far more dangerous. It is difficult to train children intent on their play and impossible to train snowy plovers to look both ways and listen before crossing to the surf line for food.

Those interested in navigating obstacle courses should be provided with a park elsewhere with plenty of dips and curves and climbs to challenge them, where they can compete with themselves or each other without risking life and limb of extremely vulnerable habitat, birds, animals and people. Such a park should have direct access from the roadway without the likelihood of pedestrians or wildlife being injured or destroyed. Such 'challenges' for bicycles are generated by kids on vacant lots everywhere. Similar courses on a larger scale could be built for dirt bikes and ATV's as well.

Please remove all vehicles from the beach and the dunes for everyone's safety.

Sincerely,

Nora Jenae' Kitt Jenae'

Dear Commissioners, Jan. 20, '01

Keep off road vehicles off our Central Coast dunes!, While people think they are having fun (and killing themselves) they blatantly squash animal life as they destroy their nests & habitat.

All life forms depend on each other, so lets stop this self-indulgence and start taking on our responsibilities as decent human beings.

Thank you.

Mr. Bruce Cooper
388 Rodeo Dr. Arroyo Grande
C.A 93420

Renee Brooke

From: VIRGINIA BASS [virg@slonet.org]
Sent: Thursday, January 18, 2001 6:32 PM
To: rbrooke@coastal.ca.gov
Subject: Oceano Dunes -- Carrying Capacity Study

To the Coastal Commission:

As a California citizen concerned with preserving this state's natural beauty and tranquillity, I an shocked and dismayed each time I visit areas adjacent to the Oceano Dunes to find that cars and off-road vehicles are allowed to pollute this sensitive environment. Even while walking on nearby (and not so nearby) beaches and hiking paths, one is bombarded with the sickening roar of the dune buggies, and I hate to think of the physical damage these vehicles must be wreaking upon this fragile area. Nearby, even *walking* on the dunes, except on designated paths, is (rightly) forbidden, and it makes no sense that on other, equally fragile dunes adjacent to these protected areas, people are allowed to actually *drive*!

It seems incredible that this dune and beach area is designated as a state vehicle recreation area (SVRA)! Obviously there are people who wish to use this area for such a purpose, but they are overwhelmingly outnumbered, I'm sure, by people who object to their presence there. We have enough vehicles on our roads, without also giving them access to areas that should be preserved in their pristine state and kept beautiful and peaceful for the rest of us.

I sincerely hope that, at your hearing in San Luis Obispo in February, you will vote to put an end to this desecration of the Oceano Dunes and beach. I can assure you that many, many people will be grateful to you if you reach a decision to bar cars and off-road vehicles from this beautiful and fragile area.

Thank you for your attention to this matter.

Sincerely,

Virginia Bass
virg@slonet.org

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COASTAL COMMISSION
CENTRAL COAST AREA

January 12, 2001

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

Gentlemen:

I am writing regarding your hearing concerning the Carrying Capacity Study on the Oceano Beach/Nipomo Dunes. There are far too many vehicles now on our lovely beaches. Please help to preserve our dunes and wildlife. Vehicles belong on man made roads, not on our beaches. I am also concerned regarding the well being of Endangered Species such as the Snowy Plover.

Spend a weekend on the Central Coast. Smell and listen to the vehicular onslaught, and you will see how our beaches have lost their pristine status.

Regards,

Teri Howard

Teri Howard
1245 La Quinta Drive
Nipomo, CA 93444

Dear California Coastal Commission,

We are writing to request the removal of off-road vehicles from our state beaches. The beaches we're most familiar with are Oceano and the Nipomo Dunes in San Luis Obispo County. Five years ago we went on the San Luis Obispo Coastwalk and were distressed to learn about the widespread degradation of the dunes beginning with the introduction of the dune buggy in the early '60's. The heavy off-road traffic for almost 4 decades now has destroyed the vegetation and quiet that provided safe shelter to a rich diversity of flora and fauna that was once there.

Continued use of off-road vehicles maintains a hostile environment for the wildlife, plants and non-motorized folks trying to enjoy the natural environment. Continued use of off-road vehicles on our beaches and dunes prevents restoration of these areas to their natural state. Preserving the coastal environments as natural resources is important because beaches are constantly threatened by population pressure and development. When preserved they provide places for us to remember what it means to do nothing to the land and still enjoy it without conquering it.

Please do not postpone the decision to revoke the use of off-road motorized vehicles on state beaches any longer. Please vote to preserve the coastal zone from not only development, but degradation.

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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Sincerely,

Athena Bush
351 S. Elm St #2
Arroyo Grande CA 93420

[illegible] - Box 2436
9125 San Diego Rd B
Atascadero, CA 93423

Anne Featherstone
23947 Del Monte, 3
Valencia, Ca 91355

Mary Rees
266 Tolbert Pl.
Arroyo Grande, Ca. 93024

Penny + Flo Cunnan
2005 Dolliver #206
Pismo Beach CA 93449

Ann Parker PO Box 2466
Paso Robles Ca 93446

Bill Denneen
1040 Cielo Ln.
Nipomo Ca, 9344

COASTAL COMMISSION

PLEASE REMOVE VEHICLES FROM OCEANO BEACH

William L. Denneen 1040 Cielo Ln., Nipomo, 93444 929-3647
James H. Best - 1815 E. Buena Vista Av - Visalia 93292
Debbi Sprague 944 McCloud St. Santa Maria, Ca 93455
Gene Aldrighett 944 McCloud St Santa Maria, Ca 93455
Jodie/Steve Crouch 1115 Madison St. N.E. Salem OR 97303
Eric Schug 310 Calle Lupita San Luis Obispo 93401
Carmela Vignocchi 831 N. 6th ST GB 93433
Evan Evanoff 490 Brytec Court, Nipomo, CA 93444, 8978
Florence Evanoff 490 Brytec ct. Nipomo 93444-8978
Nancy Russell 5000 Sandpiper Guadalupe 93434
Carol Nielson 1061 Ritchie Rd. Grover Beach 93433
Ben Walther 1061 Ritchie Rd. Grover Beach 93433
Ron Vilarino 165 Cain Dr. Orcutt SA 93455 CA 93[illegible]
Emily + Karen K 1625 RAMONA GROVER BEACH
Mary E. Carney 32793 Maverick Dr. Springville CA.
[illegible]
Steven Marx 265 Albert SLO 93405
James Cushing 1510A Broad St SLO 93401
Marie L Parker 1154 Jeff Street SLO 93401
Richard Welch 1043A Ritchie Rd GB 93433
Nicole Brady 1263 Stubblefield Rd. SM 93455
Ruth Overton 88 Country Club 93401
Jim Overton SLO
Kara Smith PO Box 1004 · SLO CA 93406 544-1767
Therese Brady 165 Cain Dr, SM, CA 93455
Mary E. Carney 32793 Maverick Dr. Springville CA 93265
Bill Denneen 8073 Nipomo Ca 93444 559-539-2[illegible]
Rob Link 6003 January Nipomo
[illegible] G.B. 333-7349
Lynne Higgins 466-2575

California Coastal Commission
'25 Front Street #300
'anta Cruz, CA 95060

)ear Commission:

ow[illegible]property (in Grover Beach) less than a mile from one of the vehicle entrances onto what leads to Oceano 3each.

'ou will never find me drive a motorized vehicle onto that beach, any more than I will ever shop at Wal-Mart, ecome a developer of subdivisions, flush the toilet (and its 5 gallons) every time I "need" to, patronize the rocery store and its produce section when a local farmer's market is nearby, litter in the park (or anywhere) etc.

Iaybe you think me an "extremist" because of what I choose NOT to do. I am at a point in my life when I am not ure what I "should" do next, but while I am at that juncture I will at least not cause harm through personal egligence. The things I choose NOT to do are, in my opinion, part and parcel of what people ought to consider voiding so that we and future generations can live sustainably on the planet, and locally.

ve always loved the ocean and after many years am fortunate to be able to live relatively near it. (I also wouldn't ıy a cliffside ocean view property--even if I could afford it--for other obvious reasons that such a commission as ours deals with all the time). Driving a vehicle on the beach just seems like such an inappropriate activity. 'ehicles and humans co-existing in such a locale makes no more sense than foregoing pedestrian walkways on our reets, or removing highway striping. Depending on the tides, vehicles can easily get stuck in the sand. Small 'eatures that most are unaware of are likely to be simply trampled under vehicles, though I realize most feel this is ot a sufficient argument. But I'll just bet those areas where vehicles are allowed no longer curry much favor with oung children and their keen desire for seashells, sandcrabs and other marine discoveries.

ıope I will have some say in your decisions. It is time we do the right thing and remove vehicles from our :ac[illegible] which sets a very poor example by "industrializing" the seashore, one of the few places where people can ill go to experience nature pretty much in the virginal state it has been in since the oceans were born to lap the ntinents.

Sincerely,

Tim Cullum
[signature]
1116 DAWN RD, NIPOMO, CA
93444

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CENTRAL COAST AREA

California Coastal Commission
725 Front Street No. 300
Santa Cruz CA 95060

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COASTAL COMMISSION
CENTRAL COAST AREA

To Whom it May Concern:

I am writing in regards to the threat that "recreational vehicles" are currently posing to our precious and fragile ecosystem, but in particular the snowy plover. I live in Santa Maria and I often visit Pismo Beach. I enjoy the wildlife and the beautiful ocean but I do not appreciate the "right" for other people to drive on the beach. If driving on the beach is meant as recreation, then we might as well assume that the destruction of the habitats of natural wildlife is "recreation" as well.

I am simply asking for the reduction or limiting of vehicles on the beach. Yet the true gift to our community, as well as our wildlife (in particular, the snowy plover) would be the end of all traffic on the beach. This, the snowy plover would be able

to feed on the shoreline without the threat of being frightened or even run over by a massive force (the vehicle) which it is unable to fight against.

Please end this threat.

Sincerely,

Kristi Rosing

Kristi Rosing
3116 Lancaster Dr.
Santa Maria CA 93455

DEAR COMMISSION...

DO YOU HAVE ANY IDEA OF WHAT A TREASURE WE HAVE ON THE CENTRAL COAST? THE COAST, ITSELF, IS SUCH A UNIQUE GIFT OF NATURE... HOW CAN YOU ALLOW IT TO BE DESECRATED BY PERMITTING VEHICLES (WHO'S OPERATORS HAVE A HARD ENOUGH TIME WITH DRIVING IN TRAFFIC ON THE STREETS) TO BE RUN UP & DOWN ON THE SAND?

PEOPLE COME FROM ALL OVER THE WORLD & ARE JUST "STRUCK" BY THE BEAUTY OF OUR BEACHES, BUT NOT BY THE UGLINESS OF MOTOR DRIVEN, GAS USING, AIR POLLUTING, NOISY VEHICLES.

PLEASE... PUT A STOP TO IT - PLEASE! ONLY YOU CAN DO IT.

JUST AN OLD WIFE, MOM, GRANDMA - BEACH WALKER

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Joan D'Addeo
SANTA MARIA

MONTEREY DUNES
Beachfront Vacation Homes
Your secluded hideaway for a never-to-be-forgotten [illegible]
Monterey Dunes Co. 800-55-DUNES

33 USA

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COASTAL COMMISSION
CENTRAL COAST AREA

Patricia Morrill Puterbaugh
1540 Vila Rd.
Cohasset, CA 95973

Do the right thing.
Stop vechicles on Nipomo Dunes & Oceano Beach.
Carry capacity should be 0 vechicles. Cars belong on roads. Let them go to Kettleman. You have a mandate to all citizens to protect the snowy plover & steelhead trout!
sincerly, Patricia Puterbaugh

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

4-82-300-A5
[illegible]DSVRA Permit Renewal
[illegible]ndix A, Page 96 of 125 Pages

To: <rbrooke@coastal.ca.gov>

From: Bill <bdenneen@slonet.org>
Subject: VEHICLES on The BEACH
Cc:
Bcc:
Attached:

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JAN 18 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

725 Front Street #300
Santa Cruz,Ca.,95060

Re: Carrying Capacity Study
Hearing: SLO Feb.13-16
Comments:

This hearing has been delayed 11 times in the past 12 years. There can be only one conclusion: The beach is NOT a road and driving vehicles on the beach is NOT coastal dependent. The number of vehicles that can/should be on the beach is ZERO.

Below is an editorial from our local paper (Tribune)July 15,'98:
"To come right to the point, we think a lot of people would be happy if cars and off-highway vehicles were banned completely from the Oceano Dunes.
"We're on their side.
"This paper has,with the rarest exceptions,favored protecting the enviroment. In that spirit, our sympathies are with those who view motorized vehicles as an intrusion on the Dunes, even while recognizing the allure of the area for folks with cars, buggies and campers.
"The Dunes, it seems to us should be preserved in the pristine condition provided for us by Nature and should be protected against erosion and other kinds of damage.
"We also believe there unfortunately will be tension between the competing interests as long as the dunes are designated as a state vehicle recreation area(SVRA), which is the case now."

Cars are too much with us! A good place to start kicking our addiction is stopping their use for 'recreation' in fragile, sensitive habitats such as our beach and dunes. The State Vehicle Recreation Division of State Parks should be abolished and the $50,000,000. they receive from our gas tax should be used to build bikeways.

Sincerely yours.

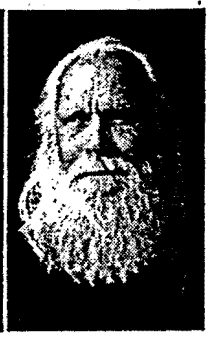
Bill Denneen 1040 Cielo Lane, Nipomo, CA.,93444

Bill Denneen

4-82-300-A5
ODSVRA Permit Renewal
Appendix A, Page 97 of 125 Pages

Too many vehicles drive on dunes

Enviro Notes



Bill Denneen

In the 1960s, the mechanically-inclined on the Central Coast created the "dune buggie." Many were made from old VW bugs. During a busy weekend in the 1960s, one would find less than 100 vehicles at Oso Flaco Lake. A decade later, that number jumped to 5,000.

It was great fun with few participants in a big, natural area.

Unfortunately, nothing is static.

There was a place in the dunes called "Boy Scout Camp." It was a grassy area on the lee side of a steep dune with many willows and a barbecue pit.

I would pack in my son and his buddies in my jeep and we would drive right to the camp site. It was neat jumping off the dunes, sitting around the campfire (no TV), talking about life, and then watching the sparkling sky, listening to the coyotes and seeing the owls fly silently overhead.

It was "hands on" contact with the natural world. We were enriched.

Driving was just a small part of the total camping/outdoor activity.

However, with advertisements by vehicle manufacturers the driving has become the main part of our natural world experience.

Notice car ads are often set on the beach or mountains but never on a grid-locked freeway. Vehicle-promoting corporations dominate our lives.

In the early 70s, there were tax to promote the driving of vehicles as a type of "recreation." This $50,000,000 a year should have been used to promote bikeways and bus transportation, not recreational vehicle use.

The Vehicle Lobby included driving as a part of our State Park System which was originally designed to protect unique, natural areas. The State Legislature enacted the Chappie-Z'berg Off Highway Motor Vehicle Act. This program is administered by the Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation (OHMVR) Division.

The legislation that created the OHMVR Division is up for renewal in 2003. The OHV manufacturers will push for its continuation as selling OHVs is very lucrative.

Re-authorization, however, does not have to occur and won't if enough citizens speak out and become a stronger force than the corporations.

Corporate power is all legal, much like the tobacco industry and gun industry have bought our elected officials for years. It is all part of the corporate 'taking over' our democracy.

It is why we desperately need campaign finance reform. It is why so many opposed the WTO in Seattle a year ago when the corporations attempted to dominate the whole world.

Our culture has promoted this buy and consume outlook, especially during the just-passed Christmas season. How many ads assault you in one day telling you that you can't be happy unless you buy a particular thing?

It starts early with children's television. Disney for Prime Time. great Gross National Product (GNP) but is destroying the habitat that has nurtured us. much longer.

Let's face it. We have become a vehicle-addicted culture. We even have signs on our beach that read, "Pedestrians Watch for Vehicles." We convert open space, parks and ag-land into roads and parking lots.

Vehicles account for more than half our air pollution. They cause global warming. They supersaturate the Los Angeles basin and make the air typically unfit to breathe.

They use a finite fossil fuel that is rapidly running out. We trash our environment (Nigeria, Guadalupe, Avila, Burma, Arctic Wilderness) to promote our addiction. The first step is to stop driving as a form of recreation — especially in unique and sensitive habitats like our beaches.

There will be a hearing before the Coastal Commission in San Luis Obispo on Feb. 13 dealing with the Carrying Capacity Study (how many vehicles belong on the Oceano Beach/Nipomo Dunes) and the Endangered Species Act at the mouth of Arroyo Grande Creek.

The Vehicle Lobby will be out in force.

Concerned citizens need to be heard by the Coastal Commission.

Vehicles drive within 30 yards of nesting Snowy Plovers at the mouth of Arroyo Grande Creek. This is critical habitat for the Snowy Plover.

Vehicle lights at night disturb this nesting endangered species. Plover chicks must feed in the surf which has become a road.

Driving vehicles is not coastal dependent. The Coastal Commission should enforce the law.

Write to: California Coastal Commission, 725 Front Street #300, Santa Cruz, CA, 95060; Senator Jack O'Connell and Assem-

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COASTAL COMMISSION
CENTRAL COAST AREA

MEMORANDUM

TO:California Coastal Commission

FROM:John Barclay, 412 Brian, St. Santa Maria Ca. 93454

SUBJECT:Carrying Capacity, Oceano Beach/Nipomo Dunes

DATE:January 12, 2001

I would like to take a moment to weigh in on the subject of cars(ATV's or any other motorized vehicle) on the beach. As a life long resident of the Central Coast I must say that I am apalled that the State of California abuses this beautiful resource by allowing cars to enter a enviromentally sensitive ecosystem. Let me paint a picture for you. I get off work at 5:00pm, In the summer this is the best time to watch the sunset at the beach. I pick up my children and head to the beach. After parking in the spacious parking lot at Grand Avenue we head down the beach south towards Oceano foot powered when someone in a un-muffled Baja Bug blasts towards us going at least 50mph. After narrowly missing us they drive down the beach playing chicken with the rest of the pedestrians untill they reach the ramp we had just walked down and exited the beach. Now I am of the mind that that is the exception rather than the rule. But I will tell you that I believe that the automobiles days at the beach are numbered. The reason is sheer numbers. There are just to many people enjoying the beach to allow even isolated incidents such as this to occurr. The park rangers cannot be everywhere at once. I ask you to please consider banning cars from the beach. I thank you for you consideration.

John Barclay

January 27, 2001

I am writing to express my concern regarding the continued efforts to close the beach to vehicular traffic in the Oceano area. My wife is disabled and unable to walk on the beach so her only alternative is to ride, but there are those who would close the beach without regard for my wife and others that would also like to have the opportunity to enjoy the area.

The argument for closure seems to be traffic congestion and the same old ecological red herrings. I think the problem is that so little area is open to traffic that the regulation has caused the problem. The solution seems to be- open more beach to traffic in order to spread the vehicles over a larger area and study the results.

It is time to honestly look at the situation and find a reasonable solution instead of serving the interests of a few loud fanatics.

Respectfully,

T.L. Kubiak
p.o. box 369
Oceano, Ca. 93445

RECEIVED
JAN 2 9 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sent to Cont Coastal Com.

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

Re: The OHV area of Oceano Dunes--Removal of all vehicles from beach/dunes

Dear Coastal Commission,

Thank you for including my comments on this important issue.

There are a number of excellent reasons why NO VEHICLES should be allowed on the beach and dunes:

1. Beaches and dunes are extremely sensitive habitat.
2. It is unsafe to walk on this beach because of heavy vehicle use and fast and/or careless driving.
3. There are hundreds of thousands of roads in California for driving. Why should our rare and sensitive coastal areas be sacrificed for a use that causes such severe damage?
4. The mouth of Arroyo Grande Creek is nesting area (critical habitat) for the endangered Snowy Plover.
5. The endangered Steelhead Trout use the Arroyo Grande Creek in late fall.

The so called "carrying capacity" for this beaches should be ZERO, with the exception of emergencies, public safety vehicles, and in certain places, people with physical disabilities.

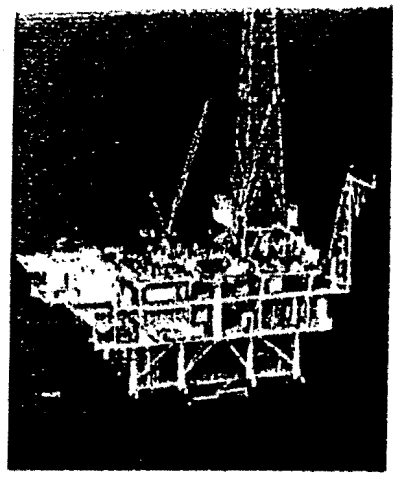
The beach is NOT a road and driving vehicles on the beach is NOT coastal dependent.

R-DC-1/44

Sincerely,

Daniel Allured > 465 Via Maxwell Nipomo
Laura Allured
Jerry Danger 573 Crown Hill, A.G. 93420
Elaine C Duff 307 Stimson Ave PB 93[illegible]
Laura S. Moll 365 Talley Ho Rd Santa Maria Ca 9345[illegible]
937-3706

Ricki Breyer, 249 Sheraton, Mtl, Que, Canada
ChLoë DuLude, 4062 Vendôme Ave. Mtl, Qc. CAN
Grey Hather, 3675 Sequoia Tr, SLO
Andrew Mutziger PO Box 912 Santa Marg.
Don Boardman PO Box 3962 S Hell Beach 93448
Karola Dauber 412 W. Monroe S.M. 93458
Bill Denneen 1040 Cielo Ln, Nipomo 93444



ASSOCIATED PRESS

Oil drilling platform Irene sits off the coast of Santa Barbara.

Offshore oil plans draw remarks

ANTI-PLATFORM SPEAKERS APPEAR IN MAJORITY

SANTA MARIA

BY DAVID SNEED
THE TRIBUNE

It's a disaster waiting to happen or a vital national resource.

Those were the two views of additional offshore oil development presented to the federal Minerals Management Service Monday evening at a workshop in Santa Maria.

The event drew more than 100 people, including several San Luis Obispo County environmentalists toting anti-oil signs. Chamber of commerce representatives and elected officials also spoke out against more offshore oil devel-

Please see OFFSHORE, A4

Offshore

1/23/01

From Page A1

opment.

Although anti-oil speakers were in the majority, a vocal contingent of pro-oil advocates, many from Santa Barbara County, participated in the meeting.

The purpose of the workshop was to gather public comment on a proposal by oil companies to do additional exploratory drilling in the Santa Maria Basin and the Santa Barbara Channel. Five to eight wells are planned using a floating drill platform.

One well is proposed for the Point Sal and Purisima areas each. This work would be the closest San Luis Obispo County.

In addition to drilling the wells, the operators will test the wells. The product of the testing will be pumped onto a barge and taken to either Los Angeles or Port Hueneme.

The operators could build as many as five new platforms and associated underwater pipelines. A new oil processing facility will likely be located in the Casmalia area.

Forty people signed up to speak. Their comments ranged from support for the oil industry as an historic contributor to the economy of the Central Coast to criticism of the industry as an historic polluter of the area's environment.

Both sides pointed to recent current events to bolster their arguments. Anti-oil speakers pointed to a fuel oil spill in the Galapagos Islands as proof of the danger of drilling, while pro-oil people referred to the recent rolling blackouts in the state as proof of the critical shortage of energy.

The speakers from San Luis Obispo County were uniformly opposed to more drilling. They cited the oil spills at Avila Beach and the Guadalupe oil field as the risk the oil industry poses.

"If oil companies cannot drill on land, how can we expect them do do any better offshore?" said Bill Denneen of Nipomo, a longtime environmental activist.

Pro-oil speakers called these remarks short-sighted, saying the oil industry has made a lot of improvements in technology which has increased the safety of the platforms.

"We have to get these reserves in case we need them in the future," said Santa Maria resident Donald Fitzgerald.

Elected officials from the Central Coast were skeptical of those claims. Rep. Lois Capps, D-Santa Barbara, state Sen. Jack O'Connell, D-San Luis Obispo, and Assemblywomen Hannah-Beth Jackson, D-Santa Barbara all submitted letters in opposition to the more offshore drilling.

"The people of the Central Coast have made it clear that the costs of offshore oil production far outweigh the benefits," Jackson said in a letter to the MMS.

All three politicians urged the federal government to delay doing any exploration until a lawsuit between the state and federal governments is settled. The state Coastal Commission has sued the MMS to gain review jurisdiction over the leases.

Public comments on the proposed drilling are due by Feb. 22.

The federal Minerals Management Service will write an analysis of the impacts of the drilling on the environment — including the marine and air resources — and socioeconomic impacts such as tourism. A draft of the analysis will be released this summer, and a final document will be published in the fall after additional public hearings.

January 28, 2001

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JAN 3 0 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear California Coastal Commission,

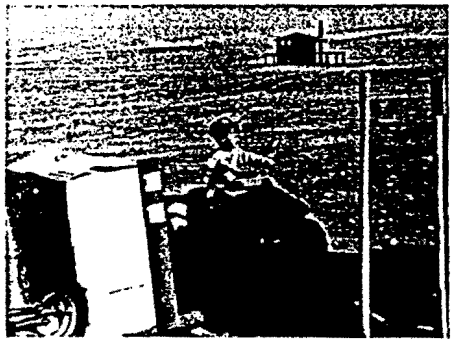
My name is Joshua, but my family and friends call me Josh. I will be 2 years old in April. Since I can't write my name or spell Pismo Beach, I had to ask my Mommy and Daddy to help me write this letter.

I am a third generation duner who frequents Pismo Beach. My Grandparents started going to Pismo in the 1960's, and my family has spent nearly every holiday at Pismo Beach with family and friends for nearly 40 years.

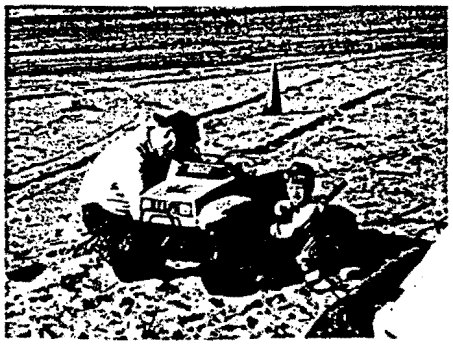
Camping at Pismo Beach is a family event.

I enjoy spending time with my big brother around the campfire. I love to roast marshmallows and eat smores. My parents will tell us stories and teach us about the stars. Have you seen the Big Dipper?

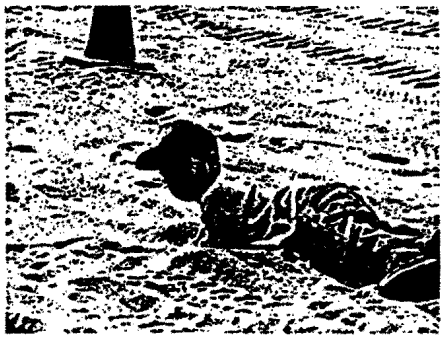
Sometimes I will climb onto my brother's motorcycle and dream about riding. When my brother isn't looking I will put on his goggles to see what it is like. When I am older, I hope to be able to go on rides with my Brother and Dad.



My Dad lets me help him when we go to Pismo. I help him work on the motorcycles and pick up the trash left on the beach. I like to spend time with my Dad at Pismo.



It is a lot of fun to run around and play at Pismo. I dig holes and play with trucks....sometimes I fall down.



Sometimes I get confused and always ask why? They say it is because I am a curious child.

Why is my family forced to only use 5 miles of beach, when my Grandparents used to enjoy 18 miles of beach?

Why does the Sierra Club think I am a bad person out to destroy the environment?

Why can't we all just enjoy the land responsibly?

I promise to not deliberately destroy plants or animals!
So, please, pretty please can I continue to enjoy Pismo Beach with my family the way we have done it for 3 generations and over 30 plus years?

The thought of losing Pismo Beach makes me very sad!

Sincerely,

Josh Suty
3019 Archwood Circle
San Jose, CA 95148

Edited by Mommy (Karen) & Daddy (Jim) Suty

BULLHEAD 4 WHEELERS, INC.

Phone: 520-565-2811 - Fax: 520-565-3775 - E-mail: fourby@ctaz.com

RECEIVED

JAN 3 0 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 25, 2001

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

RE: Oceano Dunes State Vehicle Recreation Area—support for permit 4-82-300

Dear Coastal Commission,

Our members are quite concerned over the possibility of closures to the Oceano Dunes SVRA. We offer our support to your recommendations on permit 4-82-300. We are a family oriented club with members ranging in ages from young parents with babes in arms to the octogenarian set—all of whom, enjoy motorized recreation. Our club practices the principles of the *Tread Lightly!* philosophy and encourages others to do the same. We have an adopted trail with the Bureau of Land Management; an adopted road with our county; an adopted ranch with the AZ. Game and Fish Department—we literally collect tons of trash every year. With the guidance and support of the BLM we help with multiple use trail projects—we are environmentally aware and are dedicated to keeping our road and trail access open to the public.

Many of our members travel to the Oceano dunes, to escape the summer heat of our desert, and thrive on the beauty of the seaside and the many activities associated with the beach areas, including our favorite activity, motorized jaunts on the dunes. Quite a few of our members have been enjoying the dunes for many years, some for over fifty years!

Camping and RVing is a very important part of our recreational activities, therefore camping access is of extreme importance to us. We would hope there will not be limits on any camping nor on day use.

Will you please include us in all future proposals regarding the Oceano Dunes SVRA.

Sincerely,

Joan Beck

Joan Beck, Chairwoman
Environmental Issues Committee
2246 S. Dilkon Road
Golden Valley, AZ 86413

RECEIVED
JAN 29 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Tom Lavka
12648 Palos Tierra Rd.
Valley Center, CA 92082

1/25/2001

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

Re: permit 4-82-300

My family and I are active outdoor recreationists. We are concerned that the facility at Oceano Dunes State Vehicle Recreation Area may no longer be available to not only our family but also the millions of other annual visitors. We want to voice our support for your staff's recommendations on permit 4-82-300.

OHV recreation is an enormously popular activity. It is very family oriented, often multi-generational. With nearly 15% of California households owning an OHV, the demand for well-managed areas that include OHV use will continue to grow in the foreseeable future.

During my trips to Oceano, other visitors and I have enjoyed a wide variety of coastal activities including swimming, beachcombing, walking, surf fishing, surfing, sandcastle building, nature viewing, as well as OHV activities. With the well-enforced 15-MPH speed limit on the beach (10 MPH slower than a school zone) all of these activities can, and do, coexist very well.

Endangered species protection is important to us all. Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The management and visitors of Oceano Dunes have proven that by working together huge strides can occur in species recovery. The Park contains 4500 acres of which less than 1500 are open to camping and vehicles - that is less than 10% of the area open for these activities before 1982.

I am very pleased to see the staff recommendations include the creation of a Technical Review Team. Federal land managers have used TRTs to help them manage many areas of public lands. The ones for Clear Creek in the Hollister BLM area and Imperial Sand Dune Recreation Area near El Centro are examples that dedicated people with a common purpose can achieve consensus beneficial to the resource and the visitors.

The OHV recreation community has shown it can be part of an adaptive management process. Within your staff's recommendations lies the opportunity to protect coastal resources and insure our preferred coastal access. Please embrace the prudent work of SLO County and State Parks by approving your staff's recommendations on permit 4-82-300.

Sincerely,

Tom Lavka

Tom Lavka

Richard & Robin White
2520 Appaloosa Way
Arroyo Grande, CA 93420

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JAN 08 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 5, 2001

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

Dear Commissioners,

As residents of the Central Coast, I feel it is my responsibility to tell you that we fully support vehicles being allowed on the beach at the Pismo/Oceano dunes.

We have a beautiful coastline with plenty of area for walking, playing in the water, walking dogs, etc. And, with all the additional precautions being taken for wildlife, that threat is significantly decreased. To have a short area of approximately 3-5 miles of the entire California coast that has access to cars is not unreasonable. It is important that this area is available for a wide variety of activities.

Please don't alter our unique access to the coastline.

Sincerely,

Richard White

Robin White

January 5, 2001

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JAN 1 0 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

RE: Vehicular Beach Access

Dear California Coastal Commission,

Please consider the wonderful diversity that makes up our Central Coast. We have beachs that are only open to the Air Force, some only open to wild life, some only open to foot traffic, some beaches are completely closed or inaccessible, and a very small, and dear to me portion of beach is open to vehicular traffic. It is an awesome privilege to be able to drive onto the beach and prepare a large meal with friends as we watch another beautiful sunset. My Brother in law comes to town twice a year, and we are able to enjoy Oceano Dunes with our two 13 year old boys, who love to ride their ATVs there. This is a very special place that fits perfectly into the diversity of our Central Coast.

PLEASE PRESERVE OUR DIVERSITY AND OUR RECREATION!

Yours truly,

Peter Maly
425 Victory Way
Arroyo Grande, CA 93420
805 343-3103

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

RECEIVED
JAN 2 2 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Commission

I am all for coastal access, recreation and off road use at Oceano Dunes State Vehicle Recreation Area. I thing the TRT is a very good thing to have to help manage the State Park. The population is growing every day and our recreation opportunities are declining all the time and this is not fair to the public. Off road recreation is a very family oriented activity to do and keeps the kids out of trouble and teaches them family values. We are all concerned about the environment but the human spiese it not being consisted in all of these environmental closures of land. I remember when all of Pismo Beach was open and now my children will never be able to see all of that which is very sad.

Thank-you for your time

Robert Trent
3777 Paseo De Olivos
Fallbrook, CA. 92028

January 23, 2001

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JAN 2 6 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Re: Oceano Dunes SVRA
To: whomever can best compassionately understand our plea.

Dear Sir/Madame,

I, and my family have always been outdoor enthusiasts and greatly appreciate open spaces. For camping, hiking, viewing nature and caring for such also. We've been Pismo Beach visitors since I was 3 years of age. Back when the dunes were 100 percent open and following the 1982 reassessment set by the State of California.

Our family greatly appreciates this far place for us as a place of refuge. We are Green users of OHVs and your decisions will greatly impact us.

We are concerned about public usage and concerned for existing habitat. Understanding that large coastal areas are already set aside exist in Monterey, Carmell, Guadalupe, Oceano, etc, for habitat. And that the California coast is springing back to life with the end of ocean dumping and previous oil spills.

There is a meeting in February that we are unfortunately unable to attend. And we would like to voice our plea to keep the dunes that have been set aside for public use, open.

Recent closures for the Milk-Vetch plant in the Imperial Dunes closed a huge area for our sport. Compassionately, active Greens, as I am, often object to any use of land, even human in extremist cases. But some areas need to be set aside for us. Free space not abused but managed and appreciated for use as such.

In the case of the Milk-Vetch, which is flourishing greater from OHV usage than not. And in a case where, if the plant does not survive, so goes the struggle of life and the theory of Darwinism. Though many don't accept life cycles and endlessly attempt to save the world. Which in the end, 500 million years from now will be devastated and awash as our sun goes supernova. I'm not for all out destruction or careless devastation of habitats but as a place of refuge - people need to survive also - and we greatly appreciate collaborative efforts to keep this place open for us all.

With great areas north and south closed to use, it is our last OHV Costal habitat also. The fact that coastal winds cleanse the dunes of signs of use, is an even better reason to keep such a place. Where desert communities are scared by roads or track, the dunes sustain usage indefinitely. And we do not ever seek to abuse such an area but appreciate it for its beauty, and resource. We love this place and we have respected decisions to close areas as requested. If for some reason you can see it in your sites to save a place of human refuge please hear our hearts crying out. I want to take my children there to let them experience the beauty and use thru OHV use as I did. It means extremely much to me and harbors great memories of sport, outdoors, freedom and family.

I am saddened by all the land closures in California as the greed for land spreads throughout the State thru the closure of free spaces. Free as in Freedom, that which makes America a better place than other countries, but in the case of our future I fear loss of Freedom. Please keep our space open. Our personal usage has been very minimal but we support other who share our view.

Thanks for you time,

Kelly Fitzpatrick
3827 Spad Place
Culver City, CA 90232
kfitzpatrick@rpa.com

Tierra Del Sol

FOUR WHEEL DRIVE CLUB
OF SAN DIEGO, INC.

"Through the use and great recreational advantages of the Four Wheel Drive Vehicle"

RECEIVED
JAN 25 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

22 January 2001

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

Dear California Coastal Commission Members:

I am writing on behalf of the Tierra del Sol Four Wheel Drive Club of San Diego. We are a 50 member organization that uses the facilities of Oceano Dunes State Vehicular Recreation Area. For the past twenty-five years, club members have enjoyed the wonderful facilities offered by the SVRA and the surrounding community.

We have watched the process at Oceano Dunes since 1982 when the State Parks was granted a Coastal Development Permit 4-82-300 to build the entry kiosks and to fence the OHV boundary. As a condition of this permit State Parks, SLO County, and the Coastal Commission were to agree on limits for camping and day use.

During the ensuing years, studies and public meetings have been conducted. A Technical Review Team was established to develop management recommendations. In 1998 the County accepted the Study and approved camping and day use limits. This County action had the full support of the local governments, business and recreation interests. This leaves just CCC approval as the last hurdle to fulfilling the conditions of Permit 4-82-300.

The CCC staff is recommending APPROVAL of the proposed camping and day use limits with a three year review, and approve the creation of the TRT with the addition of two more representatives one from US Fish and Wildlife and one from California Fish and Game.

On behalf of the 50 members of the Tierra del Sol Four Wheel Drive Club, I urge the Commission to accept the staff recommendations and grant the final approval for Permit 4-82-300.

Sincerely,

John Stewart,
Conservation Chairman

Tierra Del Sol • P.O. Box 4371 • San Diego, California 92164

Jan. 28, 2001

Dear Coastal Commission,

Every year in August our family has a little reunion at the Oceano Dunes State Vehicle Recreation Area. Its a place where we can camp right on the beach, watch the waves roll in and take a leasurly ride in our sand rail or on a quad over the dunes. It is really importa to my family, my friends and myself that this area remains open. I support the Coastal Commissions staff recommendations on permit 4-82-30

Please consider that the Park's area equals appoximately .03% of the California Coastline. We need more areas not less. We are truly becoming endangered!

Please approve your staff recommendations for permit 4-82-300 and ensure Coastal access to the millions of famil that enjoy this beautiful spot on our planet.

Thank You Kathi Duke

1/24/2001

California Coastal Commission
725 Front Street, Suite 300
Santacruz CA. 95060

To Whom It May Concern:

My family and I like outdoor recreation and OHV use. We are concerned that the Oceano Dunes State Vehicle Recreation Area may no longer be available. We want to voice our support for your staffs recommendations on permit 4-82-300.

While endangered species protection is important, 2/3 of the park is already closed to OHV use. We feel this is more than enough to protect habitat and resources. This is part of a very small percentage of California coast available to OHV use. More coast should be available to OHVs, not less!

Sincerely

Glen Carpenter

1942 E. Carver Rd.
Tempe Az. 85284.

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JAN 29 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

San Diego
OFF-ROAD
Coalition

4735 Clairemont Square #2002
San Diego, CA 92117-2704
Phone: 619.561.3877
FAX: 619.561.5424
E-mail: jgarv@home.com

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JAN 2 6 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 23, 2001

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

Re: permit 4-82-300

I am writing today on behalf of the members of the San Diego Off-Road Coalition in support of the Coastal Commission staff's recommendations on permit 4-82-300. I feel strongly that Oceano Dunes State Vehicle Recreation Area is a recreational treasure that serves millions of visitors annually.

The current management at Oceano Dunes SVRA has shown that it can maintain the critical balance between resource and habitat protection and intensive recreational use. The successful protection of the threatened Snowy Plover and endangered Least Tern is but one example of the proactive and progressive management of the Park.

Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The 1500 acres open to camping and vehicles represent less than 10% of the area open for these activities before 1982. Habitat and resource protection measures are visible throughout the Park. They include fenced vegetation, exclosures for endangered species, dune stabilization, and the Oso Flaco Lake Nature Area.

The proposed Technical Review Team is a great step in the right direction. Many of the issues faced by the Park can be best worked out locally. Having members from the County, CCC, and the OHV Commission will also bring the larger perspective to this group. I see this proposal as the best possible way to insure that a very proactive management protocol continues at the Park. A TRT is currently being used very successfully by the Bureau of Land Management at the largest sand dune recreation area in the United States near El Centro, California.

The OHV recreation community has shown it can be part of an adaptive management process. Within your staff's recommendations lies the opportunity to protect coastal resources and insure our preferred coastal access. Please embrace the prudent work of SLO County and State Parks by approving your staff's recommendations on permit 4-82-300.

Respectfully,

James G. McGarvie, Chairman

18440 Basswood St.
Fountain Valley, CA 92708

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

RECEIVED
JAN 2 6 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Sir or Madam:

I am writing today in support of the Coastal Commission staff's recommendations on permit 4-82-300. I feel strongly that Oceano Dunes State Vehicle Recreation Area is a recreational treasure which serves millions of visitors annually.

Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The 1500 acres open to camping and vehicles represent less than 10% of the area open for these activities before 1982. Habitat and resource protection measures are visible throughout the Park. They include fenced vegetation, exclosures for endangered species, dune stabilization, and the Oso Flaco Lake Nature Area.

The proposed Technical Review Team is a great step in the right direction. Many of the issues faced by the Park can be best worked out locally. Having members from the County, CCC, and the OHV Commission will also bring the larger perspective to this group. I see this proposal as the best possible way to insure that a very proactive management protocol continues at the Park. A TRT is currently being used very successfully by the Bureau of Land Management at the largest sand dune recreation area in the United States near El Centro, California.

Sincerely,

Vinh Nguyen

RECEIVED

JAN 3 0 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 26, 2001

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

I am concerned that the Oceano Dunes State Vehicle Recreation Area may no longer be available for established public use and continued mechanized recreation. We want to voice our support for your staff's recommendations on permit 4-82-300.

Current health of the Oceano Dunes SVRA has shown that proper management can maintain the critical balance between resource and habitat protection, and intensive recreational use. The successful protection of the threatened Snowy Plover and endangered Least Tern are examples of the proactive and progressive management of the Park. Habitat and resource protection measures are visible throughout the Park. They include fenced vegetation; enclosures for endangered species, dune stabilization, and the Oso Flaco Lake Nature Area. We support these habitat protection measures.

My family and I are active participants of outdoor recreation. Much of the visitation at Oceano Dunes is participation by large groups and extended family visits. Visitor surveys have shown that people are willing to travel many hundreds of miles to enjoy this unique coastal access, and have made it an annual tradition for education and enjoyment. During my trips to Oceano, other visitors and I have enjoyed a wide variety of coastal activities including swimming, dune running, surf fishing, surfing, sandcastle building, nature viewing, as well as Off-Highway Vehicle (OHV) recreation activities. With the well-enforced 15-MPH speed limit on the beach (10 MPH slower than a school zone) all of these activities coexist safely and with shared respect for each other.

The proposed limits on camping, day use, and OHVs represent a reduction from what is currently allowed. The newly proposed limits recognize the current and historical visitor use patterns, and apply them to manage future use. By carefully studying the recreational mix and use patterns the Technical Review Team (TRT) will be able to make educated recommendations to park management on future visitor use. The proposed Technical Review Team is a great step in the right direction. I see this proposal as a good way to insure that a very proactive management protocol continues at the Park. I recommend recreation club participation be allowed to join the TRT as well.

The tradition of motorized access to the dunes of Oceano dates back to the Model T days. The California State Legislature recognized this value and public expectation when it created the SVRA at Oceano. The Park's area equals approximately .03% of the California coastline. The continued strong demand for this type of coastal activity strongly supports the need for more SVRA areas, not less. Beach and dune driving is a very popular activity across the nation. A majority of the national seashores on the Atlantic coast including Cape Cod provide for this activity. California needs this opportunity to prove it is a leader in managing technically difficult recreation and habitat protection. Within the Park, habitat and resource protection are already well balanced with recreational demand. The 1500 acres open to camping and vehicle use represent less than 10% of the area that was once legally open for these activities, before 1982. Closing more land to recreation will only reflect failure of California's leadership position to balance public recreation and habitat demand.

The citizens of California demand equal protection of coastal resources and coastal access. State Parks has a 20-year track record of doing just that at Oceano Dunes. Please insure the historical coastal access of millions of annual visitors continues, by approving your staff recommendations for permit 4-82-300.

Sincerely,

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

RECEIVED

JAN 25 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Dear California Coastal Commission Members:

I am writing to express my support for the final approval of Coastal Development Permit 4-82-300.

I have been visiting this area since 1981 when I attended Cal Poly University and support continued access of OHV's to the park.

For almost 20 years, studies and public meetings have been conducted. A Technical Review Team was established to develop management recommendations. In 1998 the County accepted the Study and approved camping and day use limits. This County action had the full support of the local governments, business and recreation interests. This leaves just CCC approval as the last hurdle to fulfilling the conditions of Permit 4-82-300.

I urge the Commission to accept the CCC staff recommendations and grant the final approval for Permit 4-82-300.

Sincerely,

Alan Roach
7558 Trade St.
San Diego, Ca. 92121

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

RECEIVED

JAN 2 9 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

January 26, 2001

Dear California Coastal Commission Members:

I am writing to express my support for the final approval of Coastal Development Permit 4-82-300.

For almost 20 years, studies and public meetings have been conducted. A Technical Review Team was established to develop management recommendations. In 1998 the County accepted the Study and approved camping and day use limits. This County action had the full support of the local governments, business and recreation interests. This leaves just CCC approval as the last hurdle to fulfilling the conditions of Permit 4-82-300.

The CCC staff is recommending APPROVAL of the proposed camping and day use limits with a three year review, and approve the creation of the TRT with the addition of two more representatives one from US Fish and Wildlife and one from California Fish and Game.

I urge the Commission to accept the staff recommendations and grant the final approval for Permit 4-82-300. My family and I have enjoyed many outings in the state's OHV parks (SVRA's) through the years and I ask that the Commission continue to make them available and useable in the years ahead.

Sincerely,

Phil Hobden

RECEIVED

JAN 24 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

14650 Big Basin Way
Saratoga, CA 95070
January 23, 2001

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

Dear California Coastal Commission Members:

I am writing to express my support for the final approval of Coastal Development Permit 4-82-300.

For almost 20 years, studies and public meetings have been conducted. A Technical Review Team was established to develop management recommendations. In 1998 the County accepted the Study and approved camping and day use limits. This County action had the full support of the local governments, business and recreation interests. This leaves just CCC approval as the last hurdle to fulfilling the conditions of Permit 4-82-300.

The CCC staff is recommending APPROVAL of the proposed camping and day use limits with a three year review, and approve the creation of the TRT with the addition of two more representatives one from US Fish and Wildlife and one from California Fish and Game.

I urge the Commission to accept the staff recommendations and grant the final for Permit 4-82-300.

Sincerely,

Karen A. Genovese

Karen A. Genovese

As of 2/1/01, staff received 45 copies of this letter

I am a regular visitor to Oceano Dunes State Vehicle Recreations Area. It is extremely important to me that this recreation area remains available to the millions of annual visitors. Therefore, I strongly support the Coastal Commission Staff's recommendations on permit 4-82-300.

The current management at Oceano Dunes SVRA has shown that it can maintain the critical balance between resource and habitat protection and intensive recreational use. The successful protection of the threatened Snowy Plover and endangered Least Tern is but one example of the proactive and progressive management of the Park.

Much of the visitation at Oceano Dunes is large group or extended family, in many cases multi-generational. Visitor surveys have shown that people are willing to travel many hundreds of miles to enjoy this unique coastal access.

During my trips to Oceano, other visitors and I have enjoyed a wide variety of coastal activities including swimming, beachcombing, walking, surf fishing, surfing, sandcastle building, nature viewing, as well as OHV activities. With the well-enforced 15-MPH speed limit on the beach (10 MPH slower than a school zone) all of these activities can, and do, coexist very well.

Beach and dune driving is a very popular activity across the country. A majority of the national seashores on the Atlantic coast including Cape Cod provide for this activity. The shores of Lake Michigan and the Gulf coast also offer many areas for motorized access. The Oregon Dunes National Recreation Area is a Pacific coast example of federally managed coastal OHV opportunity.

The proposed limits on camping, day use, and OHVs represents a reduction from what is currently allowed but rarely reached. These newly proposed limits respect the current and historical visitor use patterns. By carefully studying recreational mix and use patterns the TRT will be able to make educated recommendations to park management on future visitor use.

The tradition of motorized access to the dunes of Oceano dates back to the Model T days. The California State Legislature recognized this value and public expectation when it created the SVRA at Oceano. The Park's area equals approximately .03% of the California coastline. The continued strong demand for this type of coastal activity actually indicates the need for more such areas, not less.

Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The 1500 acres open to camping and vehicles represent less than 10% of the area open for these activities before 1982. Habitat and resource protection measures are visible throughout the Park. They include fenced vegetation, exclosures for endangered species, dune stabilization, and the Oso Flaco Lake Nature Area.

The proposed Technical Review Team is a great step in the right direction. Many of the issues faced by the Park can be best worked out locally. Having members from the County, CCC, and the OHV Commission will also bring the larger perspective to this group. I see this proposal as the best possible way to insure that a very proactive management protocol continues at the Park. A TRT is currently being used very successfully by the Bureau of Land Management at the largest sand dune recreation area in the United States near El Centro, California.

The OHV recreation community has shown it can be part of an adaptive management process. Within your staff's recommendations lies the opportunity to protect coastal resources and insure our preferred coastal access. Please embrace the prudent work of SLO County and State Parks by approving your staff's recommendations on permit 4-82-300.

RECEIVED
JAN 30 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sincerely,

Kenny Pierce

As of 2/1/01, staff received
62 copies of this letter

Mike Harmuth
1145 6th Place
Port Hueneme, CA 93041

RECEIVED
JAN 3 0 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1/25/2001

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

Re: permit 4-82-300

I am writing today in support of the Coastal Commission staff's recommendations on permit 4-82-300. I feel strongly that Oceano Dunes State Vehicle Recreation Area is a recreational treasure which serves millions of visitors annually.

OHV recreation is an enormously popular activity. It is very family oriented, often multi-generational. With nearly 15% of California households owning an OHV, the demand for well-managed areas that include OHV use will continue to grow in the foreseeable future.

During my trips to Oceano, other visitors and I have enjoyed a wide variety of coastal activities including swimming, beachcombing, walking, surf fishing, surfing, sandcastle building, nature viewing, as well as OHV activities. With the well-enforced 15-MPH speed limit on the beach (10 MPH slower than a school zone) all of these activities can, and do, coexist very well.

As one of the most visited of all State parks, Oceano Dunes represents an enormous economic engine. Visitor surveys show that a majority of visitors use the Oceano Dunes area as a destination. The State, counties, and local economies are all beneficiaries of this important fact. This is reflected in SLO County's thoughtful and active participation in this process and their recommendations to you.

The tradition of motorized access to the dunes of Oceano dates back to the Model T days. The California State Legislature recognized this value and public expectation when it created the SVRA at Oceano. The Park's area equals approximately .03% of the California coastline. The continued strong demand for this type of coastal activity actually indicates the need for more such areas, not less.

Endangered species protection is important to us all. Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The management and visitors of Oceano Dunes have proven that by working together huge strides can occur in species recovery. The Park contains 4500 acres of which less than 1500 are open to camping and vehicles - that is less than 10% of the area open for these activities before 1982.

I am very pleased to see the staff recommendations include the creation of a Technical Review Team. Federal land managers have used TRTs to help them manage many areas of public lands. The ones for Clear Creek in the Hollister BLM area and Imperial Sand Dune Recreation Area near El Centro are examples that dedicated people with a common purpose can achieve consensus beneficial to the resource and the visitors.

The OHV recreation community has shown it can be part of an adaptive management process. Within your staff's recommendations lies the opportunity to protect coastal resources and insure our preferred coastal access. Please embrace the prudent work of SLO County and State Parks by approving your staff's recommendations on permit 4-82-300.

Sincerely,

Mike Harmuth

AS of 2/1/01, staff received 137 copies of this letter

David Martin
21322 Calle Balsa
Lake Forest Ca 92630

4/2001

RECEIVED
JAN 3 0 2001
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Re: permit 4-82-300

My family and I are active outdoor recreationists. We are concerned that the facility at Oceano Dunes State Vehicle Recreation Area may no longer be available to not only our family but also the millions of other annual visitors. We want to voice our support for your staff's recommendations on permit 4-82-300.

The current management at Oceano Dunes SVRA has shown that it can maintain the critical balance between resource and habitat protection and intensive recreational use. The successful protection of the threatened Snowy Plover and endangered Least Tern is but one example of the proactive and progressive management of the Park.

Much of the visitation at Oceano Dunes is large group or extended family, in many cases multi-generational. Visitor surveys have shown that people are willing to travel many hundreds of miles to enjoy this unique coastal access.

Endangered species protection is important to us all. Within the Park, habitat and resource protection are extremely well balanced with recreational demand. The management and visitors of Oceano Dunes have proven that by working together huge strides can occur in species recovery. The Park contains 4500 acres of which less than 1500 are open to camping and vehicles - that is less than 10% of the area open for these activities before 1982.

The proposed Technical Review Team is a great step in the right direction. Many of the issues faced by the Park can be best worked out locally. Having members from the County, CCC, and the OHV Commission will also bring the larger perspective to this group. I see this proposal as the best possible way to insure that a very proactive management protocol continues at the Park. A TRT is currently being used very successfully by the Bureau of Land Management at the largest sand dune recreation area in the United States near El Centro, California.

The OHV recreation community has shown it can be part of an adaptive management process. Within your staff's recommendations lies the opportunity to protect coastal resources and insure our preferred coastal access. Please embrace the prudent work of SLO County and State Parks by approving your staff's recommendations on permit 4-82-300.

Respectfully,

David Martin

Expanded Seasonal Exclosure Area at Oceano Dunes State Vehicular Recreation Area

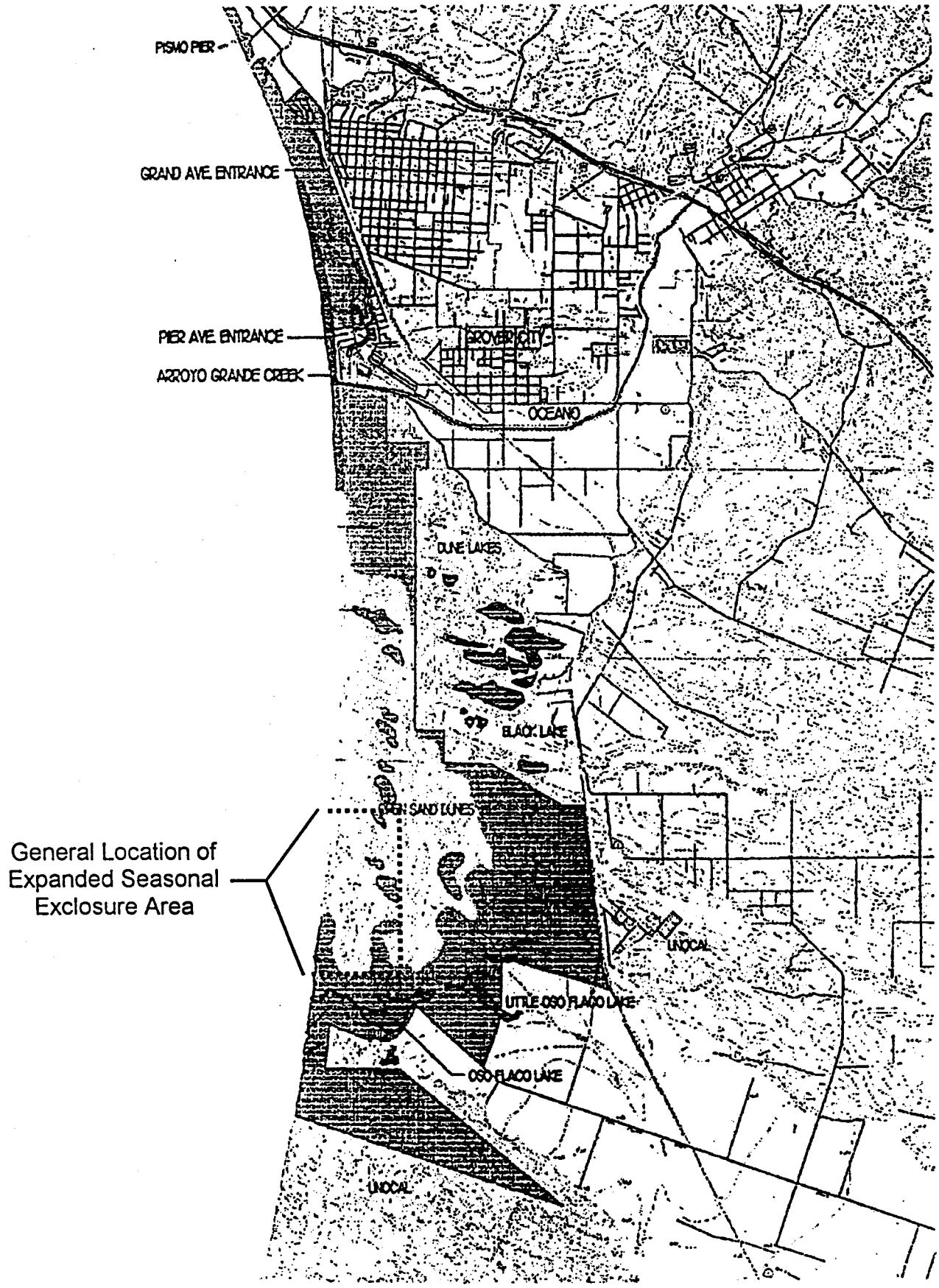

Exhibit 12
Expanded Seasonal Exclosure Area