

## CALIFORNIA COASTAL COMMISSION

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## MEMORANDUM

February 4, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director (C.L., 2/4/04)  
Steve Monowitz, Coastal Planner

RE: **Annual Review of Coastal Development Permit Amendment 4-82-200-A5 for the Oceano Dunes State Vehicle Recreation Area (ODSVRA), San Luis Obispo County.** For public hearing and possible Commission action at its meeting of February 20, 2004 in San Diego.

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**I. Staff Recommendation:**

Staff recommends that the Commission take no action to change the terms of Coastal Development Permit 4-82-300-A5, and send a letter to the Superintendent of the Oceano Dunes State Vehicular Recreation Area, urging full implementation of the ODSVRA Technical Review Team Scientific Subcommittee recommendations (attached as Exhibit 2).

**II. 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 (via Coastal Development Permit Amendment 4-82-300-A5) State Park's proposal to establish a Technical Review Team (TRT)<sup>1</sup> as an alternative to the carrying capacity approach established 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:

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<sup>1</sup> The Coastal Commission adopted Revised Findings in support of this action on May 7, 2001.

**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.

This is the third annual review being conducted pursuant to Special Condition 2. In 2001 and 2002, the Commission took no action to change the terms of the Coastal Development Permit. However, at the March 7, 2003 review, the Coastal Commission voted to send a letter to the Park Superintendent, recommending expansion of fencing to protect Snowy Plover habitat during the 2003 nesting season, in accordance with the suggestions of the TRT's Scientific Subcommittee. According to this year's Scientific Subcommittee report (attached as Exhibit 2), the recommended expansion area was closed to vehicles too late in the season, and therefore provided little benefit to breeding plovers in 2003.

### **III. Analysis:**

The annual review required by 4-82-300-A5 provides the Commission with an opportunity to review whether the TRT is providing an effective means of managing vehicle impacts, and where necessary, institute alternative approaches and/or management measures. In order to analyze the effectiveness of the TRT in accordance with this condition, the Commission must consider the progress that TRT has made in identifying and analyzing resource management issues, and evaluate whether current management measures are adequately protecting coastal resources. A full set of the conditions established by 4-82-300-A5 is attached as Exhibit 3.

#### **A. TRT Effectiveness**

The TRT process formulated by State Parks and approved by Coastal Development Permit Amendment 4-82-300-A5 establishes specific annual requirements based on a three-year start-up period. Special Condition 5 requires the TRT and the ODSVRA Superintendent to submit annual reports that summarize recreational use and habitat trends at the park, and that highlight TRT accomplishments. As specified by Special Condition 5, the third annual report is to also include a status report on research and management questions that were to be prioritized and scoped during the TRT's second year. The third annual report is also to update research and management priorities and their corresponding scopes of work.

The cover letter for the submitted third annual report is attached as Exhibit 1, and its various attachments can be obtained by contacting the Commission staff (the full report will also be available for review at the February 20, 2004 public hearing). The report partly addresses the requirements of Special Condition 5 by providing a summary of recreational use, and highlighting TRT and Scientific Subcommittee activities and accomplishments during 2003. The submitted information indicates that 2003 recreational use levels stayed within the limits established under CDP 4-82-300-A5, and that the TRT's evaluation of management issues was

largely focused on a review of the Point Reyes Bird Observatory Report on Least Tern and Snowy Plover nesting during the 2003 season, and the associated recommendations of the Scientific Subcommittee. In general, the TRT agreed with recommendations that called for modifications and improvement to the existing management program, but was divided on recommendations that called for expanding the protected nesting area and keeping the protected area off-limits to vehicles on a year-round basis (as opposed to only during the nesting season).

Other topics of TRT discussion included issues regarding the Arroyo Grande levee, flood control, and steelhead habitat; alternative access routes; park fees and fines; economic impacts of the park on the neighboring communities; scopes of work for the wintering shorebird and night riding studies; and the status and content of the Habitat Conservation Plan (HCP) currently being developed. The TRT facilitator described the TRT's consensus on four principles that should guide the HCP as "a significant meeting of the minds on the core issues and interests for the group as a whole" (please see page 4 of the Exhibit 1 for more detail). Other outcomes and future TRT action items that were generated by these discussions are summarized on pages 7 – 9 of Exhibit 1. The annual report cover letter prepared by the TRT facilitator concludes that "Overall, the TRT has shown considerable leadership in charting substantive progress and making meaningful and high quality contributions to the monitoring and management responsibilities assigned to it by the Commission."

Notwithstanding this progress, the TRT has failed to satisfy the terms of Coastal Development Permit 4-82-300-A5 because it has not finalized the work programs needed to address priority research and management questions, and, as a result, has not made any progress in completing priority research tasks. Under the framework established by Special Condition 5, the TRT was to identify such priorities, taking into consideration specific suggestions of the Commission, and work with its Scientific Subcommittee to develop scopes of work to complete these tasks by the end of its second year. Of the studies recommended by the Scientific Subcommittee on December 4, 2002, (included in the second annual report and attached to this report as Exhibit 4), only limited progress has been made towards the development of a scope of work for the proposed Wintering Shorebirds and Night Riding studies.

As part of the second annual review, the Commission identified the development and implementation of priority research tasks as a critical need for the TRT's third year, so that the research could be applied to the development of long-term management measures in coordination with the Habitat Conservation Plan currently under development. The continued lack of progress in this regard has interfered with the TRT's ability to provide the level of input on park management issues envisioned by CDP 4-82-300-A5. Rather than developing and pursuing an independent set of research and management questions and priorities, the TRT has, for the most part, only reacted to the studies and recommendations developed by the Point Reyes Bird Observatory. While the TRT has discussed other relevant management issues (e.g., the protection of Steelhead in Arroyo Grande creek, alternative park access routes, and the scope and status of the upcoming HCP), these discussions have occurred outside of the process for prioritizing research tasks established by CDP 4-82-300-A5, and without regard to the priority research tasks suggested by the Scientific Subcommittee in 2003. Special Condition 5 of CDP 4-

82-300-A5 specifically requires annual reports to identify the basis under which the TRT prioritized its work for the year. Such a discussion is not contained in the submitted annual report.

Nevertheless, the TRT continues to be a useful forum for interested parties to discuss park management issues, and the Scientific Subcommittee continues to provide valuable input regarding management measures and research needs. While the focus on evaluating PRBO recommendations has not effectively carried out the terms of 4-82-300-A5, it has provided the TRT and Scientific Subcommittee with the opportunity to provide detailed comments on current management issues of concern, which may indeed be an appropriate priority given the importance of these annual management decisions and the divergent positions of the interested parties. However, to achieve compliance with CDP 4-82-300-A5, the TRT must expand its role to address the broader research and management questions and projects identified by the permit, and develop a more systematic process for establishing priorities. Renewal of the permit without change will provide the TRT with an opportunity to address this need.

Another concern about the TRT's ability to provide effective input on park management issues is the unwillingness of some of its members to endorse any modifications to park management techniques that would diminish recreational opportunities. Such opposition has prevented the TRT from reaching consensus on the recommendations of the Scientific Subcommittee to extend the protected nesting area northward to post marker 6, and to maintain the fencing to protect nesting areas on a year round basis.

Finally, the TRT's advisory role to the park superintendent does not effectively ensure that the adaptive management measures developed through the process will be implemented. For example, last year's Scientific Subcommittee recommendations, forwarded to the superintendent by the TRT included a recommendation to expand the protected nesting area during the 2003 nesting season. This Coastal Commission endorsed this recommendation during the second annual review, and sent a letter to the superintendent urging its implementation. Notwithstanding these recommendations, the protected area was not expanded until July 2003, apparently as a result of a settlement agreement rather than an effort to implement recommendations of the Scientific Subcommittee and Commission. According to the TRT's Scientific Subcommittee, the expansion took place too late in the nesting season to provide much benefit to nesting Snowy plovers. The delay in implementing this management change was also inconsistent with the superintendent's stated intent to implement the recommendations of the Scientific Subcommittee, as presented to the Commission in the 2003 annual review. This year's Scientific Subcommittee Report provides a full account of the 2003 recommendations that were and were not implemented by the ODSVRA (please see pages 6-8 of Exhibit 2).

ODSVRA's limited implementation of TRT Scientific Subcommittee recommendations remains a serious concern to the Commission. Recent discussions between Commission and ODSVRA staff indicate that the ODSVRA does not intend to implement this year's Scientific Subcommittee recommendations calling for an expansion of the protected nesting area, and the retention of the protective fencing on a year-round basis. As detailed in the evaluation of current

management measures provided below, there is sufficient evidence that such measures are needed to effectively protect environmentally sensitive habitat areas at the park. Accordingly, a draft letter from the Commission to the superintendent, strongly encouraging implementation of these measures, is attached to this report as Exhibit 5. By endorsing this letter, the Commission will provide the ODSVRA with the opportunity to demonstrate its commitment to the TRT process and its willingness to consider the input of its Scientific Subcommittee. Should the ODSVRA fail to address the recommendations of the Scientific Subcommittee and this Commission during the upcoming nesting season, adjustments to the terms of CDP 4-82-300-A5 will need to be considered at the next annual review.

### **B. Evaluation of Current Management Measures**

Data regarding use trends and environmental resources at the ODSVRA provides important information regarding the effectiveness of various management approaches. A detailed analysis of multiple years of data was contained in the staff report for 4-82-300-A5, adopted by the Commission in February 2001. Data for the 2001 Snowy Plover and Least Tern nesting season was documented in a report prepared by the Point Reyes Bird Observatory (PRBO), presented to the Commission during the first annual review of the TRT, in May 2002. PRBO prepared similar reports for the 2002 and 2003 nesting seasons, which indicate a strong improvement in nesting and fledgling rates. This corresponds with statewide data, documenting 2003 as the most productive breeding year for the Western Snowy plover since the establishment of monitoring programs.

The breeding success of the local and regional populations that use the Oceano Dunes plays an important role in this statewide recovery effort. Thus, continued and improved protection of the threatened Western Snowy plover and endangered California least tern at the ODSVRA is essential for the protection and enhancement of these rare biological resources. Towards this end, State Parks has implemented a predator management program that has contributed to improved Snowy plover and Least tern fledgling success rates over the last two years. State Parks also continues to implement use limits, protective fencing, and other measures to minimize the impacts of recreational use on the parks sensitive habitat areas in accordance with the interim limits established by 4-82-300-A5, and in coordination with other wildlife agencies. Scientific Subcommittee suggested improvements to the management measures implemented by the ODSVRA in 2002 were only partly implemented by the ODSVRA in 2003, as detailed in Exhibit 2.

Notwithstanding the improved habitat protection that has been realized through the implementation of current management measures, recreational vehicle use continues to have adverse impacts on the sensitive habitats and species of the Oceano Dunes. The 2003 nesting report prepared by PRBO states that two banded juvenile terns were found dead in the open riding area during the 2003 nesting seasons. A biological analysis of the necropsy reports concludes that vehicle strikes were the likely cause of death for both birds.

With respect to the adequacy of current measures to protect nesting areas, both PRBO and the TRT Scientific Subcommittee indicated their concern that the current enclosure area is not large enough to effectively protect Snowy plovers and Least terns. The 2003 PRBO report states:

*In 2002 and 2003 the size of the protected habitat at ODSVRA was increased from previous years and this has been of fundamental importance in providing adequate area for terns and plovers to nest and raise young. Protected breeding habitat of sufficient size allows nests and chicks to be dispersed which can reduce exposure and vulnerability to predators, as well as reduce adverse disturbance from human recreational activities. For plovers, it also improves opportunities for chicks to have access to adequate invertebrate food resources.*

Additionally, both PRBO and the TRT Scientific Subcommittee have documented the importance of protecting the nesting area on a year round basis. The 2003 PRBO report states:

*Prior to 2003, fencing has been removed from seasonally protected tern and plover breeding sites in the riding area during the non-breeding season (1 October-28 February) and opened to unrestricted recreational vehicle use. Habitat within the 7-8 Enclosure is severely degraded by vehicles repeatedly driving over the site — flattening surface relief and hummocks and crushing vegetation and organic surface features (e.g., shells, driftwood, marine algal wrack) into the sand. These features provide areas of disruptive cover for nests, which reduces exposure of incubating adults and eggs to predators, and windblown sand. Such features also provide tern and plover chicks with cover from sun, wind, and predators and, for adult plovers and chicks, sources of invertebrate prey. The loss of these features results in a compromised quality of habitat available at seasonally protected sites in the riding area at the start of the breeding season (1 March). The habitat can be slow to recover.*

*In 2002, the 7 Enclosure, for the first time, was fenced throughout the breeding season. However, this was insufficient time for the site to develop the desired surface relief, vegetated hummocks, and natural organic debris. In response to this observation, a portion of the 7 Enclosure (Figure 9) was closed to vehicles during the non-breeding season to see if these favorable habitat features would naturally develop. This proved to be very successful, with the habitat at the start of the 2003 breeding season greatly improved and remaining so throughout the season. In contrast, the 8 Enclosure that had been open to vehicles during the non-breeding season was severely degraded and slow to recover. The 7 Enclosure site closed to vehicles during the non-breeding season experienced a 72.7% increase in the number of plover nests in 2003 compared to 2002. This is 4.6 times the increase of 15.8% in nest numbers observed at the 8 Enclosure, which was open to vehicles in the non-breeding season. In 2003 Snowy Plover nest density in the 7 Enclosure was 2.4 times that of the 8 Enclosure (Table 5).*

Members of the TRT, an independent scientist, and the TRT Scientific Subcommittee undertook critical evaluations of the recommendation for year-round closure of the nesting area to vehicle use. In light of all the information presented, the Scientific Subcommittee continues to support the conclusion in the PRBO report that excluding vehicles from the nesting area throughout the year results in both beneficial habitat changes and increased nesting during the breeding season. Accordingly, ODSVRA's indication that neither the recommended expansion in protected nesting area nor the recommended year round closure will be implemented in 2004, suggests that the management measures necessary to protect environmentally sensitive habitat areas at the park are not being implemented. This is particularly troubling since implementation of the recommended modifications would maintain significant areas of the park available for recreational use.

**IV. Conclusion:**

While the TRT continues to provide a useful forum for interested parties to discuss park management issues, it has not completed the work products required by CDP 4-82-300-A5, or demonstrated its ability to effectively address park management issues. Notwithstanding these deficiencies, the TRT has made progress in shifting its focus from procedural to substantive issues, indicating that it has the potential to respond to the concerns raised by this report and provide meaningful input. Renewal of CDP 4-82-300-A5 without change will provide the TRT with the opportunity to address these needs. In the interim, ODSVRA should implement the PRBO and Scientific Subcommittee recommendations necessary to manage recreational uses consistent with the protection of sensitive natural resources. Accordingly, Commission staff recommends that the Commission approve the draft letter to the ODSVRA Superintendent attached to this report as Exhibit 5.

**Attached Exhibits:**

- Exhibit 1: 2003 Annual Report Cover Letter
- Exhibit 2: 2003 Scientific Subcommittee Recommendations
- Exhibit 3: Special Conditions of 4-82-300-A5
- Exhibit 4: 2002 Research and Management Questions and Priorities
- Exhibit 5: Draft letter to ODSVRA Superintendent





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January 14, 2004

Mr. 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)  
Third 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 third annual report. Although the permit requires preparation of annual reports for the period of October through September, the second Annual Report covered TRT activities from January to December 2002. Therefore, this 3<sup>rd</sup> Annual Report has been prepared to also cover the calendar year period (January 2003 through December 2003), and provide you and the Commission with a summary of the substantive and procedural accomplishments of the TRT during 2003.

**Context:**

The TRT met three times during the 2003 calendar year – January 13, July 15 and December 9, 2003. The group focused exclusively on substantive issues. During May and June, the Facilitator conducted a Mid-Term Assessment to determine issues of importance to the TRT and their perspectives on the future. That report is provided as Attachment 1.

**Summary of Activities and Accomplishments – 2003:**

The key substantive accomplishments of the TRT during 2003 focused on preparing for the 2003 nesting season, review and transmittal of the scientific subcommittee's monitoring and management recommendations (also for the 2003 nesting season), furthering research and management priorities and digesting the results of the 2002 nesting season. The TRT received "*Nesting of the California Least Tern and Snowy Plover at Oceano Dunes State Vehicular Recreation Area, San Luis Obispo, California 2003 Season*" prepared by Doug George of PRBO Conservation Science. This document was reviewed by the Scientific Subcommittee, which forwarded its recommendations to the TRT for their review and comment at the December meeting.

The attachments evidencing the work and progress this past year include the following:

1. Facilitator's Mid Term Assessment (Attachment 1)
2. List of Current TRT Members and Alternates (Attachment 2)
3. Copies of TRT Meeting Summaries from each of the meetings held during 2003, and January of 2004 (Attachment 3)
4. 2003 ODSVRA Day Use, camping and OHV Use Numbers (Attachment 4)
5. Scope of work from Invitation for Bid (IFB) prepared for Wintering shorebirds study (Attachment 5)
6. PRBO Report on 2003 Breeding Season and Attachments (Attachments 6-10)
7. Necropsy Reports (Attachments 11-12)
8. PRBO Report Reviews by Suty and Burton (Attachments 13 & 14)



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9. Scientific Subcommittee recommendations on Western Snowy Plover/California Least Tern monitoring and management. (Attachment 15)

You will find additional commentary by the TRT on these attachments on pages 3, 4 and 5 of the Meeting Summary for the December 9<sup>th</sup> meeting.

ODSVRA use factors for the 2002 and 2003 calendar years were 1.38 and 1.43 million visitors respectively indicating an overall increase in usage of approximately 50,000 individuals. The levels of staffing were comparable between the two years. For information regarding enforcement activities, please see the January 13, 2004 meeting notes and the discussion of Scientific Subcommittee Recommendation #6 below.. Other use statistics are included in Attachment 4.

**2003 PRBO Nesting Report Summary:** The following three paragraphs are taken directly from the PRBO Nesting Report. They have been re-ordered to highlight conclusions of the report itself. (An embedded footnote provides additional TRT perspectives)

"The 2003 season at ODSVRA was successful and had the highest number of breeding adults of Least Terns and Snowy Plovers since monitoring began in 1991 and 1992. Compared to 2002, the number of breeding tern pairs and individual plovers in 2003 increased 165% and 163%, respectively. For both of these threatened populations ODSVRA is an important site in their recovery<sup>1</sup>. For plovers, the success of this season and the 2002 season reverse a previous trend of poor productivity at ODSVRA."

"Overall, 2003 Monitoring and Management efforts focused on the California Least Tern and the Western Snowy Plover. All tern nests and 84% of plover nests were inside a large seasonally fenced enclosure in the southern portion of the vehicle riding area. There were an estimated 53-59 pairs of breeding Least Terns. Of 79 tern nests, a minimum of 76% hatched. Seventeen nests were known to fail, 6 were abandoned, 5 lost to unknown causes, 3 were depredated, and 3 had non-viable eggs. A minimum of 101 chicks hatched and were banded with the same color band combination, unique to the ODSVRA site and the year 2003. A minimum of 37 tern chicks are estimated to have fledged."

"There were an estimated 84 breeding Snowy Plovers (52 males and 32 females). Six of the breeding birds were banded as chicks and fledged from ODSVRA in 2002. Of 95 plover nests, 66% hatched. Eighty nests were in the southern riding area seasonal enclosure, 13 were at Oso Flaco, and 1 each was at the Dune Preserve and an unknown location. Of 31 nests that failed, 19 were abandoned, 9 depredated, 2 had non-viable eggs, and 1 failed to unknown cause. Of the abandoned nests, 9 were found with eggs buried, 8 with eggs undisturbed on the surface, and 2 were due to the death of one or both adults. Of the 162 hatching chicks, 156 were banded and 3 unbanded chicks were known to have died. One hundred and seven of the 159 chicks whose fate was followed are known to have fledged, for a chick fledging rate of 67%. One chick fledged per breeding male is the estimated number needed for Snowy Plover population stability.<sup>2</sup> The 107 young fledged in 2003 allows for population growth. In addition, 2 chicks and 5 abandoned eggs were taken to the Monterey Bay Aquarium. The eggs hatched and all the chicks fledged and were released into the wild (these fledged young are not included with young fledged at ODSVRA)."

**TRT Process and Assessment Highlights:**

<sup>1</sup> The TRT noted that the ODSVRA is one site of several sites (of which all are important) that constitute part of a regional recovery plan for these species.

<sup>2</sup> USFWS. 2001. Western Snowy Plover (*Charadrius alexandrinus nivosus*) Pacific Coast Population Draft Recovery Plan. Portland, OR.

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**January 11 Meeting Synopsis:** The first meeting of the year focused primarily on finalizing the 2<sup>nd</sup> Annual Report. However, TRT members also identified several informal goals including the following;

- Don't remove any additional areas from the existing camping areas;
- Clearly delineate entry and exit areas;
- Look at the recovery objectives for the entire recovery area;
- Find a way to more rapidly address Endangered Species Act issues, including recovery, recovery criteria, and the issuance of an Incidental Take Permit;
- Need to focus on evaluating data and formulating specific management and monitoring recommendations;
- Accomplish one or more of the specific recommendations of the Scientific Subcommittee this calendar year; and,
- Shift focus from process to substance.

**Facilitator's Mid-Term Assessment:** A Mid Term Assessment was conducted to set the stage for productive substantive discussion and the generation of outcomes that explicitly satisfy the requirements of the Coastal Commission's Permit Conditions embodied in Permit 4-82-300-A5. The document focused on the situation faced by the parties following its January meeting and the remaining opportunities and challenges facing the TRT during the remainder of Year 3. A series of eight questions were posed to TRT members including:

- How successful do you think the TRT has been? Why or Why not?
- What issues and tasks should the TRT be addressing at this point in the process, include those related to operational issues?
- What type of community involvement would provide value to the Park, the Coastal Commission, and the community at large?
- Should the TRT be modified in membership or structure?
- What, if anything should happen with the TRT after the conclusion of the 3-year Coastal Commission Permit?

The document served as a catalyst for discussion at the July meeting of the TRT and facilitated a series of action items beyond those related to plover and tern management (See TRT Outcomes and Action Items below).

**July 15 Meeting Synopsis:** The July meeting evidenced a new focus on the substantive issues facing the Park, in addition to those related directly to endangered species monitoring and management. The group discussed:

1. The status of the Arroyo Grande levee, its function, maintenance and long term integrity from a flood control standpoint.
2. The status of assessing alternative access issues
3. The status of Steelhead assessment and Park response to recent correspondence from the Canyons and Streams Alliance
4. The fiscal nexus between park fees and fines and the use of those revenues within and outside of the ODSVRA.
5. The economic impacts of ODSVRA on its neighboring communities
6. Scopes of work for the Wintering Shorebird and Night Riding studies.
7. Habitat Conservation Plan status.

**December 9, 2003 Meeting Synopsis:** The TRT dedicated the majority of its December meeting to reviewing the PRBO report, the Scientific Subcommittees recommendations, and a first draft of

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this 3<sup>rd</sup> Annual Report. The TRT also received status reports on pending studies and action items from the previous meeting. In regards to this last set of issues, the group discussed:

1. Status of Arroyo Grande Creek Levee Maintenance and Access Issues
2. Meetings with Representatives from Canyons and Streams Alliance (Gordon Hensley and Bill Deneen) regarding Steelhead Issues
3. Fiscal Issues, Economic Impacts, and Use of Fine Revenues

Key accomplishments under these topics are summarized under the heading Outcomes and Action Items, below.

**January 13, 2004 Meeting Synopsis:** This meeting was dedicated to completing the TRT's review of the Scientific Subcommittee's recommendation and crafting and finalizing the language of the 3<sup>rd</sup> Annual Report. This report received the unanimous support of those present at the meeting.

**TRT Recognition of the Relationship of Overall Monitoring and Management actions to Habitat Conservation Plan (HCP) Development and Implementation:**

The TRT agreed by a consensus of the group that the following four principles should guide not only the development of the HCP, but also the follow-up management and conservation efforts that occur as a result of adoption of the HCP and the issuance of an Incidental Take Permit:

1. Draft an HCP that establishes threshold population levels that contribute to a region-wide recovery effort.
2. Seek and integrate meaningful public and agency comment into a draft HCP that elevates management and monitoring approaches that benefit users and resource conservation.
3. Adjust recreational use areas to the benefit of camping and Off Highway Vehicle users consistent with HCP threshold numbers (see #1 above).
4. Explore and implement opportunities for habitat enhancement that facilitates nesting outside recreational use areas.

These guiding principles, when taken together were considered core elements of an adaptive management approach that has the potential to serve as an integrated set of adaptive management prescriptions for the ODSVRA and the larger dune system within which it is located.

The group also noted that these four principles be considered along with the concept of "proportionality" – that the management and monitoring actions implemented at the ODSVRA reflect no more or no less than its fair share of actions taken on a broader, range-wide basis for recovery of the target species. While not explicitly stated during the December meeting, the unanimous agreement by the TRT on the four HCP principles shows meaningful progress regarding the group's previous commitment within its adopted Problem Statement to: *"work toward a balance between environmental protection, public access and compliance with applicable laws and mandates... and make contributions to the minimization or avoidance of take of endangered or threatened species as well as the protection of environmentally sensitive habitat areas, while operating the ODSVRA consistent with its classification as defined by law"*.

The fact that the TRT achieved an explicit agreement on these four principles reflects a significant meeting of the minds on the core issues and interests for the group as a whole.

**TRT Review and Commentary of the PRBO Report and Scientific Subcommittee**

**Recommendations:**

The TRT met on December 9, 2003 and January 13, 2004 to discuss the PRBO Report and the Scientific Subcommittees recommendations regarding monitoring and management efforts for 2004. The group offered the following remarks for consideration by the Park Superintendent and Coastal Commission:

**Recommendation #1. Management for Habitat Quality in the Southern Enclosure – Expanding the southern enclosure toward Post 6:**

There was no clear consensus or unanimity regarding this recommendation. While some TRT members were satisfied with the recommendation others offered the following perspectives:

- Expansion of enclosures is not approach to take – translocation of nests and eggs should be pursued.
- There is no justification for a year-round closure, particularly to Pole 6 because Park personnel are already taking measures to minimize predation in the vicinity.
- The recommended 15 acre enclosure should be kept up because of the habitat improvements that took place in previous years.
- The recommendation does not take into account non-scientific considerations including impacts to OHV users.

There was also considerable discussion regarding the underlying assumptions behind the Scientific Subcommittee's recommendations. Some viewed the Subcommittee's role as being exclusively scientific in nature, to the detriment of other factors. Others noted that the Scientific Subcommittee considered non-scientific factors as well. In the final analysis, the TRT agreed that it was the role of the Scientific Subcommittee to provide "reality based" recommendations that give a preponderance of weight to scientific and biological perspectives. The TRT expressly noted the different roles of the TRT and the Scientific Subcommittee as defined not only in the Coastal Development Permit, but also within its own Amended Charter<sup>3</sup>.

**Recommendation #2: Oso Flaco Area - Provide 2 x 4 Mesh Fencing on Upper Beach:**

The group as a whole suggested that future enclosure location be based in part upon an ability to apply adaptive management strategies to balancing user needs with habitat enhancement. In this way, more habitat might be able to be set aside and enhanced without reducing the overall size of the riding area.

The group was in full agreement that such an approach should be further developed and assessed as an alternative within the EIR on the Habitat Conservation Plan.

**Recommendation #3: Size of the Southern Enclosure:**

This recommendation entailed providing for enclosures for the 2004 breeding season of the same size areas as for the 2003 season, but with the 6-7 enclosure being as wide as the adjoining 7 enclosure. Group discussion was divided on this issue. Conservation interests strongly supported the recommendation and user oriented interests were opposed to any further

<sup>3</sup> Amended Charter Section B outlines the TRT's responsibilities, whereas Section F outlines those of the Scientific Subcommittee.

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size increases in this general area. Further discussion focused on linkages between the size of the camping/riding area and beneficial economic impacts (and revenues) to local businesses. There was a divergence of opinion regarding the degree to which the Park could encourage other forms of passive recreation (e.g. bird watching, recreational fishing, etc.) that would also generate positive economic impacts. The group also discussed whether the increased enclosure size had or would eventually lead to a reduction in visitation. Steve Yamaichi noted that the number of visitors had not decreased. DPR acknowledged that a review of camping reductions had taken place which, if put into place, could have a direct financial impact to the surrounding area of approximately 50%.

The group then redirected its discussion to focus on adjusting the location of enclosures based upon habitat value and recreational user needs. Specifically, the question was raised regarding the ability to develop or trade-off low-value habitat within the Preserve for higher value habitat between Post 6 and 7, thereby maintaining the overall camping/riding area without reducing its size. This approach could allow for additional habitat development while still maintaining the overall area dedicated to camping/riding. While it was understood that modifying the boundary of and uses within the Preserve was a complex undertaking, it was also acknowledged that providing for different levels of use in different areas of the park might, in reality, generate mutual gains to species protection, habitat enhancement and recreational users simultaneously. Gordon Hensley suggested that the best park planners within the Department focus efforts on reassessing the best possible park layout given competing user and habitat/species conservation issues. The group was in general agreement that if such an evaluation resulted in a shifting of boundaries within the ODSVRA, then that layout should be pursued as a "balanced solution" within the HCP development process and implementation.

**Recommendation #4: Retention of skilled monitors and continued banding of chicks:**

The TRT generally acknowledged the need to retain skilled monitors and encouraged State Parks to pursue methods to achieve that objective, particularly given present budgetary constraints.

**Recommendation #5: Improve Effectiveness of Southern Enclosure Perimeter Fence:**

The TRT is in full support of this recommendation, specifically to increase the height of the fencing from 5 feet to 6 feet so as to allow more fencing to be buried and preclude predators from tunneling under the fences. State Parks indicated that they intend to phase in the use of this fencing and will need to retrofit trucks and installation equipment to handle the heavier weight of the material itself. During the transition from 5 ft. fencing to 6 ft. fencing, State Parks indicated that they would step up monitoring of the fencing to minimize predator entry via tunneling under the fencing.

**Recommendation #6: Reduce trespass Along the Southern Enclosure Shoreline:**

The TRT is in full support of this recommendation. The acting Park Superintendent indicated that all of the detailed recommendations within the overall recommendation were implemented during the 2003 nesting season with the exception of increased staff levels. There was a hiring freeze in effect during this last fiscal year.

**Recommendation #7: 10 ft. x 10 ft. Enclosures with Net Top:**

This recommendation entails the use of 4" x 4" netting in place of 2" x 2" netting with individual next enclosures. The group, as a whole, is in support of this recommendation.

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However, there are additional perspectives regarding translocation and take that the group also focused upon. These include:

- That the additional effort focused on individual nest enclosures could divert resources away from efforts to protect the larger flock.
- There is insufficient flexibility with respect to nest/bird relocation on a case-by-case basis.
- Relocation success has been minimal; moreover, once a bird is relocated, it is taken out of the flock.
- The environmental community supports the recommendation as written but could not support relocation of birds.
- The issue of translocation is more of an HCP issue than a year-to-year monitoring issue.
- The PRBO (Doug George) should be asked whether there has been any research on translocation of nest, particularly those located in "risky" (i.e., outside of enclosures) areas. Additional information would help from a risk assessment perspective.

**Recommendation #8: Necropsy:**

The TRT was fully supportive of the recommendation and felt that future reports should give more attention to Necropsy Reports. Additional commentary focused on:

- Necropsy Reports provide a critical piece of the puzzle.
- Difficulties and challenges are associated with the "zero tolerance" posed by the California Fully Protected Species Act with regard to least terns.
- Information collection, including Necropsy Reports should be done in a manner that does not preclude the collection of additional information that provides insight into the causes of death of terns and plovers.

**Recommendation #9: Predator Management and Control**

The TRT was fully supportive of the recommendation expressing support for ongoing implementation of the predator control program. Several members of the group felt that future PRBO reports should provide additional information on specific details of the predator control program.

**Related Topics: Written Review of PRBO Report by Jim Suty:**

Parks representatives suggested that a subcommittee of the Scientific Subcommittee should meet, review and respond to the issues raised in his letter. The TRT concurred with this approach. The Scientific Subcommittee's response to Mr. Suty's letter and the comments by Dr. Rob Burton of Moss Landing is provided as Attachment 13 to this Report.

**TRT Outcomes and Action Items:** In addition to its review and recommendations regarding the PRBO 2003 Nesting Season Report, the TRT accomplished the following substantive outcomes and action items in 2003:

**Efforts to address Arroyo Grande levee access, maintenance and related issues:**

- The TRT tasked its San Luis Obispo County member with following through with County General Services to provide TRT liaison with information from an interagency group addressing landowner issues and management responsibilities along the levee. Nancy

Orton committed to reporting back to the TRT with occasional updates as warranted. She noted that County General Services has hired a local landscape architect to prepare a Parks Assessment that includes Arroyo Grande Creek. The Assessment will define levee location and clarify ownership issues and is expected to be complete in February 2004.

- ❑ The Park Superintendent agreed to follow through on rock placement as a method of limiting vehicular access on to the top of the levee. The Park Superintendent summarized the status of unauthorized access issues along the levee and indicated it was his intent to seek permission from the County Public Works Department to donate rocks or removable posts to minimize unauthorized access along the northern portion of the levee, while still retaining emergency access on an as needed basis.
- ❑ The TRT tasked several members with reviewing the allowable uses along the levee in relationship to its proximity to the adjacent preserve. This effort was directed at gaining a better understanding of access options, equestrian use and preserve status. Regarding access and use classifications along the southern levee, Rick LeFlore indicated to the group that the classification for the Preserve was very explicit regarding the types of uses that could be allowed and that State Parks would need to accurately define the preserve boundary in order to evaluate the potential for a new access in proximity to the southerly levee of the creek. He noted that State Parks will be undertaking an eastern boundary survey for the ODSVRA (anticipated completion date – Spring 2004), and that this survey will provide important input into the Alternative Access Study being initiated.

Dialogue with Community Groups regarding Impacts to Steelhead in Arroyo Grande Creek:

- ❑ The Park Superintendent and a fisheries biologist held a series of three meetings with Canyons and Streams Alliance representatives to discuss issues related to turbidity and creek crossing effects on steelhead. Following those meetings, the Park Superintendent indicated that the Department had initiated a quarterly water sampling surveys for the initial ¼ mile of the creek. He mentioned that members of Canyons and Streams Alliance had been invited to observe the next sampling, scheduled for December 16/17, 2003.

Fiscal Issues, Economic Impacts, and Use of Fine Revenues

- ❑ Regarding the disposition of fees and fines collected at ODSVRA, the Park Superintendent reported fines collected at the park were held in a State Department of Parks and Recreation fund and allocated for the training of police officers within the State Park system. As a result, the ODSVRA indirectly benefits from the fines collected. This is of particular interest this year because the ODSVRA will be filling two public safety positions with cadets from this program.
- ❑ Rick LeFlore provided a brief overview of the Morro Strand Economic Study prepared by professors at Cal Poly San Luis Obispo. The Park Superintendent indicated that he has authorized \$30,000 - \$35,000 toward a one year study of the economic impacts of ODSVRA to be completed by the same authors as the Morro Strand study. He noted that surveys would be taken during both peak periods and non-peak periods. The study will be initiated in January 2004, pending receipt of additional grant funding.

Site Visits within the ODSVRA:



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- ❑ The ODSVRA Park staff facilitated a site visit within the park on July 15 to review the location of 2003 breeding season exclosures, review current enforcement and monitoring protocols and respond to questions by TRT members.

Habitat Conservation Plan Status Report

- ❑ Paula Hartman provided updates regarding the development of the HCP for the TRT members. She noted that an Administrative Draft HCP was anticipated by Mid March, 2004 with an expected 90 day turn-around time for agency review. The anticipated schedule is to release a public review draft in mid August, 2004, and process the HCP with a Draft EIR around Thanksgiving (late November, 2004). Final adoption of the HCP is expected in the Summer 2005 time frame.

Scientific Subcommittee Accomplishments:

The Scientific Subcommittee met either in person or via conference call on January 7 and 27, November 19 and December 18, 2003. As one of the issues of greatest concern at ODSVRA is the status of western snowy plovers and California least terns, the Scientific Subcommittee has primarily focused on issues surrounding these species. Accomplishments of the Scientific Subcommittee during this period include:

- Received and discussed updates on plover/tern breeding throughout the 2003 season.
- Reviewed the plover/tern 2003 breeding season report by Doug George and drafted recommendations for the remainder of 2003 and the 2004 breeding season.
- Discussed opportunities for additional revegetation/habitat development south of Pole 8
- Reviewed and contributed comments on a Draft Scope of Work for the Wintering Shorebirds Study (Attachment 5).
- Reviewed and contributed comments on a draft Scope of Work for the proposed Night Riding Study

Other Issues:

The TRT continued to be adversely impacted by budget and travel restrictions that precluded meeting attendance by Coastal Commission staff members who serve as members of the TRT. To maximize opportunities for the TRT to conduct business, part of the Charter amendments adopted in 2002 instituted a decrease in the number of members constituting a quorum from 8 (80%) to 7 (70%). As a result, problems related to achieving a quorum in 2002 were not encountered in 2003.

Looking Ahead:

The TRT feels that good progress was made during 2003. However, responses gleaned from the Mid Term Assessment conducted by the facilitator indicated widely differing perspectives on the utility of continuing to convene a "TRT" like body in the future. Principal complaints focused on an excessive amount of time being focused on process issues rather than substantive issues, as well as a working environment characterized by low levels of trust among some TRT members. Working relationships have improved significantly among members of the TRT over the past twelve months, and there is a better understanding of the technical issues involved in monitoring and management. At the same time, the TRT reinforced its desire to see additional progress with regard to the approval of a Habitat Conservation Plan (HCP) and the issuance of an Incidental Take Permit.

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The TRT is uncertain regarding the future and format of participation opportunities at this point in time. From the Facilitator's perspective, any future participation appears to be conditioned upon a focus on substantive matters over process, improved working relationships and trust among participants, meaningful progress toward completion of technical studies, and implementation of management efforts that further recovery and delisting.

Overall, the TRT has shown considerable leadership in charting substantive progress and making meaningful and high quality contributions to the monitoring and management responsibilities assigned to it by the Commission.

Sincerely,



John C. Jostes,  
TRT Program Facilitator

JCJ/

cc: Paula Hartman  
Andrew Zilke

Enclosures:

- Attachment 1: Facilitator's Mid Term Assessment
- Attachment 2: List of Current TRT Members and Alternates
- Attachment 3: Copies of TRT Meeting Summaries from each of the three meetings held during 2003
- Attachment 4: 2003 ODSVRA Day Use, camping and OHV Use Numbers
- Attachment 5: Scope of work from Invitation for Bid (IFB) prepared for Wintering shorebirds study
- Attachments 6-10: PRBO Report on 2003 Breeding Season and Attachments
- Attachments 11-12: Necropsy Reports
- Attachments 13-14 - Suty and Burton reviews of PRBO Report
- Attachment 15: Scientific Subcommittee Revised Recommendations on Western Snowy Plover/California Least Tern monitoring and management.

**2003 Recommendations of the ODSVRA Scientific Subcommittee re: Western Snowy Plover and California Least Tern Monitoring and Management (Revised December 30, 2003):**

**A. INTRODUCTION**

The ODSVRA Scientific Subcommittee members discussed the 2003 ODSVRA plover/tern nesting report authored by Doug George of PRBO (*Nesting of the California Least Tern and Snowy Plover at Oceano Dunes State Vehicular Recreation Area, San Luis Obispo County, California 2003 Season*) at their November 19 and December 18, 2003, meetings. Doug George, of PRBO Conservation Science, participated in both meetings. The ODSVRA Subcommittee continues to support management actions undertaken at ODSVRA to protect breeding California least terns and western snowy plovers. In 2003, these measures included the following (see pp. 4-5 of the 2003 ODSVRA plover/tern nesting report):

- Monitoring, including daily monitoring, banding tern and plover chicks, and watching for predators and evidence of predator impacts on terns and plovers.
- Management of the Oso Flaco area, including symbolic fencing to delineate areas of the upper beach and dunes north of Oso Flaco Creek closed to public entry.
- Erection and maintenance of the Southern Enclosure, made up of the 7, 8, and Boneyard Enclosures, that was fenced during the nesting season (March 1 to September 30) to limit vehicle and human disturbance.
- Individual nest enclosures, used for nests found in the open-riding area and as needed in other locations to protect nests.
- 10 ft. x 10 ft. enclosure with net top, used when two common ravens became active egg predators and posed a serious threat.
- Predator management, including removal or relocation of mammalian and avian predators, removal of marine bird and mammal carcasses from the shoreline, and tern chick shelters.
- Habitat enhancement, including closing a part of the 7 Enclosure in the fall and winter preceding the 2003 breeding season plus distributing driftwood and beach-cast marine algae early in the breeding season.
- Information/Education for park visitors, including interpretive panels, fliers, signs, and volunteer programs. The volunteer program included riders who camped at the northern end of the Southern Enclosure to explain to park users about the reasons for and importance of the closures.
- Enforcement of resource protection regulations, including closures signed in English and Spanish, enforcement by State park rangers, and resource staff monitors contacting visitors violating park regulations and, when appropriate, contacting rangers.

The members' recommendations and comments on the 2003 ODSVRA plover/tern nesting report are provided in Section B of this report; background discussion is provided as needed. Additionally, the Scientific Subcommittee requested that ODSVRA staff review the recommendations made by the Subcommittee in 2002 and describe whether each

recommendation was implemented for the 2003 season. This review is provided in Section C. Finally, the ODSVRA Technical Review Team requested that the Subcommittee discuss and respond to criticism of the 2003 ODSVRA plover/tern nesting report prepared by Jim Suty of Friends of Oceano Dunes (dated December 5, 2003). This discussion was held on December 18, 2003, and the response is provided in Section D.

**B. 2003 PLOVER/TERN REPORT (D. GEORGE, PRBO)**

The Subcommittee provided the following comments on the 2003 ODSVRA plover/tern nesting report. Comments 1-7 comprise the Subcommittee's review of D. George's recommendations. Additional recommendations and comments follow.

**1. Management for Habitat Quality in the Southern Enclosure—Recommendation Supported With Proposed Text Changes**

Year-round closure appears to be valuable and should continue as recommended by D. George. Vegetation, debris, and micro-topography (e.g., hummocks) developed in the portion of the 7 Enclosure area that was closed from late February 2002 continuously until October 2003 (inclusive of the October 2002-February 2003 non-breeding season), and the area was occupied by nesting least terns in 2003. However, this recommendation was not followed in fall 2003 by Parks. Instead, all fencing was removed after September 30. The Subcommittee strongly recommends that the closure recommended by D. George be implemented immediately. The Subcommittee also held extensive discussion as to whether the winter closure should extend south of the area recommended by D. George, but no consensus was reached.

Because it occurred too late in the 2003 breeding season and was too narrow, expanding the Southern Enclosure toward Post 6 provided little benefit to breeding plovers in 2003. The USFWS and CDFG provided comments to this effect to ODSVRA. These comments are attached as Appendix A. Plovers did use the area for foraging. The Subcommittee supports expanding the Southern Enclosure in the breeding season north to Pole 6, as alluded to in D. George's recommendation. The Subcommittee supports this recommendation with the following text change to the first paragraph:

The Southern Enclosure should be managed to make available habitat favorable for terns and plovers to nest and raise young throughout the breeding season. The 7 Enclosure and part of the 8 Enclosure should remain closed to vehicles through fall and winter 2003-04 (1 October-28 February) to protect habitat for the 2004 breeding season (Figure 10). If ~~the Southern Enclosure should be extended to the 6 marker post in the 2004 breeding season.~~ ~~†~~ This site should also be protected from vehicle use in fall and winter 2003-04 (Figure 10).

**2. Oso Flaco—Recommendation Supported**

No additional comments.

**3. Size of the Southern Enclosure—Recommendation Supported With Proposed Text Changes**

The Subcommittee supports this recommendation with the following text change:

For the 2004 breeding season the size of the 7-8 and Boneyard Enclosures should be the same size as the 2003 season (Figure 6). ~~It is anticipated that in~~ In 2004 the Southern Enclosure ~~will~~should extend north to the 6 marker post and ~~that~~ the width of the added site ~~will~~should not be narrower than the adjoining 7 Enclosure.

#### 4. Monitoring

##### a. Retain skilled monitors—Recommendation Supported

The Subcommittee agrees with the need to retain an adequate number of trained monitors with site-specific field experience at ODSVRA. The Park currently hires monitors under the Park Aide classification. This classification is designed to provide visitor services including routine public contact work, maintaining State Park facilities, and other related work. It is very hard to retain the monitors who are hired as Park Aides. The limited promotional opportunity for Park Aides, the pay rate, and other factors may contribute to the poor retention rate of monitors hired under that classification. In contrast, the Park has had better success retaining monitors hired under the Environmental Services Intern (ESI) classification, which requires a college degree. The ESI is much more technical in nature and is designed to provide supervised experience in the environmental sciences. It also pays more than a Park Aide and provides the opportunity for promotion to Assistant Ecologist. To boost retention of monitors, the Park should pursue all opportunities to hire monitors under the ESI classification. Additionally, ODSVRA has an open position for an Assistant Ecologist. The Park should pursue all opportunities to fill this position.

The Park needed six full-time ESI's (although the Park Aide class was used) to implement the level of monitoring achieved during the 2003 breeding season. The ODSVRA Resource Ecologist estimates that to increase monitoring for least tern roosting sites and provide extra help for Oso Flaco, approximately two more ESI's would be needed March through October.

##### b. Continue banding Least Tern and Snowy Plover chicks—Recommendation Supported

No additional comments.

##### c. Additional monitoring of Least Tern juveniles to estimate fledging success—Recommendation Supported

The Subcommittee agrees that additional counts of adults and juveniles at dusk would be valuable. Additional monitors would likely be required to implement this additional monitoring. See Recommendation 4a regarding number and classification of monitors.

#### 5. Improve Effectiveness of the Southern Enclosure Perimeter Fence—Recommendation Supported

No additional comments.

#### 6. Reduce Trespass Along the Southern Enclosure Shoreline—Recommendation Supported

The Subcommittee agrees that efforts to reduce trespass in this area must be continued. Mechanisms to accomplish reduced trespass include:

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- Working with the local judges to discuss the lack of support for the citations of this nature that are brought before them. The enforcement staff could set up a meeting to discuss the issues surrounding the citations and the need for the citations to be upheld.
- Entering the closure signs into evidence at the beginning of the season, as many trespassers complain the signs were too small.
- Rewriting the Superintendent's Orders to better describe the enclosure as including the shoreline to ensure that the order is upheld in court.
- Working with the riders themselves to identify volunteers willing to watch for trespassers. In 2003, at the request of the Resource Ecologist, one OHV group posted on its website a request for volunteers willing to camp at the northern end of the enclosure to help out with early morning and late evening trespass. This program proved very successful when such volunteers were available.
- Identifying alternative barriers to block the shoreline that are safe to use in a vehicular setting. Park staff has looked at K-rail (large concrete barriers used in road construction), crash cushions, and large poles but none of these options are applicable to this situation. Staff has also considered an off shore buoy with a ¾ inch chain attached to an anchor within the surf line, which would also have to have a ¾ inch chain going along the shoreline. Such a chain is potentially dangerous in a vehicular setting and approval, for safety reasons, may not be given.
- Hire additional staff, such as additional Park Aides on the days volunteers are not available, to sit at the enclosure's north end at low tide to stop traffic and notify rangers of trespassers.

**7. 10 ft. x 10 ft Enclosure with Net Top—Recommendation Supported**

No additional comments.

**8. Necropsy**

Necropsy reports should be included in the annual plover/tern nesting report as appendices so that the reader can evaluate the results. The necropsy results were not included or discussed in the 2003 ODSVRA plover/tern nesting report. Necropsy reports for the two juvenile terns found dead in the open riding area are attached to this report at Appendix B. Additionally, any dead snowy plover or least tern found in ODSVRA should be necropsied by a forensic pathologist. Necropsy of individuals with known cause of death would be valuable and should be done. All mortality should be photodocumented and carefully described in the field.

Subcommittee members Robert Patton, Elizabeth Copper, Bob Stafford, and Laura Gardner visited ODSVRA with Steve Yamaichi and Andy Zilke to tour the site and review the necropsy reports, photos, and field notes from the monitors. Elizabeth and Robert felt that the injuries were inconsistent with any signs of depredation that they had encountered before but were consistent with trauma they had seen previously on birds struck by vehicles. A letter from Robert Patton (November 14, 2003) describing his interpretation of the least tern necropsy results is attached at Appendix C. Copies of the necropsy reports were forwarded to the San Diego County veterinarian and a rehabilitation biologist that have done most of the local (San

Diego) necropsies on terns. Their responses to review of the necropsy reports are also included in Appendix C.

#### 9. Predator Control Program

The Subcommittee expressed support for ongoing implementation of the predator control program.

### C. REVIEW OF IMPLEMENTATION OF RECOMMENDATIONS MADE IN JANUARY 2003

In 2002, Subcommittee members reviewed numerous ODSVRA monitoring-related documents, including survey objectives, protocol, techniques, and various data sheets and made numerous recommendations. The Subcommittee also reviewed the 2002 ODSVRA plover/tern nesting report authored by Doug George of PRBO and made recommendations based upon that report. The Scientific Subcommittee produced a report describing all of the Subcommittee's recommendations arising from its review and discussion of these materials (*Recommendations of the ODSVRA Scientific Subcommittee re: Western Snowy Plover and California Least Tern Monitoring and Management, January 9, 2003*). During its November 2003 meeting the Subcommittee requested that ODSVRA ecologist Laura Gardner review the January 2003 list of recommendations to assess implementation. This section lists the recommendations and whether each recommendation was implemented. Discussion is provided where appropriate. Numbering is consistent with the January 2003 report.

#### 1. Survey Forms/Data Sheets:

1. Monitors should note whether birds are foraging or just roosting. A column should be added to this effect. **Implemented**
2. The more detailed Snowy Plover Data form should add a column indicating the number of fledglings from each nest. **Implemented**
3. Monitors should provide greater details in the comments column, e.g., "band in shrike pellet." **Implemented**, but the details were limited and should be improved in 2004.
4. Separate banded bird data sheets should be used for plovers and terns. **Implemented**

#### 2. Plover/Tern Egg Disposal

1. The protocol should clearly state that eggs should not be removed from nests simply because they have failed to hatch within the standard incubation period. **Implemented**
2. Monitors should note:
  - a. If eggs failed to hatch within some period in addition to the standard incubation period, or,
  - b. If eggs were abandoned by the adults prior to the expected hatch date. If abandoned, then monitors should differentiate where possible between abandonment due to adult mortality or due to other reasons. **Implemented**



**3. Monitoring Protocols**

1. A plover/tern monitoring protocol specific to ODSVRA should be developed. **Implemented**
2. Monitors must be permitted and trained for both species so they monitor both. This approach will maximize data gathering for each disturbance event. **Implemented**
3. Chicks are less threatened by vehicles than by people on foot. ODSVRA should consider monitoring by vehicle from shore during low tides of similar levels. **Implemented**

**4. Budget Constraints**

Although the Scientific Subcommittee recognizes that the money available for plover and tern management and other biological obligations is subject to limits, the park's Resource Ecologist should be consulted prior to submittal of annual budget requests or commitment of funds to biological resource management projects to ensure that available financial resources are allocated in the most beneficial manner. **Not implemented**

**5. Retain Monitors for Consistency**

1. ODSVRA should explore whether personnel conducting plover/tern monitoring could perhaps do other monitoring (e.g., HMS) during the off-season to provide year-round employment and increase retention. **Not implemented**

**6. Carcass Surveys and Necropsy**

1. Beach carcass surveys should be conducted year-round and include formal control sites. Preferably the carcass surveys would be conducted separately from live bird surveys. In order of preference, based on the greatest likelihood of finding carcasses, surveys would be conducted on foot, using ATVs, or from a vehicle. **Not Implemented, although all carcasses noticed on the beach are inspected.**
2. The park should conduct necropsies on all fresh shorebird carcasses. Mass die-offs of red phalaropes would not require necropsy, but one or two phalaropes should be necropsied. **Not Implemented**
3. A log of all dead shorebirds found in the park should be kept. **Not Implemented**
4. An annual summary of carcass survey results, necropsy results, and incidental carcasses found should be included in the HMS report. **Not Implemented**

**7. Comments on Appendix F. Interim Predator Management Project Report (Brian Walton, SCPBRG)**

The subcommittee recommends that the report for 2003 be expanded to include detailed methods, including the level of effort throughout the season, and a presentation of the actual field observations. The report should indicate when each observation occurred and what behavior was observed. It should also indicate the frequency and location of observations. **Implemented**

**8. 2002 Plover/Tern Report (Doug George, PRBO)**

- **Retain Skilled Monitors—Recommended**

**Not implemented** See Item 5, above.

- **More Frequent Monitoring of Least Tern Nests—Recommended**

*Implemented*

- **Banding Least Tern Chicks—Recommended**

Banders must be sure to adapt their approach to conditions, e.g., do not band on hot days. The group agreed that banding would be useful in 2003 with a specific assessment in the 2003 report describing the impacts of banding. *Implemented*

- **Option to Band Adult Snowy Plovers—Recommended**

The key is that it is good to have the *option* to band; you would not try to band every adult. *Option available but no adult snowy plovers were banded*

- **Size of the 7-8 and Boneyard Enclosures and Fenced Buffer—Modified: Recommended Using Buffer Fenceline as Enclosure Boundary; Recommended Northern Expansion of the 7-8 Enclosure and Eliminating the Arroyo Grande Creek Enclosure on a Trial Basis in 2003**

The Subcommittee recommended that all of the shaded area on page 26 should be within the enclosure in 2003. In other words, the enclosure fencing would be placed along the buffer fenceline, and no internal fencing would be installed. The 100-foot no camping buffer would be enforced and signed, but visitors could approach the enclosure fence. *Implemented*

The Subcommittee recommends that the 7-8 enclosure be expanded north to approximately 200 feet south of the Pole 6 restroom. The 200-foot gap between the enclosure and the restroom would allow continued use of that facility while providing an adequate buffer for the birds. The expanded enclosure should be the same width as the 2002 enclosure (i.e., out to the edge of the 2002 buffer area), with the detailed configuration to be dictated by topography. *Not Implemented*

The Subcommittee further recommends that the Arroyo Grande Creek enclosure be eliminated in 2003 due to the lack of use in 2002 and limited use of the area for nesting prior to that. The park should continue to monitor the Arroyo Grande Creek area, and if any nests occur, then enclosures should be erected per protocol. The need for an enclosure in the area should be evaluated at the end of the 2003 breeding season. *Implemented*

- **Management for Habitat Quality in 7-8 Enclosure—Recommended**

The group emphasized that the effect of leaving the enclosure up should be documented. The group recommended that photo documentation of the closed area plus at least one control site that is subject to vehicular use be undertaken. Preferably six photo points minimum each would be established in both treatment and control areas. *Documentation not implemented* This was documented photographically, and photos were provided to the Subcommittee.

- **Enhance Habitat in Enclosures by Distributing Natural Materials—Recommended**

Materials distributed should be limited to those naturally found on the site; do not bring in foreign material. The Park should remove exotics, except for sea rocket. Sea rocket has habitat value for plovers. *Implemented*

- **Predator Management—Recommended With Proposed Text Changes**

On page 18 the report states that a predator management plan should be developed. An interim predator management plan has already been prepared. Paragraph one should thus be changed as follows:

TheA predator management plan should be updated~~developed~~ to identify appropriate responses to mammalian and avian predators in light of this past season. Protocols should ensure~~be established~~ that clarify~~management actions are to be~~ implemented in a timely manner for individual predators posing serious threats to tern and plover reproductive success. Shrikes, raptors, corvids, and coyotes should continue to be among the avian and mammalian predators covered in the management plan. **Implemented**

The Subcommittee agrees with Doug's recommendation to provide an internal predator fence in the Boneyard Exclosure. The configuration would need to be modified somewhat from that shown in Figure 11 to accommodate the expansion of the exclosure fence recommended by the Subcommittee. Although the Maintenance Chief indicated that he prefers that no internal fences be installed due to maintenance logistics, the Subcommittee concluded that the park is more likely able to maintain the integrity of the smaller, internal fence. The smaller fence would contain the portion of the Boneyard Exclosure area in which tern nest sites have been located since 1998 and would thus protect the most critical area. **Implemented**

The Park should experiment with the shelters; keep using them, but also consider using tiles. The Subcommittee would like to have more information in terms of how many shelters were placed and where. Ideally, the group would like to see a diagram of shelters in relation to nests and other vegetation. **Not Implemented; shelters were used but no documentation was compiled.**

- **Oso Flaco—Recommended**

The area is fairly narrow and has pedestrian use. Symbolic fencing was helpful to avoid trampling but some disturbance still occurs because the area is so narrow. **Implemented**

- **Reduce Trespass Along Shoreline of 7-8 Exclosure—Recommended**

The Park needs to step up enforcement. **Not implemented; enforcement measures did not change from the previous year.**

#### D. **RESPONSE TO JIM SUTY'S COMMENT LETTER DATED DECEMBER 5, 2003**

Any claim of error within the 2003 ODSVRA plover/tern nesting report should have been directly addressed to Doug George. The Scientific Subcommittee should also have been presented with these questions immediately. It was inappropriate on many levels for CDPR to circumvent Doug George and the Subcommittee upon receipt of a criticism by a third party. With that in mind, the Subcommittee prepared the following response to Mr. Suty's comment letter.

**Issue #1. Report error gives credit for seven plover nests to the 7 enclosure to the detriment of the reveg area.**

Response: The report is not in error as described by Mr. Suty. Mr. Suty failed to recognize that Figure 9 only shows the area of treatment, i.e., only that part of the 7 enclosure that was closed to vehicles in winter 2002. Note that the 7 enclosure was expanded to the east in the 2003 nesting season, and some nests occurred in that expanded area. Nests that occurred in the 7.5 revegetation area and in the eastern expansion area are not shown. The nests that occurred in the 7.5 revegetation area and the eastern expansion were not included in Figure 9 or Table 5 because they were not part of D. George's analysis.

Too much focus has been placed on a numerical analysis that D. George included in the report. This numerical analysis was almost anecdotal in nature, whereas his recommendation for winter enclosures was based on years of experience observing multiple factors affecting breeding success. The Subcommittee continues to support its original recommendation for winter closure for habitat management for the following reasons:

1. The closure would provide much better conditions for all phases of the plover's reproductive cycle by providing shelter for chicks and foraging habitat for chicks and adults. Without the habitat features created by such an enclosure, plover broods are more likely to move outside the enclosure to forage and find shelter. It is more than likely that they would move into the OHV Camping / riding area, thus, increasing the likelihood of take. ~~This habitat improvement may actually decrease take because the birds would otherwise have to leave the enclosure to forage and seek shelter.~~

Terns also benefit from the shelter afforded by the improved habitat. The dramatic increase in the number of terns breeding in this area provides anecdotal support for this recommendation.

2. It is to everyone's best interest to create the highest density of successfully breeding birds in a smaller area. This approach minimizes exposure of birds to take and maximizes the area available for recreation.

**Issue #2 Based on the error above, calculations for success of 7 enclosure became skewed. A misapplied ~20% improvement.**

Response: As noted in the response to Issue #1, the Subcommittee determined that the report is not in error as described by Mr. Suty.

**Issue #3 Failures at Oso Flaco are masked by overwhelming attention to 7, 7.5, and 8 enclosures.**

Response: In 2003, Oso Flaco was managed just as intensively as the riding area, and even more so than the Refuge. Oso Flaco does receive attention in the 2003 ODSVRA plover/tern nesting report and in fact is addressed by the second recommendation in the report.

**Issue #4 Morphology of the reveg area is similar to areas of Oso Flaco, the adjacent National Wildlife Refuge (NWR), and the area south of 8.5. Dissimilarity of nesting results has not been specifically addressed.**

Response: This statement is a generalization with which the Subcommittee may not agree. The information to support this statement (e.g., vegetation sampling) does not exist. Dissimilarities in many relevant factors, including vegetation, topographic relief, predator presence, and characteristics of surrounding habitats, exist between the area around Oso Flaco, the Refuge, and the area south of 8.5.

**Issue #5 By combining first and second nesting season results, important peculiarities of individual nesting season patterns may ignore scientifically important attributes.**

Response: It is unclear to the Subcommittee exactly what Mr. Suty is referring to regarding first and second nesting seasons. Snowy plovers do not necessarily nest twice during the breeding season. Depending on conditions, they may not renest or they may renest multiple times. Without banded adults researchers cannot know exactly what is occurring during a given season.

#### **Rob Burton's Evaluation**

The Subcommittee reviewed Rob Burton's evaluation of the 2003 PRBO report of nesting by least terns and snowy plovers at OSDVRA. Dr. Burton compared several reproductive attributes of snowy plovers nesting in Exclosure 7 with those of snowy plovers nesting in Exclosure 8. He used 4 years of data for Exclosure 7 and 6 years of data for Exclosure 8. There are a number of technical problems with this analysis. For example, the size of both exclosures changed substantially over the years and in 2001 Exclosure 7 was not put up until June, in the middle of the breeding season. Such uncontrolled variability can, at the least, be expected to inflate the variance used in the statistical analysis. However, the real problem with Dr. Burton's analysis is that he is asked the wrong question. The question of interest is whether allowing the development of surface relief, vegetation, and organic surface materials (e.g., driftwood and wrack) increases reproductive success as variously measured. Dr. Burton's single factor ANOVA asks only whether, on average, there is a difference between Exclosures 7 and 8 during the period 1998 - 2003. It tells us nothing about the effect of the experimental treatment, which was to exclude vehicles throughout the year 2002 within a portion of Exclosure 7 in order to allow the desired surface features to develop. The appropriate statistical analysis for such an experiment would generally be some variation of the Before-After/Control-Impact design. However, since there was no replication, Mr. George simply looked at the same area the year before and the year after the experimental treatment. The answer is that from 2002 to 2003, for both snowy plovers and least terns there was a much greater increase in the use of Exclosure 7 where surface features developed in the absence of vehicular use than in Exclosure 8 where winter vehicular use homogenized the surface. A similar result is obtained if one uses the data from Dr. Burton's Table 1 for years for which there are data for both exclosures. The variate of interest is the difference between Exclosure 7 and Exclosure 8 before (1998, 2001, 2002) and after (2003) the experimental treatment. For snowy plovers, Exclosure 7 had fewer nests (- 12, - 17, and - 4) during the "Before" period and more nests (+ 19) during the "After" period. In summary, the Subcommittee continues to support the conclusion in the PRBO report that the

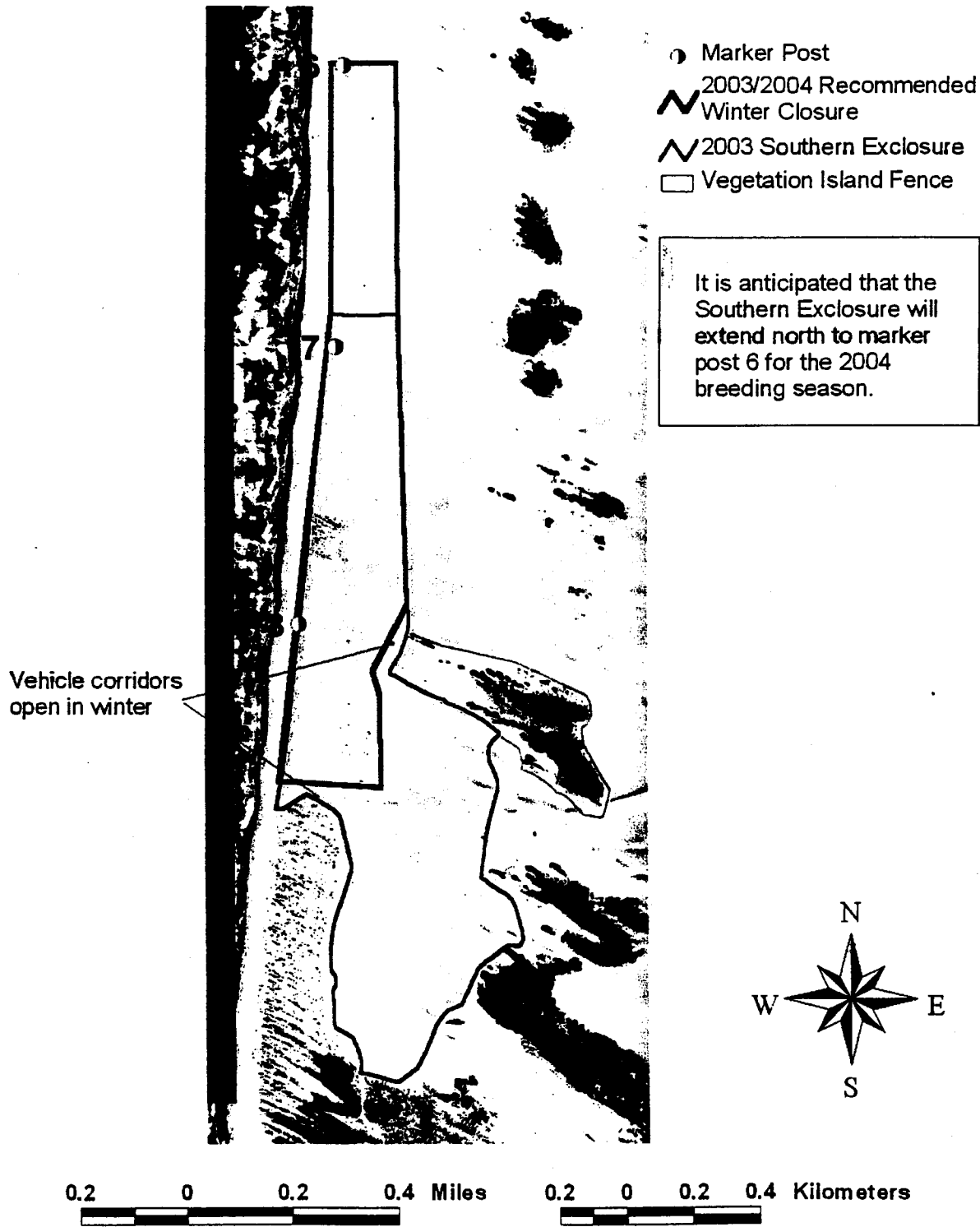
available data suggests that excluding vehicles throughout the year results both in apparently beneficial habitat changes and in an increase in nesting during the breeding season.

**Conclusion.**

The Subcommittee wants to reiterate that it is trying to help CDPR balance its management of sensitive resources in the midst of an intensively utilized recreation area. Until issues are worked out regarding permitting take of terns and plovers, the Subcommittee supports recommendations to expand the enclosure north to Pole 6 and to the east as measures necessary to reduce take. Additionally, increased monitoring will be needed in 2004 to watch for birds leaving the enclosures and understand where night roosts for least terns are that might expose birds to take. This approach is a reasonable way to address current take issues. In the long run, however, the Park needs a system in which the best habitat is enclosed so that the least numbers of plovers and terns are compelled to leave the enclosure; thus, CDPR needs to know what type of conditions will best keep birds in the enclosure. It is possible that a smaller enclosed nesting area could actually achieve more fledgling production if that area is enclosed year-round or as needed to maintain high quality nesting habitat, as opposed to enclosing a larger but barren area during the nesting season that does not provide optimal breeding and foraging habitat.

The reality is that right now PRBO Conservation Science, the Subcommittee, CDPR, and the Wildlife Agencies do not have the data needed to prepare statistical analysis of the nesting results or to definitively answer questions about habitat management. For example, data do not exist as to where the chicks go once they leave their nests. As each year goes by, CDPR gets more information with which to understand what is going on. This learning process should be seen as part of the solution to striking a balance between recreation and wildlife, rather than as a problem itself.

**Figure 10. Area within ODSVRA Southern Enclosure recommended for extended closure in winter 2003-04 to protect nesting and brood-rearing habitat quality.**





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 4<sup>th</sup> (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 enclosures.
- 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 1<sup>st</sup> 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.



**Recommendations of the ODSVRA Scientific Subcommittee re: Research and Management Questions and Priorities (December 4, 2002):**

**Introduction**

As a part of identifying which research and management questions should be recommended by the Scientific Subcommittee, the members considered what they believe to be their charge from the Coastal Commission. They identified the following items as management concerns that the Sc. Subcommittee should address:

1. Understanding the biological potential of the ODSVRA area.
  - What species exist there now?
  - What could be there based upon alternative management regimes?
2. Estimate the Impact of ORV Use.
  - What has been the effect of off-road vehicular use on the natural dune habitats and associated aquatic habitats? What is known? What work needs to be done to make this determination for particular habitats?
  - What are the relative impacts associated with different levels of use (e.g., peak holiday periods vs. average use).
  - What are the mechanisms of impact (e.g., physical disruption of vegetated dunes, physical disturbance and increased turbidity of streams, compaction of beach habitat, impact injury to wildlife, etc)?
3. Identify Areas to Protect or Restore:
  - Which areas that are currently impacted by ORV use could potentially be restored to native vegetation?
  - Which areas serve, or could potentially serve, the needs of snowy plovers and least terns?
  - Are there conflicts between dune restoration and nesting activities? If there are conflicts, what is the optimal balance between the conflicting needs?
  - What other sensitive species should be part of a management plan? What are their restoration needs?
4. Recommend ORV Management Activities to Protect Natural Resources:
  - To which areas should ORVs be confined in order to protect natural resources?
  - During which hours of the day should vehicular use be allowed?
  - What uses should be allowed? Evaluate access routes and camping areas.
  - Should use restrictions have a seasonal component?
5. Review Natural Resource Management Activities and Make Recommendations:
  - Monitoring of snowy plovers and least terns.

- Use of fencing and shelters.
- Predator monitoring and management.
- Vegetation restoration, including exotics removal and control.

Using the above list as a guide, the Sc. Sub. identified and ranked the research and management questions in this report.<sup>1</sup> The Sc. Sub. members would not actually design any of these studies, but the members have drafted a preliminary list of questions that these studies would address. The Sc. Sub. members could also review the proposed design once a study has been designed. The six topics are listed in order of priority.

### 1. Night Riding

The overall question that the Sc. Sub. identified as being the focus of such a study is: What are the impacts of vehicles on plovers, terns, and other shorebirds? Other shorebirds, such as sanderlings, should be included because the mandate of the Coastal Commission is not limited to listed species, plus observation of other shorebirds can provide insight into effects on plovers and terns. Carcass recovery could be one component. Additionally, reconnaissance work would need to be conducted prior to designing the study. The Sc. Sub. has identified the following questions and goals for such a study:

1. Define the area and amount of plover and tern use at night.
2. Define the area and amount of human use at night.
3. Determine what the birds are doing:
  - a. Does their location affect what they're doing, i.e., whether they are in or out of exclosures?
  - b. What are the differences between winter and summer use?
  - c. How do the tides affect their behavior?
  - d. How do various human activity levels affect their behavior?
  - e. How does motorized traffic affect winter flocks and breeding success?

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<sup>1</sup> Page 7 of the permit includes the following direction to the TRT and Scientific Subcommittee:

The TRT should develop recommendations to the Superintendent regarding "additional monitoring studies, adjustments to day and overnight use limits, and management strategies." The Sc. Sub. will "identify, develop and evaluate the scientific information needed by decision-makers to ensure that the ODSVRA's natural resources are adequately managed and protected." Among other things, the Sc. Sub. will:

1. Recommend to the TRT the scientific studies and investigations that may be necessary to develop information needed by resource managers;
2. 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 resources.

## 2. Wintering Snowy Plovers and Other Shorebirds

1. How many snowy plovers are there?
2. Where are they?
3. Where have they come from?
4. What are they doing (e.g., foraging, roosting)?
5. How are they affected by human activity (e.g., pets, vehicles, pedestrians, equestrians)?
6. What other shorebirds are using the area? The same questions (i.e., how many, where, what are they doing, how are they affected) would apply to these other species.
7. What potential predators are present in the winter?

## 3. Invertebrates

Sandy beach invertebrates are of particular interest. Invertebrates are currently not monitored, but are critical to understanding plovers and terns, among other resources. Good baseline surveys of both terrestrial and intertidal species are needed. A study should determine what species are in ODSVRA. The study should include both open and closed areas.

## 4. Vegetation/Soils Management

In 1999, the Off-Highway Motor Vehicle Recreation Division (OHMVRD) identified an issue Oceano Dunes needs to address.<sup>2</sup> Accelerated sand movement caused by recreation patterns is contributing to loss of vegetation in and around Oso Flaco Lake, as well as the vegetated islands within the SVRA. This sand movement is contributing to loss of open water at Oso Flaco Lake (due to sand inundation). Within the Oceano Dunes complex there are small, vegetated areas that are unprotected by fencing and signage. The "OHMVRD Adopted Recommendation for Sandy Soil Areas" (1999) identified six alternative management options to slow the rate of sand movement and recommended all six options be tested and evaluated for one year.<sup>3</sup> This work has not occurred.

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<sup>2</sup> This information is from the ODSVRA Wildlife Habitat Protection Plan, August 2001, p. 22.

<sup>3</sup> The six options are:

1. Fence 1 to 5 acre foredune areas utilizing sand barriers/fences to trap the sand and gradually build up the dunes and actively revegetate with native plants.
2. Fence ¼ to 1-acre foredune areas utilizing sand barriers/fences to trap the sand and gradually build up the dunes and actively revegetate with native plants.
3. Fence ¼ to 5-acre foredune areas and allow both vegetation and sand to grow and /or move naturally.
4. Construct artificial sand dunes with heavy equipment between ¼ to 5 acres in size before fencing and revegetating.
5. Fence and revegetate a minimum ¼ acre utilizing sand barriers/fences to trap the sand and gradually build up the dunes to duplicate the original foredune system (aligned with the prevailing wind direction).
6. Use heavy equipment to reduce the height of existing sand dunes 1.5 feet in front of the slack dune vegetated islands. The sand would then be pushed north or south of the islands and allowed to move down-wind naturally away from the vegetated islands.



The big-picture question is: Can areas that are appropriate for restoration be identified? With this goal in mind, specific questions would include:

1. To what extent has the area of the vegetation communities changed?
2. To what extent have the communities been altered by invasions of exotics?
3. What areas have potential for restoration with appropriate vegetation?
  - a. Can they be restored? How?
  - b. Should they be restored (keeping in mind specific habitat needs of various species, e.g., plovers and terns)?

#### **5. Fish Surveys**

Tidewater goby and steelhead would be of particular interest. Grunion would also be of interest. Some data should already exist for Arroyo Grande Creek.

#### **6. Water Quality**

Water quality is especially relevant to juvenile least terns and gaining an overall understanding of the dunes. A watershed assessment may be underway soon.

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Three control/comparison areas were identified: the Dune Preserve north of pole 3, the protected foredune area south of pole 8, and areas of existing OHV use.

January 4, 2003

**CCC Exhibit** 4  
**(page** 4 **of** 4 **pages)**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# DRAFT

**February 23, 2004**

Andrew Zilke, Acting Superintendent  
Oceano Dunes State Vehicular Recreation Area  
576 Camino Mercado  
Arroyo Grande, CA 93420

**Subject: Management Measures for the 2004 Western Snowy Plover and California Least Tern Nesting Season**

Dear Mr. Zilke:

As you know, Coastal Development Permit (CDP) No. 4-82-300-A5 establishes interim limits for recreational vehicle use within the Oceano Dunes State Vehicular Recreation Area (ODSVRA), as well as a Technical Review Team (TRT), including a Scientific Subcommittee, to advise the ODSVRA Superintendent on park management issues. In accordance with the terms of this permit, the Coastal Commission conducted an annual review of the overall effectiveness of the TRT in managing vehicle impacts at the ODSVRA on February 20, 2004.

The attached Memorandum provided to the Commission for the 2004 Annual Review documents that the TRT has not satisfied the specific requirements of CDP 4-82-300-A5, and has not had a meaningful influence on important park management issues. Of particular concern is the ODSVRA's failure to effectively implement the recommendations of the scientific subcommittee for the 2003 nesting season, transmitted to the Superintendent by the TRT. This is especially disappointing in light of the fact that pursuant to last year's annual review, the Coastal Commission requested that the Superintendent implement the expanded enclosure recommended by the Scientific Subcommittee. Equally troubling is ODSVRA's apparent unwillingness to implement this year's recommendations of the Scientific Subcommittee and the Point Reyes Bird Observatory calling for a similar increase in protected nesting area, and maintaining the protected area on a year-round basis, especially given the fact that such changes would still provide for significant recreational use of the dunes.

Notwithstanding these serious concerns, the Commission took no action to revise the terms of CDP 4-82-300-A5, in order to provide an additional year for the TRT to comply with the requirements established by CDP 4-82-300-A5, and for the TRT and the ODSVRA to demonstrate that TRT process provides an effective way of managing vehicle impacts. Towards this end, the Commission strongly recommends that the ODSVRA **fully implement all of the recommendations provided by the Scientific Subcommittee** on January 9, 2004 (please see Exhibit 2 of the attached Memo). In particular, the Commission believes it is essential for the ODSVRA to:

**CCC Exhibit 5**  
**(page 1 of 2 pages)**

- Retain the 7 Exclosure and part of the 8 Exclosure during the fall and winter to protect the habitat for the 2005 breeding season;
- Extend the Southern Exclosure to post marker 6 for the 2004 breeding season, at a width equivalent to that of the adjoining 7 Exclosure, and retain this Exclosure during the fall and winter to protect the habitat for the 2005 breeding season;
- Improve monitoring programs by establishing incentives to retain skilled monitors and increasing the number of monitors;
- Implement the suggested measures for reducing trespass along the Southern Exclosure shoreline; and,
- Improve processes and procedures for the preparation and review of Necropsy Reports.

The Coastal Commission hopes to maintain a cooperative working relationship with the ODSVRA in managing vehicle use in a manner that also provides effective protection of the sensitive habitats and valuable biological resources at the park. The ability of the TRT to carry out this objective is dependent upon the ODSVRA's responsiveness to the recommendations that are generated through the TRT process. Accordingly, the Commission has renewed CDP 4-82-300-A5 and submitted the above recommendations with the intent of providing the TRT and ODSVRA with an additional year to address the concerns identified in the 2004 Annual Review.

Sincerely,

Mike Reilly, Chairman  
California Coastal Commission

Attachment: 2004 Annual Review of CDP 4-82-300