

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

www.coastal.ca.gov

Th8



CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

February Meeting of the California Coastal Commission

MEMORANDUM

Date: February 14, 2007

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the February 14, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

REGULAR WAIVERS

1. 3-06-062-W Jennifer Price (Pacific Grove, Monterey County)
2. 3-06-068-W Monterey Bay Aquarium, Attn: Eileen Angelos, Community Affairs Director (Monterey, Monterey County)
3. 3-07-001-W Doug White (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

1. 3-06-036-W California Department Of Parks & Recreation, Attn: Gail Sevrens, Associate Park & Recreation Specialits; Jason Spann, Project Manager (Morro Bay, San Luis Obispo County)

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-06-062-W Jennifer Price	Second-story addition to an existing one-story single family residence; replace foundations, replace water and sewer lines.	112 Second Street, Pacific Grove (Monterey County)
3-06-068-W Monterey Bay Aquarium, Attn: Eileen Angelos, Community Affairs Director	Reconstruction of an existing 761 sq.ft. science building and increase the size of building to 961 sq.ft. to allow consolidation of Water Quality Lab and Sea Otter Research and Conservation facilities to the existing Water Lab on the third floor of aquarium.	886 Cannery Row, Monterey (Monterey County)
3-07-001-W Doug White	Convert existing 6-unit apartment building into a 4-unit apartment building with the upper floor as one single living unit for the owner, and improvements to the remaining 3 lower floor apartment units.	133 Forest Avenue, Pacific Grove (Monterey County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-06-036-W California Department Of Parks & Recreation, Attn: Gail Sevrens, Associate Park & Recreation Specially	Proposed development includes habitat rehabilitation and public access improvements adjacent to the Morro Bay State Park Marina. The project will establish a formal loop trail along the southern edge of the marina, while closing and rehabilitating unauthorized "volunteer" trails.	Lower State Park Rd. & Parkview Dr. (Morro Bay State Park Marina Trail), Morro Bay (San Luis Obispo County)

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: February 6, 2007
TO: Jennifer Price
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-06-062-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: Jennifer Price

LOCATION: 112 Second Street, Pacific Grove (Monterey County) (APN(s) 006-222-003)

DESCRIPTION: Second-story addition to an existing one-story single family residence; replace foundations, replace water and sewer lines.

RATIONALE: Applicant has submitted a construction plan that identifies specific measures to avoid impacts to water quality during construction. Post-construction run-off will be directed to pervious areas on-site for infiltration. The proposed development will not otherwise involve any significant impacts on coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, February 14, 2007, in San Diego. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Signature(s) on file.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.
Terry Latasa, Architect

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: February 6, 2007
TO: Monterey Bay Aquarium, Attn: Eileen Angelos, Community Affairs Director
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-06-068-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Monterey Bay Aquarium, Attn: Eileen Angelos, Community Affairs Director
LOCATION: 886 Cannery Row, Monterey (Monterey County) (APN(s) 006-741-005)
DESCRIPTION: Reconstruction of an existing 761 sq.ft. science building and increase the size of building to 961 sq.ft. to allow consolidation of Water Quality Lab and Sea Otter Research and Conservation facilities to the existing Water Lab on the third floor of aquarium.
RATIONALE: Proposed addition will occur within the existing footprint of the Monterey Bay Aquarium and therefore not result in any significant impacts on coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, February 14, 2007, in San Diego. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Signature(s) on file.

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: February 6, 2007
TO: Doug White
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-07-001-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Doug White

LOCATION: 133 Forest Avenue, Pacific Grove (Monterey County) (APN(s) 056-157-016)

DESCRIPTION: Convert existing 6-unit apartment building into a 4-unit apartment building with the upper floor as one single living unit for the owner, and improvements to the remaining 3 lower floor apartment units.

RATIONALE: The proposed development will repair and refurbish a historic dwelling within its existing footprint. No additional living area will be created. Mitigation measures are proposed that will protect archaeological / cultural resources in the event they are encountered during construction. All storm water run-off created on-site will be directed to a pervious areas for filtering and infiltration prior to conveyance off-site. Accordingly, there will be no potential for adverse impacts to coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, February 14, 2007, in San Diego. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Signature(s) on file.

By: STEVE MONOWITZ
District Manager

cc: Local Planning Dept.
Rick Steres

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: February 6, 2007
TO: California Department Of Parks & Recreation, Attn: Gail Sevrens,
Associate Park & Recreation Specialits; Jason Spann, Project Manager
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-06-036-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: California Department Of Parks & Recreation, Attn: Gail Sevrens, Associate Park & Recreation Specialits; Jason Spann, Project Manager
LOCATION: Lower State Park Rd. & Parkview Dr. (Morro Bay State Park Marina Trail), Morro Bay (San Luis Obispo County) (APN(s) 066-381-003)
DESCRIPTION: Proposed development includes habitat rehabilitation and public access improvements adjacent to the Morro Bay State Park Marina. The project will establish a formal loop trail along the southern edge of the marina, while closing and rehabilitating unauthorized "volunteer" trails.
RATIONALE: Proposed development will restore / rehabilitate native coastal scrub vegetation by managing and directing public access along the state park marina. The Applicant has submitted a habitat rehabilitation plan that identifies the location and amount of restoration, a plant palette native to Morro Bay coastal scrub habitat, maintenance and monitoring standards, as well as success criteria to ensure colonization and natural regeneration of the plantings. The project will not otherwise impacts coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, February 14, 2007, in San Diego . If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Signature(s) on file.
By STEVE MONOWITZ
District Manager

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**Memorandum****February 13, 2007**

To: Commissioners and Interested Parties

From: Charles Lester, Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Thursday, February 15, 2007

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th12a, 4-82-300-A5	CA Parks & Recreation	Correspondence	1

Steve Monowitz

From: Charles Lester
Sent: Tuesday, February 13, 2007 6:32 AM
To: Steve Monowitz
Subject: FW: Oceano Dunes ex parte

RECEIVED

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

-----Original Message-----

From: Meg Caldwell [mailto:megc@stanford.edu]
Sent: Friday, February 09, 2007 4:57 PM
To: Charles Lester
Subject: Oceano Dunes ex parte

X-Sieve: CMU Sieve 2.3

Delivered-To: megc@stanford.edu

DomainKey-Signature: a=rsa-sha1; q=dns; c=noaws;
s=s1024; d=sbcglobal.net;

h=X-YMail-OSG:Received:Date:From:Subject:To:MIME-Version:Content-Type:Content-Transfer-
Encoding:Message-ID;

b=T8F6VFdw+qioiLJU+iVbSEOrMFI4pysJ7y3AlboOYfPPm5XwZxLpBPk42SnMojIcdxbRs5oXpIfXcuRgC

X-YMail-OSG:

XneSWZAVM1nZt1HKCoSFsBF8Kh2.ii872l_qYasvRfHh0CIFEAj2v3zaaZ0TFoItlhtOFm6YfrN4rF58kJZ06;

Date: Fri, 9 Feb 2007 14:36:46 -0800 (PST)
From: "G.R. Hensley" <g.r.hensley@sbcglobal.net>
Subject: Coastal Commission Thursday

To: megcoastal@law.stanford.edu

X-MIMETrack: Itemize by SMTP Server on lawmail1/stanford(Release 5.0.12 [February 13, 2003) at
02/09/2007 02:37:11 PM,

Serialize by Router on lawmail1/stanford(Release 5.0.12 [February 13, 2003) at
02/09/2007 02:37:18 PM

Commissioner Caldwell,

Next Thursday the Coastal Commission will consider the annual review of the Off-Highway Vehicle Park at Oceano (Pismo Beach). This is usually pretty routine, but something new is going on with part of the ridding area leased to the Park by SLO County. I've attached my comment letter and just wanted to give you a heads-up.

I won't be able to be down there, but I expect Bruce Reznik, the San Diego Coastkeeper will likely speak for us.

If you need more information on the lease or other issues, don't hesitate to give me a call.

Thanks

Gordon

2/13/2007

Gordon R. Hensley, San Luis Obispo COASTKEEPER®
Environment in the Public Interest
EPI-Center, 1013 Monterey St., Suite 202
San Luis Obispo, CA 93401

Ph: 805-781-9932 FAX: 805-781-9384

Meg Caldwell, J.D.
Senior Lecturer and Director,
Environmental and Natural Resources Law
and Policy Program
Stanford Law School
559 Nathan Abbott Way, Room 243
Stanford, CA 94305-8610
phone: 650/723-4057
fax: 650/725-2190
<http://casestudies.stanford.edu/>
<http://naturalresourceslaw.stanford.edu>

Th 12a

RECEIVED

FEB 09 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREAEPI-Center, 1013 Monterey Street, Suite 207 San Luis Obispo, CA 93401
Phone: 805-781-9932 • Fax: 805-781-9384**San Luis Obispo COASTKEEPER®**

February 7, 2007

California Coastal Commission
Patrick Kruer, Chair
C/O Central Coast District Office
725 Front Street
Santa Cruz, CA 95060

Via Facsimile: 813-427-4877

Subject: Agenda Th-12a / Annual Review of Coastal Development Permit / ODSVRA

Chair Kruer and Honorable Commissioners,

I am writing to request that your Commission temporarily suspend off-highway vehicle use and camping activities on properties currently under lease to Department of Parks and Recreation (DPR) from San Luis Obispo County (La Grande Tract) and continue final adoption of Commission Staff review and recommendation of February 1, 2007 until likely inconsistencies with the Certified San Luis Obispo Local Coastal Plan can be resolved.

San Luis Obispo COASTKEEPER®, a program of Environment in the Public Interest, is organized for the purpose of ensuring that public officials charged with responsibilities for water quality, land use planning, and environmental protection comply fully with sound planning principles and with all environmental laws of the State. In addition, I am the environmental representative to the ODSVRA Technical Review Team and am familiar with the administration, goals and objectives of the Off-Highway Division of State Parks. As such, SLO Coastkeeper and our central coast supporters are concerned that the current lease allowing vehicle use on the La Grande Tract properties is not in compliance with the Certified LCP and ODSVRA management strategies have failed to ensure resource protection and access control to the mapped "buffer area" in conformance with CDP 4-82-300-A5.



SIGNIFICANT NEW ISSUE - INADEQUATE HABITAT PROTECTION

As is briefly described in the Staff Report on page 9, the LCP's South County Area Plan designates (via a map) the county property as a "buffer area," which the Certified LCP explains is necessary to protect the sensitive resources to the north and south of the riding area. As far as can be determined, the Commission has never considered the significance of this inconsistency or considered amending State Department of Parks and Recreation's ("DPR") Coastal Development Permit ("CDP") to eliminate the continued violation of the LCP, the ongoing damage to the sensitive dune resources, and the apparent conflict with OHV enabling legislation provisions for environmental protection.

Background.

The statute authorizing OHV Recreation Areas (PRC 5090 et seq.) was added to the Public Resources Code in 1982. This legislation and subsequent amendments requires DPR to operate ODSVRA in a manner that is protective of wildlife habitat. Further, the enabling legislation includes provisions for the temporary or permanent closure of areas that can not be adequately protected.

A significant portion of ODSVRA (roughly 580 acres) consists of the so-called La Grange Tract to which San Luis Obispo County holds title. This tract was leased to State Parks in 1982 before the County LCP was certified and subsequently approved by the Commission. Although the historical record available to us is not entirely clear, it appears that the lease was in place at the time the original CDP was issued in 1982.

Changing Situation

The lease for the County parcel will run through 2008. Late in 2006, DPR made inquiry about purchasing the property. In response to the proposal, the County office of General Services requested that the County Planning Commission prepare a General Plan Conformity Report for the possible sale of the parcel. The San Luis Obispo Planning Staff prepared a Conformity Report in December 2006, finding that the sale of the property to DPR would be consistent with the San Luis Obispo General Plan and LCP.

However, SLO County Planning Staff's determination that the sale was consistent with San Luis Obispo's General Plan was appealed by Oceano resident, Larry Bross. After hearing the appeal on January 17, 2007, the Planning Commission unanimously found that the sale of the parcel to DPR was not in fact consistent with San Luis Obispo's LCP.

The Planning Commission determined that the sale of the County parcel could not be endorsed because a map contained in the LCP shows the parcel had been intended to serve as a buffer between the off-road area and the sensitive natural preserves to the north and east. The



map in question clearly shows that the County parcel had never been intended to be used for off-road vehicle use. Remarkably, the County Planning Staff, whose conformity report made no mention of this inconsistency, readily admitted prior knowledge of it.

Inconsistencies

We believe the current use of this property for OHV operation is inconsistent with the County General Plan at the following points:

- South County – Coastal Area Plan: Planning Area Standards 4; 7; 8; 9.
- Open Space Element: OSP 30(a) (1).
- Oceano Specific Plan (Adopted April 2, 2002): Core Values, p 16; Goals for the Area, p 31-32.
- San Luis Obispo County LCP: Policy 1; Policy 18; Policy 27; Policy 34; Policy 35.
- California Coastal Act: Section 30230; 30231; 30240(a).

The implications of these inconsistencies are as startling as they are obvious. Clearly, the proposed sale of the County parcel to DRP for continued off-road use cannot be reconciled with the LCP map of the resource. In addition, the current CDP, which permits continued off-road vehicle use of the property, cannot be reconciled with San Luis Obispo County's LCP.

ADDITIONAL CONCERNS

While our main concern is that the LCP inconsistency issue at the La Grande Tract, SLO Coastkeeper remains concerned at the relatively minor changes occurring under DPR's promises of "adaptive management strategies".

In particular, we are concerned about DPR's resistance to implementing changes proposed by the Scientific Sub-Committee or Department Consultants. For instance, Oceano Dunes is one of the most successful California least tern nesting areas in Southern California – and the only tern nesting area on the Central Coast. Yet this year was especially abysmal in terms of the western snowy plover fledge rate.

The 2006 Nesting Report states:

Chick fledging rate

Of the 230 snowy plover chicks that hatched, 221 were banded and the fate of 9 unbanded chicks is known (none fledged). Only 17 of 230 chicks are known to have fledged for a chick fledging rate of 7.4% (Tables 5 and 8). This compares to rates of 56.5% (35 of 62), 67.9% (108 of 159), 25.5 % (66 of 259), and 40.2% (82 of 204) from 2002-2005, respectively, and an average rate of 16.5% (range=4-27%) from 1998-2001 (Table 6), when predator



management did not include relocation or removal of selected predators. The season for snowy plovers was characterized by: a) high chick loss continuing throughout the 4-month long chick-rearing period (Figure 9) and b) high chick loss occurring throughout the Southern Enclosure and Oso Flaco (Figure 7). South Oso Flaco briefly had initial success, with the first 3 nests that hatched fledging 5 of 8 chicks. However, of the following 32 chicks, only 1 fledged. We suspect that predation was an important factor in the persistent, high mortality rate of chicks.

Table 8. Number of snowy plover juveniles fledged per breeding male, 2002-2006.

Year	Est. min. no. breeding males	No. juveniles	Juveniles fledged per breeding male
2002	18	35	1.94
2003	52	107	2.06
2004	67	66	0.99
2005	65	82	1.26
2006	58	17	0.29
<i>Annual average for 2002-2006 period</i>	<i>52.0</i>	<i>61.4</i>	<i>1.31</i>

While DPR concluded that much of the chick loss was likely from avian predators, DPR failed to install coverings at any of the plover enclosures. Simply monitoring nest sites and noting the steady and dramatic loss of chicks over the course of the nesting season can hardly be characterized as "adaptive management"!

More conservative management techniques, as suggested by the Scientific Subcommittee, should be included as permit conditions.

CONCLUDING COMMENTS

I urge your Commission to impose an interim moratorium on camping and OHV use at the La Grande Tract until this ongoing violation of goals and policies of the LCP and the Coastal Act can be resolved.

I further urge your Commission to amend the permit to require the recommendations proposed by the ODSVRA Scientific Subcommittee in their *2006 Snowy Plover / Least Tern Monitoring and Management Recommendations and Comments*.

Thank you,

Signature(s) on file.

Gordon R. Hensley,
San Luis Obispo COASTKEEPER

Environmental Representative to the ODSVRA TRT



Thida

CALIFORNIA COASTAL COMMISSION

Narvell Conner

Permit # 482-300-A5

YES Approve this permit

Ca Park & Rec
Oceano Dunes

Ap.# ?

Dear Commissioners:

1. I would love to attend the meeting on this issue but I can't understand why the meeting has to be so far away from the area that is of concern. Is this deliberate so we are not able to attend. Travel, time, and expenses make it impossible for people in the central valley to be at the meeting in San Diego. Thanks for your concern.
2. Please consider opening more of the area as the overcrowding of the area makes a real safety issue. More people would like to enjoy the area but so much has been closed down, it is not safe for my grandchildren.

Please keep California open for public enjoyment.

Narvell Conner

238 W. Brier Circle
Fresno, Ca 93711

Signature(s) on file.

RECEIVED

FEB 09 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Th 12a



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

RECEIVED

FEB 08 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

By Overnight Mail

February 8, 2007

Charles Lester
Steve Monowitz
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060

Re: **Comments of Friends of Oceano Dunes on Commission Staff Report Regarding Review of CDP No. 4-82-300-A5**

Dear Gentlemen:

Friends of Oceano Dunes ("Friends") respectfully submits these comments in response to the Coastal Commission staff report on the review of coastal development permit no. 4-82-300-A5 for Oceano Dunes State Vehicular Recreation Area ("Oceano Dunes SVRA"). Friends is a California non-profit corporation, representing approximately 27,000 members and users of Oceano Dunes SVRA.

Friends agrees with the staff recommendation that the Coastal Commission take no action on the CDP.

However, Friends questions some of the Commission staff recommendations.

First, the recommendation to study year around closure of plover and tern nesting areas is at odds with the statutory mandate that authorizes Oceano Dunes SVRA. In 1982, the California Legislature adopted the Off-Highway Motor Vehicle Recreation Act, which was renewed with the Off-Highway Motor Vehicle Recreation Act of 1988. These acts provided a legislative mandate for OHV recreation at Oceano Dunes SVRA, which is continued in the Off-Highway Motor Vehicle Act of 2003. (Pub. Res. Code § 5090.01, et seq.)

State policy is to "expand existing off-highway motor vehicle recreational areas, facilities and opportunities," and "provide new off-highway motor vehicle recreational areas, facilities and opportunities." (Id., § 5090.02(b)(1) and (2).) State Parks is tasked with the express statutory directive of "making the fullest public use of the outdoor recreational opportunities present . . ." in established state vehicular recreational areas such as Oceano Dunes SVRA. (Id., § 5090.43(a).)

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 27,000 supporters. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

By continuing to seek new restrictions in an area that is already heavily managed to protect the plover and other species and in a park that already has nearly 60 percent of the land area set aside for habitat protection (even though the explicit statutory purpose of the recreational area is a set-aside for off-highway vehicles), the Coastal Commission is ignoring the will of the California State Legislature and the mandate and purpose of the Oceano Dunes SVRA.

In addition, the Legislature has expressly vested decision-making regarding the appropriate balance between OHV use and conservation in the Department of Parks and Recreation. Specifically, under Public Resources Code §§ 5090.30 and 5090.32, the Division of Off-Highway Motor Vehicle Recreation within the Department of Parks and Recreation is charged with “planning, acquisition, development, conservation, and restoration of lands in the state vehicular recreation areas,” including “direct management, maintenance, administration, and operation of lands in the state vehicular recreation areas.” Therefore, any decision regarding the study such as the one suggested is solely within the discretion of State Parks. Likewise, decisions regarding the placement of fencing between OHV areas and habitat areas fall within the statutory authority described above and therefore also are within the discretion of State Parks.

Second, if the Technical Review Team (TRT) is “brought to a close,” then it needs to be replaced with a mechanism that ensures adequate input by OHV users in decisions regarding Oceano Dunes SVRA. This is especially important to counterbalance the focused and singular viewpoint held and expressed by Scientific Subcommittee members. Similarly, any “scientific” committee established by the HCP must be counterbalanced with input from the OHV community to help ensure balance, continued access and recreational use pursuant to Public Resources Code §§ 5090.30 and 5090.32.

Third, we are concerned about the Commission staff’s statements that the increase in predation and the resulting impact of the fledging rate could not be documented. Experts agree that predation has had very significant impacts to the plover and is the single largest threat at Oceano Dunes SVRA. We can’t imagine that the Coastal Commission staff, which is normally hyper-vigilant in protecting sensitive species, would recommend anything less than a vigorous predator management program. The most bang for the buck in terms of increasing plover numbers is to protect the bird from other predators, which historically have greatly impacted the species. Thus, comments casting doubt on the role of predators continues to perpetuate the myth that the threat to plovers is primarily human.

One can virtually count on one or two hands the total numbers of plovers that have been killed by recreational activities like beach driving or riding horses since the plover was listed 14 years ago. Yet, throughout the State, it is well documented that hundreds upon hundreds of plovers are killed annually by animal predators. Despite this fact, predation prevention programs – which can have an order of magnitude greater positive effect on plover recovery when compared to restrictions on human activities – are almost uniformly an afterthought in plover conservation. This policy is exactly backwards especially given the fact that predation control programs cost a fraction of what land use restrictions on human use cost (especially in terms of economic impacts).

Fourth, the staff letter misstates the history of the access route. The staff writes that “the existing access route and staging area has always been recognized as an ‘interim’ access route and staging area” In reality, the current access route dates back to the 1800s at least and has consistently been used to allow beach access by vehicles. This access route continued, uninterrupted,

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 27,000 supporters. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

as cars, "dune buggies" and OHV became popular. We are submitting historical video showing the use, lines of cars using this access route during the 1950s. .

Indeed, the town of Oceano has erected signs highlighting that the Pier Avenue entrance is the "Gateway to the Dunes". (Further information about the "Gateway to the Dunes" can be found at their website (<http://www.oceanoca.org/>).



Image courtesy of:

http://www.oceanoca.org/pictures/view_alone.nhtml?profile=pictures&UID=10060

So, declaring the "existing access route" to be an "interim" access point is not historically accurate, is not consistent with Oceano's policy, and is not consistent with current Oceano improvements. Perhaps the Coastal Commission would like to see it closed, but that is not something that State Parks or the surrounding community has supported.

Friends support the development and implementation of an alternative access route to supplement the existing access points and route; however, Friends does not support the closure or replacement of the long-standing access route. An alternative route would reduce traffic at any one access point and provide alternative routes during emergencies. Another likely benefit is that it would distribute the \$200 million in annual revenues to other nearby communities.

Staff cites an "interim" decision of the San Luis Obispo County Planning Commission regarding general plan conformity of the proposed sale of the county La Grande tract to State Parks. It is important to note this is not a final decision; it has been appealed to the Board of Supervisors which, in our opinion, is likely to reverse the Planning Commission's decision. (The Planning Commission reversed the finding of general plan conformity by the Planning Department Director.) As a result, it is premature for Commission staff to reach any conclusions regarding buffer areas or alternative access based on this "interim" determination by the Planning Commission. Further, Planning Commissioner Sarah Christie's unusual dual role as a Planning Commissioner and as a key Coastal Commission staff member raises concerns regarding her objectivity on these issues given her duties as a Coastal Commission employee.

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 27,000 supporters. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!

Fifth, Commission staff appears to have been unduly influenced by Ms Christie's brother in his role as the Chapter Director of the Santa Lucia Chapter of the Sierra Club. This undue influence has persuaded staff to base its positions and recommendations on third party accusations and rumors from a disgruntled former employee of State Parks – bringing into question the impartiality of the staff in evaluating issues at Oceano Dunes.

Sixth, regarding the fence boundary location, it is Friends understanding that Commission staff participated in determining its location as part of approving the original permit 25 years ago. State Parks maps have consistently showed that location since conception, during presentations, studies, and staff has likewise used those same maps to identify and accept enclosure location recommendations. Staff's recent line of thinking appears to be a reversal in this long-standing resolution, again, apparently based on unsupported gossip raised by the Sierra Club or a former employee with an axe to grind.

Finally, Commission staff misunderstands the federal Endangered Species Act section 10 habitat conservation planning process. Staff has indicated that it views the HCP as a document that can resolve numerous long-standing disputes regarding Oceano Dunes SVRA. The federal statutory authority for an HCP and section 10 of the ESA, however, does not authorize the use of that process as a catch-all mechanism for resolving all of the wide range of issues regarding Oceano Dunes SVRA. Indeed, the process is not set up to effectively and fairly achieve such high expectations.

Thank you for an opportunity to comment on the Commission staff report.

Sincerely,

(Original signed)

Jim Suty, President
Friends of Oceano Dunes

Cc: State Parks
Board of Directors

Friends of Oceano Dunes is a 501(c)(3) California Not-for-Profit Public Benefit Corporation, comprised of over 27,000 supporters. We represent businesses, environmentalists, equestrians, campers, fishermen, families and off-road enthusiasts who enjoy the benefits of Public Access through Responsible Recreation at the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We want to maintain Access For All!



February 13, 2007

Mr. Patrick Krueger, Chair
California Coastal Commission
45 Fremont Street
San Francisco, California 94105-2219

RECEIVED

FEB 13 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Chair Krueger:

Subject: Annual Review of Coastal Development Permit (CDP) 4-82-300-A5 for the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

The California Department of Parks and Recreation (DPR) continues to fulfill its commitment to the terms and conditions of CDP 4-82-300-A5. Accordingly, DPR concurs with the staff recommendation that the California Coastal Commission (CCC) take no action to change the terms of the permit during its upcoming compliance review. DPR has taken management protection measures beyond those required by the permit (Attachment 1, DPR condition compliance summary). DPR has followed permit guidelines in its consideration of recommendations of both the Scientific Subcommittee (SSC) and the Technical Review Team (TRT) (Attachment 2, SSC implementation summary). Recommendations from the SSC/TRT are carefully considered and generally implemented without modification. If a recommendation is not implemented it is the result of management considerations that lead to a viable alternative that has the potential to bring a positive result and further contribute to the recovery of the species, while allowing DPR to manage ODSVRA consistent with the legislative intent of DPR's Off-Highway Motor Vehicle Recreation (OHMVR) Division.

The following points must be considered to better understand the complexities underlying condition compliance at ODSVRA during this past year:

- Field biologists consider ODSVRA's western snowy plover (WSP) management program to continue to be a model example for California's coast. Although the WSP chick fledge rate was low in 2006 compared to previous years, with a 7.4% rate, similar results were seen in other areas within the United States Fish and Wildlife Service (USFWS) designated Recovery Unit. Avian specialists from the various jurisdictional management areas share information such as fledge rate on an ongoing basis and will be monitoring this dynamic during the coming year. It is important to note that ODSVRA has exceeded the USFWS WSP Draft Recovery Plan target of one fledged chick per adult male in three of the past five years, with an additional year significantly close to the draft target goal.
- In 2006, the California least tern (CLT) nesting success at ODSVRA was among the best in the state, far exceeding any other site in Santa Barbara

Mr. Patrick Kruer
February 13, 2007
Page Two

and San Luis Obispo counties, with 38 nests, a 73.7% hatch rate and an 80.0% fledge rate.

- Progress has been made towards the completion of priority research and management questions – an alternative access study was completed and released in November 2006.
- The fisheries and water quality related monitoring program for the Arroyo Grande Creek crossing area continued in 2006 under the direction of a certified fisheries biologist, in cooperation with members of the local fisheries conservation community. A third year report summary has been completed. The SSC has identified such a study as a research priority. ODSVRA implemented a Superintendent's Order to provide strict creek crossing guidelines for the public that provide additional protection measures to reduce potential vehicle impacts on fishery resources and water quality.
- ODSVRA camping capacity limits continue to be enforced through the previously increased \$270 fine for illegal camping. The increased fine was implemented July 2002; prior to that time a \$64 fine applied. Aggressive compliance and education efforts continued in 2006 while park attendance once again reached 2 million visitors. 1,693 citations were issued for illegal camping in 2006.
- Progress continues on the ODSVRA/San Luis Obispo Coast State Parks Multi-Species Habitat Conservation Plan (HCP), with regulatory agency reviews continuing. The HCP is scheduled to be released for public review in 2007.
- DPR continues its commitment to WSP recovery and protection efforts at its other coastal units along the quarter of this state's coastline under its control. Statewide, there were a total of 616 plover nests, with a hatch success rate of 60% in 2006.

There are several comments and/or recommendations within the staff report, particularly regarding issuance of a letter to the ODSVRA Superintendent, that require further specific response from DPR:

- Staff recommends the development and implementation of a study, coordinated with the SSC, which evaluates the potential benefits to WSP and CLT nesting habitats associated with a year-round closure of current seasonal nesting areas to recreational vehicles.

Mr. Patrick Krueer
February 13, 2007
Page Three

As has been emphasized in previous years, DPR will not perform experiments on the remaining public access areas within ODSVRA – such areas are maintained consistent with statutory obligations. It is important to remember that well over half of ODSVRA's acreage is permanently closed for resource protection purposes; further closures occur seasonally due to the extensive WSP/CLT management program. As an alternative to overly restrictive year-round closures, ODSVRA has emphasized habitat enhancement efforts in the North and South Oso Flaco areas of the park. Nesting success improvement in these areas has been noted as habitat work continues. Further, until the USFWS WSP Draft Recovery Plan, the USFWS 4(d) rule, and relevant components of the HCP are all finalized, DPR considers it highly inappropriate to be considering experiments or studies of potential displacement to day use and camping activities without having exhausted potential resource management activities within non-motorized areas of the park.

- There is a request for the preparation of a report and supporting maps that compare the location of existing fencing to the location of dune habitat fencing established by CDP's 4-82-300 and 4-82-3300-A4, identify current routes for equestrian access pursuant to CDP 4-82-300-A4, and describe the status of the dune restoration program required by Special Condition 2 of CDP 4-82-300.

As will be noted further on in this letter of transmittal, DPR believes the underlying reasoning for this request to be without merit, however, ODSVRA staff has the ability to respond with the information if deemed necessary.

- The staff report suggests a process and timeline for completing the HCP and associated environmental reviews, while identifying key issues that should be addressed that include the analysis of alternative access routes into the recreational riding area.

No additional input into the HCP process from the CCC is required at this time. As noted in the staff report, DPR is anticipating release of the public draft HCP in 2007. The HCP will be released in conjunction with a draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Upon release, members of the public and agencies of interest, including the CCC, will have 90 days to review and comment on both documents.

While the HCP is a document solely moved forward by DPR, the EIR/EIS is prepared jointly with DPR lead agency for CEQA purposes, and the USFWS acting in lead capacity for NEPA requirements. Key issues to be addressed in both documents, including a range of alternatives, are being

Mr. Patrick Kruer
February 13, 2007
Page Four

developed in compliance with governing statutes and regulations, including USFWS incidental take issuance criteria. Part of the process of developing these documents requires DPR and USFWS to take into account comment duly received. In addition to the mandatory "No Project" alternative, DPR will consider a reasonable range of alternatives that would further reduce take of a covered species or reduce other significant impacts identified in the draft EIR/EIS.

- The staff report identifies the need for DPR to amend CDP 4-82-300 in a manner that: 1) resolves the "interim" nature of existing recreational vehicle access routes, 2) addresses any discrepancies between the current approach to fencing and vegetation management/restoration and the fencing and restoration plans approved by the permit and subsequent amendments, and 3) brings the TRT process to a close.

DPR believes no further action is required with regard to CDP 4-82-300 A4 Condition 1. Staging Area Location. The interim nature of the access and staging areas currently used at ODSVRA was resolved in the 1991-1994 time period. The 1991 Pismo Dunes SVRA Corridor Access Project, which resolved the interim nature of the current access and staging areas, was adopted as an amendment to the General Development Plan and Resource Management Plan for Pismo State Beach and Pismo Dunes SVRA.

The Access Corridor Project concluded in August 1991 with the preparation and presentation of a draft EIR for the project. The project report concluded that the Grand and Pier Avenue entrances were the "Environmentally Preferred" alternative, together with the staging area that remains in use. The location currently used for staging purposes is described in Condition 1 A as the interim OHV staging area on or adjacent to the beach south of the designated two mile limit; current operation of this area is consistent with Condition 1 A. Non-street legal OHV's are trailered to the staging area and are prohibited north of the two mile post.

Condition 1 B listed the interim staging area as one of the alternatives to be evaluated. As a result of the draft EIR dated August 1991, the Pier and Grand Avenue ramps and the interim staging area were recommended as the "Environmentally Preferred" alternative and adopted by DPR as the permanent location for access and staging for what is now ODSVRA. Conclusions reached in the study satisfied the requirements of Condition 1 B for selection and adoption of the permanent site.

According to the record, James Johnson, then Area Manager for the CCC provided comments to the above document with DPR notation.

Mr. Patrick Kruer
February 13, 2007
Page Five

Additionally, the County of San Luis Obispo (County) commented as noted in the Final EIR submitted on October 29, 1991. On January 24, 1992, the OHMVR Commission approved the Corridor Access Project as an amendment to the unit General Development Plan and Resource Management Plan. Further, on February 16, 1994, at its meeting in San Luis Obispo, the California State Park and Recreation Commission considered and adopted the recommendations contained in the Corridor Access Project, which included Pier and Grand Avenues as the access points as an amendment to the unit General Development Plan.

To DPR's knowledge, no challenges arose to the above project study, the EIR, the findings or the recommendation that the interim staging area and access points become permanent, or the adoption of the study as an amendment to the unit General Development Plan. Thus, adoption of this study as an amendment to the unit General Development Plan resolved the interim nature of the access points and staging area currently in use, by so making the areas permanent.

Condition 1B does not contain a requirement that the CDP be amended to reflect the selection of the interim access and staging areas as permanent. The only requirement in Condition 1B for review and modification of the CDP was in the event that construction and operation of a permanent staging area could not be accomplished within the time limits established in the condition. Because the Access Corridor Project was completed in 1991, within three years from the date the Local Coastal Plan (LCP) was certified, the three year limitation was met. No construction was necessary because the interim areas were already in use and simply became permanent. Thus, no CDP review or modification was required.

DPR is also not aware of any further requirement for amendment of the LCP. Administration and interpretation of the LCP lies within County's jurisdiction. ODSVRA currently holds permits from the City of Grover Beach and County for operation of the sand ramp access points at Grand and Pier Avenues. In a record review, at no time has it been indicated that an amendment is required to conform the LCP for the issuance of these permits.

DPR has reviewed the LCP and the South County Coastal Area Plan to which it refers. While the LCP indicates that the site at Oso Flaco Lake is to be the primary access and staging area site, the South County Coastal Area Plan establishes that the primary access point shall be as indicated in the CDP (Standard 5, Access Control, page 46). Thus, it appears that the LCP as implemented through the standards of the South County Coastal Area Plan, both adopted in 1988, by reference to Condition 1 of

Mr. Patrick Kruer
February 13, 2007
Page Six

the CDP, establishing the current staging and access areas as the primary controlled access points.

Because it can only be presumed that County considers the permanent location of the access and staging areas to be conforming and the documents themselves support this interpretation, no amendment is required to implement the permanent establishment of the staging and access areas. Certainly, the issue has not been raised until this CCC staff report and it has been nearly sixteen years since the interim nature of these locations was resolved as discussed above.

- ODSVRA has implemented the fencing and restoration plans approved by the CDP and subsequent amendments. The letter attached to the staff report from the Sierra Club suggests discrepancies as identified by a previous employee of DPR. Contrary to the allegation, ODSVRA has not cut back and reduced the vegetation at the perimeter of the islands, which would effectively reduce the circumferences of the islands to provide more riding area. The islands are part of a dynamic, changing environment, which requires continual adjustment of fencing to provide protection for these areas. Adjustments may be made to accommodate safety, law enforcement/public safety response, fixed facilities and maintenance considerations, requiring that the fence line buffer zones be modified. ODSVRA will be developing a long-term management plan to address future restoration and stabilization efforts that will assure the retention of these sensitive environmental linkages within the dunes.

Since the initiation of the CDP, the areas of the park that are vegetated have visibly expanded. From an environmental protection standpoint, this should be viewed as a positive result, especially where the expansion is the direct result of restoration projects have been completed within the SVRA and elsewhere. These projects create a more natural ecosystem through the elimination of exotic plants, the establishment of native vegetation, and by providing the type of habitat that enhances the survivability of native flora and fauna. Because exotic plant invasion in the dunes complex is an enormous problem, using the overall percentage of vegetation in the dunes as the only measurement tool to determine the health of a "natural system" would be misleading. If it were not for the restoration efforts implemented by DPR in the Oso Flaco Lake area in the 1990's, and within the vegetated islands in recent years, there would be very little area within the dunes complex that could be referred to as being in a "natural" state. One major component of the extensive management program within ODSVRA and Pismo State Beach is to address the exotic plant invasion in the vegetated islands and elsewhere in the parks. Significant progress is being made towards that end through these efforts,

Mr. Patrick Kruer
February 13, 2007
Page Seven

in collaboration with adjacent land managers within the dunes complex. Another component of the ODSVRA vegetation management program are sand stabilization efforts that protect existing vegetated islands and other areas within ODSVRA and Pismo State Beach, preventing sand movement from inundating sensitive areas.

- Comments in the above noted Sierra Club letter related to the tidewater goby, among other fisheries related items, are inaccurate and misleading. DPR certified fisheries biologist Doug Rischbieter, leader of the ODSVRA Arroyo Grande Creek monitoring program, has provided the following comments in response:

"Tidewater goby are a recent occurrence in Arroyo Grande Creek, having been discovered following the floods of February 2005. In-depth fishery sampling in the year preceding those hydrologic events was relatively extensive, and it appears that tidewater goby were absent during earlier years. There is no known record of their collection here at any other time during the last century; however, NOAA Fisheries has identified Arroyo Grande Creek as a potential site for future introduction to aid in this species' recovery.

"The most recent (2006) sampling for tidewater goby suggests their presence in this lagoon may be tenuous. One juvenile fish collected indicates that some reproduction has occurred, but goby have not reproduced or thrived in numbers expected in a successful population. This may be due to the limited suitable habitat in Arroyo Grande Creek – the lagoon is relatively narrow (confined by a levee) and retains few of the suitable backwater areas believed required by goby to offer refuge from freshets and other high flows.

"The mouth of Arroyo Grande Creek, crossing the beach at the surf zone, does not normally offer suitable habitat for tidewater goby. Occurrence of other species in this shallow and naturally-transient feature is uncommon, though the mouth of the creek is always a potential migration corridor for any anadromous or coastal marine species present. While trans-marine migration of goby, the likely route of their 2005 colonization through the mouth of Arroyo Grande Creek, may occur again in the future, these events are associated with high flows and high tides – periods when fording vehicle traffic is absent or minimal. During such high flow events, goby may occasionally be expected to briefly occur as they pass up or down through this lotic portion of stream channel. However, suitable habitat for a sustained, benthic or pelagic existence does not exist in this area, thus significant impacts to this or other fish species are unlikely."

Mr. Patrick Kruer
February 13, 2007
Page Eight

In conclusion, DPR continues to make great strides toward the protection of coastal resources at ODSVRA, consistent with its legislated classification as an SVRA. This commitment has been reaffirmed through the ODSVRA annual CDP review process, and by continued compliance with the terms and conditions of this permit.

Please feel free to call me at (916) 653-8380 if you have further questions.

Sincerely,

Signature(s) on file.

Ruth Coleman
Director

Attachments

Attachment 1

The following is a summation of DPR's condition compliance related activities to date:

Task and Deadline	Status
2001	
Aug. 7: Establish TRT.	✓ Established by Aug. 7 with final membership confirmed on Sept. 5, 2001.
Nov. 7: Hold first TRT meeting.	✓ First meeting held Oct. 30, 2001.
2002	
January 1: Produce annual report, incl. draft charter, a process for ranking research and management priorities, and provision for an SSC.	✓ Draft transmitted to CCC on Dec. 21, 2001 and finalized Jan. 14, 2002. All required components included.
May 7: Produce final charter.	✓ Charter finalized Jan. 14, 2002.
May 7: Provide for creation of SSC.	✓ SSC formed and membership approved by CCC Jan. 17, 2002. First meeting convened Jan. 18, 2002.
May 7: Must have held at least two TRT meetings.	✓ Six meetings held by May 7, 2002.
2003	
January 1: Produce 2 nd annual report, incl. ranking of research and management priorities and scope of work for highest priority projects.	✓ Draft transmitted to CCC staff in Dec. 2002 and finalized in Jan. 2003, incl. ranking of research priorities and framework for subsequent scopes for top priority studies. Detailed scopes were prepared separately in 2003.
2004	
January 1: Produce 3 rd annual report.	✓ Draft transmitted to CCC staff in Dec. 2003 and finalized in Jan. 2004. All required components included.
2005	
January 1: Produce 4 th annual report.	✓ Draft transmitted to CCC staff in Dec. 2004 and finalized in Jan. 2005. All required components included.
2006	
January 1: Produce 5 th annual report.	✓ Draft transmitted to CCC staff in Dec. 2005 and finalized in Jan. 2006. All required components included.

2007	
January 1: Produce 6 th annual report.	✓ Draft transmitted to CCC staff in Dec. 2006 and finalized in Jan. 2007. All required components included.
Other Requirements	
Institute interim vehicle limits at ODSVRA.	✓ Limits on day use, OHV, and camping vehicles implemented as required starting May 7, 2001. Camping fine increased to \$270 in July 2002.
Conduct TRT-prioritized research.	✓ <ul style="list-style-type: none">• Wintering shorebird and night riding studies completed and results distributed to the TRT/SSC in 2005; discussed by the SSC in 2006.• Fisheries and water quality monitoring in AG Creek ongoing with reports prepared annually.• Alternative Access Study completed in 2006 and presented to TRT for comments.

Attachment 2

The following table summarizes ODSVRA's proposed 2007 implementation of the December 4, 2006, SSC recommendations for WSP/CLT monitoring and management:

Implementation of SSC Recommendations	
Recommendation	Implementation
1. Continue the high level of monitoring and management at Oso Flaco.	✓ Implement 2007.
2. Maintain the size of the Southern Enclosure the same as used in 2006.	✓ Implement 2007. The overall size of the Southern Enclosure will be the same as in 2006. Landscape changes may dictate minor fence line adjustments necessary to facilitate ease of maintenance, safe flow of recreational vehicle traffic, and emergency response.
3a. Retain skilled monitors.	✓ Implement 2007 as funds permit. ODSVRA upgraded two seasonal positions in 2005 and added one permanent fulltime supervisor in 2006. Other seasonal positions have been upgraded.
3b. Continue banding WSP and CLT chicks.	✓ Implement 2007.
3c. Continue banding CLT chicks to individual.	✓ Implement 2007.
3d. Option to band adult WSP as warranted.	✓ Implement 2007 if warranted and permitted.
3e. Continue monitoring CLT juveniles as well as night roost activity.	✓ Implement 2007.
3f. Assess night vision equipment.	✓ Equipment acquired in 2006 with preliminary testing; full assessment in 2007
3g. Consider the use of video, including possible consultation with experts in its use.	Video cameras have been considered but are not proposed for monitoring in 2007 due to harsh environmental conditions (wind, sand, salt), staff time, maintenance, cost, vandalism, and theft. ODSVRA will consult with a Ventura County site that has used video equipment.

4. Continue predator management, including: 1) include summary of predators observed throughout the season in the 2007 report, 2) ensure threats posed by red-tailed hawks are carefully evaluated along with other potential plover and tern predators.	✓ Implement 2007.
5. Continue use of increased fence height to improve effectiveness of the perimeter fence protecting WSP and CLT breeding in the Southern Enclosure and North Oso Flaco.	✓ Implement 2007.
6. Place western fence of Southern Enclosure and North Oso Flaco lower on shoreline to increase protected habitat.	✓ Implement 2007 as permitted by beach conditions and wildlife agencies.
7. Continue management actions to minimize trespass along the Southern Enclosure shoreline.	✓ Implement 2007.
8. Continue posting Arroyo Grande Creek.	✓ Implement 2007.
9. Use of 10 ft. x 10 ft. enclosure with net top.	✓ Implement 2007.
10. Continue to enhance habitat in the Southern Enclosure by distributing natural materials.	✓ Implement 2007.
11. Continue captive rearing of abandoned eggs and chicks when appropriate.	✓ Implement 2007.
12. Conduct study evaluating alternative WSP/CLT habitat treatment strategies.	Not in 2007. The recommendation is under consideration as part of the development of the HCP as mitigation for proposed management measures related to the Southern Enclosure size.