

**CALIFORNIA COASTAL COMMISSION**

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# W23a

Staff: L. Schlembach-SD  
Staff Report: 5/19/2016  
Hearing Date: 6/8/2016

## REVISED CONDITIONS AND FINDINGS

**Application No.:** 6-16-0024

**Applicant:** California Department of Parks and Recreation ~~Silver Strand State Park~~

**Agent:** Darren Smith

**Location:** Silver Strand State Beach, 5000 Highway 75, Coronado, San Diego County (APN Nos. 615-030-03 and 615-040-02)

**Project Description:** Removal of 11,300 lineal-feet of 6-foot high fencing along Silver Strand State Beach and replacement with a new fence. The southern portion of the fence to be approximately 6,300 lineal-feet, 6-ft. high above grade, with a mesh-grid of 2"x 6," and the northern approximately 5,000 lineal-feet portion of the fence to be 6-ft. high, with a mesh-grid of 6"x 6" for the portion parallel to Highway 75 and a mesh-grid of 6" x'6" for the 300-foot long portion perpendicular to Highway 75.

**Staff Recommendation:** Approval with Conditions

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## STAFF NOTES

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on March 9, 2016. In its action, the Commission approved the permit and modified Special Conditions #1b, which would have required that the

proposed fence have a mesh-grid size of 2" x 2" for the southern portion of the fence and the northern portion perpendicular to Highway 75. The Commission instead required that the proposed fence have a mesh-grid size of 2" x 6" for the southern portion of the fence and the northern portion perpendicular to Highway 75 with the orientation to be decided by staff upon consultation with the United States Fish and Wildlife Service and California State Parks.

A meeting was held between Commission staff, State Parks, US Fish and Wildlife Service, and the City of Coronado to discuss the orientation of the mesh. Additional quantitative data was submitted to Commission staff indicating that the presence of predatory birds in general, and the presence of shrikes and kestrels in particular, has been very low throughout the last 10 years of observation. The same survey indicates the amount of human trespass in the area was nearly double or triple the number of raptors observed in a given year. Thus, it appears that the most protective orientation of the fence grid for the birds should be based on avoiding human trespass rather than predatory birds. Given that a 6" wide by 2" tall mesh orientation would allow for easy, ladder-like access for humans into the Preserve, a 2" wide by 6" tall mesh design is more protective of threatened and endangered bird species in this particular case. Thus, a consensus was reached among all parties that a 2" wide by 6" tall mesh orientation is the superior choice.

The amended motion begins on Page 5. The modifications to the Special Conditions begin on Page 6. Findings to support these modifications can be found starting on Page 8.

**Commissioners on Prevailing Side:** Bochco, Cox, Groom, Howell, Kinsey, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas

## **SUMMARY OF STAFF RECOMMENDATION**

### **SUMMARY OF COMMISSION ACTION**

~~Staff is recommending approval of the project with a revision to the design of the southern portion of the fence and to the portion located on the northern border of the campground, adjacent to the tern nesting site on the Naval Base.~~ The proposed project would replace existing chain link fencing that is in disrepair with new fencing in the same location on the west side of Highway 75. The purpose of the fence is to protect sensitive species and habitat in the Silver Strand Dune Natural Preserve from human and animal trespassers throughout the area. The Preserve area contains environmentally sensitive habitat area (ESHA) for western snowy plovers, a Species of Concern in California and a Federally-listed Threatened Species.

The project has been designed to balance the need to protect the sensitive bird species in the vicinity with the desire to improve the visual quality of the area. To that end, two different fence types are proposed. The northern portion of the project would replace the existing 6-foot high fence parallel to Highway 75 between the highway and the accessway to the Silver Strand State Beach campground and day use area. This area is

heavily trafficked, and is not immediately adjacent to any nesting area. Therefore, the replacement fence is proposed to be 6 feet high, with a 6" x 6" wire mesh design. The fence will discourage people from crossing to the campground area from the highway or vice versa, while also significantly reducing the visual prominence of the fence.

The second proposed fence design would be located further south, between Highway 75 and the Silver Strand Dune Natural Preserve and at the fence segment located on the northern border of the campground, adjacent to the tern nesting site on the Naval Base. In order to provide additional predator protection in these areas, the applicant is proposing to use a 2" x 6" mesh design for the replacement fence along the Preserve. In addition, the fence by the Preserve is proposed to be 7 ft. high, with 6 ft. above grade and 1 ft. below grade. For this portion of the fence, the wooden posts will be cut at a 45 degree angle and fitted with an anti-perching device in order to reduce the chances of avian perching.

~~However, unlike the existing chain link fence, if the proposed 2" x 6" fence design were oriented such that the 2-inch side of the mesh was oriented horizontally, and the 6-inch vertically, it could allow for avian predators to perch within the fence, and therefore pose a threat to the adjacent nesting birds. However, orienting the mesh fence the other direction (6-inch horizontally and 2-inch vertically), would create a ladder-like grid that could allow human intrusion into the nesting area.~~ The Commission's ecologist has reviewed the fence design ~~in consultation with the U.S. Fish and Wildlife Service, and determined that in any case, in order to protect the sensitive bird species, the fence mesh should be no larger than 2" x 26" mesh-grid design. The Commission action requires that the final orientation of the 2-inch by 6-inch be made after additional consultation with the Service and the applicant to determine which orientation would be more protective of the birds. is necessary for the portion of the fence adjacent to the Preserve.~~ Similarly, the fence located on the northern border of the campground, adjacent to the tern nesting site on the Naval Base should have the same 2" x 26" mesh size and orientation, and the other protective measure included on the southern fence (one foot of fencing below grade, and anti-perching devices).

Therefore, **Special Condition #1** requires that State Parks submit final plans indicating a revised grid mesh design of 2" x 26" for the portions of the fence next to the Preserve and adjacent to the Navy Base, and incorporate all of the predator control design features into both fences posts, with the orientation of the 2" x 6" mesh to be determined in consultation with the United States Fish and Wildlife Service and California State Parks. No revisions to the design of the fence next to the campground are required. **Special Condition #2** requires construction for the fence next to the Preserve area and for the northern portion of the fence adjacent to the Navy Base to occur outside the California least tern and western snowy plover breeding seasons in order to avoid any impacts to these biological resources. **Special Condition #3** requires a Staging Area and Public Access Plan to ensure that construction storage and staging areas are located in a manner that has the least impact on vehicular and pedestrian traffic along Silver Strand State Beach and Highway 75. Lastly, **Special Condition #4** requires a sensitive species monitor to be on-site during construction to ensure that impacts to wildlife are avoided to the greatest extent feasible during nesting season.

With the above special conditions, the proposed development will be consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends **approval** of coastal development permit application #6-16-0024, as conditioned.

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## APPENDICES

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## EXHIBITS

[Exhibit 1 – Overview of Site](#)

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## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission adopt the revised findings in support of the Commission's action on March 9, 2016, concerning approval of Coastal Development Permit No. 6-16-0024.

Staff recommends a YES vote on the foregoing motion. Passage of this motion will result in adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the revised findings hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are:

Commissioners Bochco, Cox, Groom, Howell, Kinsey, Luevano, McClure, Mitchell, Turnbull-Sanders, Uranga, and Vargas

### Resolution:

The Commission hereby adopts the findings set forth below for Coastal Development Permit 6-16-0024 on the grounds that the findings support the Commission's decision on March 9, 2016, and accurately reflect the reasons for it.

### Motion:

I move that the Commission ~~approve~~ Coastal Development Permit Application No. 6-16-0024 subject to the conditions set forth in the staff recommendation.

~~Staff recommends a YES vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.~~

### Resolution:

~~The Commission hereby approves coastal development permit 6-15-0142 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation~~

~~measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.~~

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first be in substantial conformance with the plans submitted by the City of Coronado dated 12/16/2015, except they shall be revised to reflect the following:
  - a. Fencing shall be in the same alignment as the existing fencing. The final location of a pedestrian gate shall be included on the plans.
  - b. Fencing adjacent to the Preserve area west of Highway 75 and between the campground/day use area and Naval Base shall be a maximum of 7 ft. in height (6 ft. above ground and 1 ft. below ground), consist of a grid design of

2"x 26" mesh, be constructed of an 11 gauge wire or thicker, and incorporate an anti-perching device on the top of the fence posts. The orientation of the 2" x 6" mesh shall be determined in consultation with the United States Fish and Wildlife Service and California State Parks.

- c. Fencing adjacent to the campground/day use area west of Highway 75 shall be a maximum of 6 feet in high, and use a 6"x 6" grid mesh.
- d. The location of both existing and proposed new interpretive signage installed to educate visitors of the sensitive natural resources and encourage compliance with fence boundaries in accordance with visual impacts and visitor usage patterns.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 2. **Timing of Construction.** To avoid potential impacts during the California Least Tern and Western Snowy Plover breeding period, construction of the portion of the fence adjacent to the Preserve area and the northern portion of the fence perpendicular to Highway 75 will not be permitted between the dates of February 15<sup>th</sup> and September 15<sup>th</sup> of any year, unless written approval is received from the United States Fish and Wildlife Service and provided to the Executive Director for review. No construction of the portion of the fence adjacent to the campground and parallel to Highway 75 will be permitted on weekends or holidays from Memorial Day weekend through Labor Day.
- 3. **Staging Area & Public Access Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of staging areas and access corridors to the construction site. The plans shall include, at a minimum, the following:
  - a. No overnight storage of equipment, construction materials, or excavated materials shall occur within the Preserve, within native vegetation areas, or on the public beach. Up to 15 parking spaces in the Silver Strand State Beach day use or overnight parking area may be used for staging and storing during construction except during weekends and holidays from Memorial Day weekend through Labor Day; all other public parking spaces shall remain open during construction. Stockpiles shall be located away from drainage courses, covered at all times and contained with runoff control measures.
  - b. Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic at Silver Strand State Beach and along Highway 75.



- c. Staging site(s) shall be removed and/or restored immediately following completion of the development.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Biological Monitor.** A qualified biologist shall monitor construction activity for disturbance to sensitive bird species and habitat areas. At minimum, monitoring shall occur during construction activities on the fence adjacent to the Preserve and the Naval Base, that could result in disturbances to snowy plovers or the California least tern. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant impacts that could occur to sensitive species or habitat areas. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting nesting or roosting birds.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project involves the replacement of approximately 5,000 lineal ft. of fencing along the eastern boundary of Silver Strand State Beach Campground and Day Use area, and approximately 6,300 lineal ft. of existing fencing along the eastern boundary of Silver Strand Dune Natural Preserve, west of Highway 75 (Exhibit #1 and #2). The project also includes replacing approximately 300 lineal ft. of fencing on the northern border of the campground, perpendicular to Highway 75, adjacent to the Naval Base. The existing 6 ft. high fence has fallen in certain areas and is in disrepair. New fencing is needed to reduce impacts from trespass to and from the beach from the Highway 75 right-of-way and the campground and to reduce incidences of small and medium-sized mammalian and avian predators (e.g. cats, skunks, kestrels) from depredating ground nesting shorebirds, particularly the federally listed western snowy plover. The proposed fencing will be constructed using wooden posts and a horizontal heavy gauge mesh.

The portions of the fence alongside the campground/day use lots, which are parallel to Highway 75 and the portion separating the Navy Base from the campground would be replaced with a 6 ft. high fence above grade with a 6"x 6" mesh grid.

Fencing along the Preserve area would be made up of 2"x 6" grid mesh and be 7 ft. high, with 6 ft. above grade and 1 ft. below grade. An example of a 2" x 6" (width by height)

grid mesh design may be found in the Addendum in Exhibit 7 on Page 4. In addition, for this portion of the fence, the wooden posts will be cut at a 45 degree angle and fitted with an anti-perching device in order to reduce the chances of avian perching. The applicant has indicated that if avian predators are observed perching on top of the fence, additional anti-perching measures (i.e. a top line) may be implemented to prevent perching. One pedestrian gate is proposed in this fence in the Preserve area, which will be used for emergency homeland security and emergency law enforcement purposes only and shall remained locked at all times.

The project site is located within the City of Coronado, which has a fully-certified LCP. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority. Therefore, Chapter 3 of the Coastal Act is the standard of review, and the City's LCP may be used as guidance.

## **B. BIOLOGICAL RESOURCES**

Section 30240 is applicable to biological resource protection and states:

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

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

Section A.3 of the City of Coronado's LCP states:

*3. Encourage the restriction of shoreline access in the City's "wetlands", "environmentally sensitive habitat areas" and the proposed "Wildlife Preserve Modifying Zone".*

Section B.4 of the City of Coronado's LCP states:

*4. Preserve and protect identified environmentally sensitive areas along the shoreline where feasible.*

Section D.1 of the City of Coronado's LCP states:

*1. Define "Environmentally Sensitive Habitat Area" as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

*In Coronado, "environmentally sensitive habitat areas" are undisturbed coastal dunes, the known stand of Coastal Barrel Cactus, and the fresh water ponds found part of each year East and Southeast of the radio antenna on the U.S. Naval Communications Station as mapped in Figure 4.*

Section D.8 of the City of Coronado's LCP states:

*8. Encourage establishment of buffer areas near environmentally sensitive habitat areas. Such buffer areas could be used for activities that are deemed to not endanger the environmental value of the habitat areas that they buffer. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

The majority of the northern portion of the existing fence is located parallel to Highway 75, between the highway and the existing Silver Strand State Beach parking lot access road. This area is developed and disturbed, and there are no sensitive natural resources being protected by the fence or that could be disturbed by the replacing the existing fence.

However, the northern most portion of the replacement fence is located on the northern edge of the campground perpendicular to the highway along the boundary of Navy land. This fence is adjacent to least tern nesting habitat located on the Naval Base. In addition, the southern portion of the existing fence, located just south of the Campground/Day Use lots and west of Highway 75, is also a preserve area for a western snowy plover (*Charadrius alexandrinus nivosus*), a California Species of Concern and a Federally-listed Threatened Species. The City of Coronado's LCP identifies the Preserve area as an environmentally sensitive habitat area (ESHA) (Exhibit #4).

The existing fence has fallen in certain sections and is in disrepair, and it is therefore not adequately protecting these endangered species or their nesting habitat from humans or mammalian predators such as opossums and skunks, (Exhibit #3). Other predators associated with the residential development just east of Highway 75 (e.g. cats, dogs) may also be able to cross into the Preserve and impact these shorebirds.

Plovers are easily disturbed (i.e., the activity causes the plover to move or fly away) when approached by humans and animals. Research on wintering western snowy plovers at beach areas near the Devereux Slough in Santa Barbara County conducted by Kevin D. Lafferty in 2000 and 2001 indicates that plovers are sensitive to disturbance from recreational activities that are common at Silver Strand State Beach, including walking, jogging, and dog walking. Lafferty's field research indicates that plovers do not significantly acclimate to high levels of disturbance and disturbance to wintering plovers

may result in negative impacts to survivorship or cause plovers to abandon a wintering site.<sup>1</sup>

Thus, California State Parks has proposed that the replacement fence adjacent to the Preserve be 6 feet above ground and 1 foot below ground. This fence will help reduce impacts from trespass to and from the beach from Highway 75 right-of-way, reduce incidences of small and medium sized mammalian predators digging under the fence, and reduce trampling of dune vegetation, landforms, and sensitive plants. The existing fence is 6 feet in height, so the height of the fence will remain the same as viewed from surrounding areas. The proposed fence location would not impact new areas adjacent to or within the Preserve or campground areas, since the fence will be located in the same alignment as the existing fence.

In addition, the new fencing adjacent to the Preserve would also have wooden posts cut at a 45 degree angle and fitted with an anti-perching device, which would reduce the chances of avian perching. State Parks has also indicated that if there is observation of avian predators perching on top of the fence, additional anti-perching measures (i.e. a top line) may be implemented to prevent perching. Thus, the new fencing adjacent to the Preserve will generally be more protective of sensitive species and habitat than the existing ground level, deteriorating, chain link fence.

The fencing adjacent to the campground is proposed to be a much larger mesh size, 6" x 6." Because this fence is located between the highway and the campground access road and parking lot, rather than a wildlife preserve, this fence segment is not proposed to extend underground and has been designed to minimize the visual impacts of the project, rather than predator control.

State Parks has proposed to avoid construction impacts by limiting construction on the southern portion of the fence to outside the California Least Tern and Western Snowy Plover breeding period, between the dates of February 15<sup>th</sup> and September 15<sup>th</sup> of any year, unless written approval is received from the United States Fish and Wildlife Service. However, in order to complete the project in a timely manner, the project includes construction of only the northern portion of the fence, which parallels Highway 75, during the breeding season.

Although the proposed fence is expected to improve habitat protection in a number of ways, the U.S. Fish and Wildlife Service has submitted a comment letter recommending several revisions to the project (Exhibit #6). The suggestions are:

- Move the fence east to increase the potential nesting area;
- Install an 8-foot tall fence which incorporates 1-foot below grade;
- Install an 11-gauge chain-link fence with 1.5 inch openings that includes an exclusion bar or angled fence panel;
- No gates should be included in the fence;

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<sup>1</sup> Lafferty, Kevin D., 2001. Disturbance to wintering western snowy plovers. *Biological Conservation* 101, 315-325.

- Anti-perch materials should be used on fence posts and along the top of the fence segments;
- Fence installation should not occur during the months of February to September;
- Signs should be placed at strategic locations on the fence.

Some of the above suggestions have been incorporated into the proposed project. The following features have been incorporated into the southern fence segment adjacent to the Preserve:

- 1-foot of fence will be below grade;
- Fence posts will be angled at 45 degrees to prevent perching;
- Construction will be limited to avoid nesting season.

After consultation with Commission staff, State parks also agreed to incorporate the following project features:

- Provide additional interpretive signage to educate and inform visitors with the locations to be determined by balancing visual impacts with visitor usage patterns;
- Provide an on-site biological monitor during construction.

With regard to the remaining items requested by the Service, the Commission's ecologist reviewed the proposed project and discussed the comment letter with staff at the USFWS. A brief review of each of specific requests and the potential impacts or benefits associated with their implementation are discussed below:

- Moving the fence east. *By installing the new fence in the same footprint as the existing fence, impacts and disturbances to the existing dune system will be reduced.*
- Installing an 8-foot tall fence which incorporates 1-foot below grade. *The existing fence is 6 feet high, and the proposed 7 foot high (6 above grade) fence will provide as much or more protection of sensitive resources while avoiding the creation of new visual impacts to the area.*
- No gates should be included in the fence. *State Parks has indicated that the gate proposed in the southern section of the replacement fence would accommodate pedestrians only, not vehicles, and would only be used by law enforcement in the case of an emergency. Given the highly limited expected use of the gate, and the fact that people may currently and will continue to be able to access the Preserve area from the ocean side of the Preserve regardless of the presence of a gate in the fence, the proposed new fence gate is not expected to result in any significant impacts to sensitive habitat. Existing signage at the preserve will continue to discourage unauthorized entry into nesting areas.*
- Install an 11-gauge chain-link fence with 1.5 inch openings that includes an exclusion bar or angled fence panel. *The purpose of constructing the fence with 11-gauge wire is to reduce the chance of vandalism by cutting the wire. Staff is recommending an 11-gauge wire mesh fence with 2" x 26" openings but without an exclusion bar or angled fence panel, as it will be more visually appealing than the existing fence, and will adequately protect the sensitive habitat..*

However, with regard to the portion of the fence adjacent to the Naval Base, and on the southern segment of the fence, in these areas, the Commission's ecologist agrees that compared to the existing chain link fence, the proposed 2" x 6" mesh size of the replacement fence may provide opportunities for predatory birds, such as kestrels and shrikes, to perch. However, if the mesh were oriented with the 2-inch dimension in a vertical direction, and the 6-inch dimension horizontally oriented, larger birds would not be able to perch within the fence grid, and the 2" x 6" mesh might not result in new impacts to the sensitive bird species that use the preserve. However, if the fence were oriented this way, it could create a ladder-like design that could allow easy human trespass into the area.

State Parks has provided information on the predator control monitoring program they currently operate at the preserve, which involves at least weekly monitoring of the area for predators. ~~However, While periodic monitoring may not be able to fully observe or address transient avian predators, additional quantitative data may be able to confirm if the presence of predatory birds in general, and the presence of shrikes and kestrels in particular, has been very low throughout the last 10 years of observation. State parks may also have data addressing the amount of human trespass in the area. In addition, the advantage to a fence with a smaller mesh size is that it operates as a passive, on going protective measure than isn't dependent on the chance that a predator will be present and sighted during the periodic monitoring. Thus, while the Commission's ecologist has concluded a grid size of 2" x 6" is appropriate, the most protective orientation of the grid for the birds may be refined with further information on whether predatory birds or human trespass poses a greater threat to threatened and endangered species.~~

State Parks has stated that their staff believes it would be unlikely for predator birds to be able to occupy a 2" x 6" space for the length of time necessary to gain a predatory advantage, and that they believe a 2" x 6" mesh size is adequate to prevent avian perching. ~~However, the Commission's ecologist Dr. John Dixon has reviewed these objections and respectfully disagrees with the applicant. It is Dr. Dixon's opinion that the 2" x 6" mesh size would allow for predator perching in a manner that could put the adjacent species at risk.~~

The Commission is sensitive to State Parks desire to minimize the visual impact of the proposed fence. As discussed below under Visual Resources, maintaining the scenic quality of the this area is also a priority under the Coastal Act. Thus, rather than require the 1.5 inch mesh size suggested by USFWS, **Special Condition #1** requires a revised fence design for the southern portion of the fence and the 300 foot long fence at the border of the Naval Base that incorporates a mesh design no larger than 2" x 26". However, in order to allow the applicant, the Commission's ecologist, and the US Fish and Wildlife Service the opportunity to evaluate any additional data from State Parks, Special Condition 1(b) requires that the orientation of the 2" x 6" mesh be determined in consultation with the United States Fish and Wildlife Service and California State Parks. In addition, the fence adjacent to the Naval Base should include the various anti-predator measures such as the buried one-foot of fence and angled fence posts. These measures will significantly limit the ability of predatory birds to use the replacement fence for

perching, while still providing a fence that is attractive and reasonably visually permeable, especially as compared to the existing chain link fence.

Since the preliminary project plans submitted show a meandering fence that does not follow the current alignment, and does not show the currently proposed elevations for the Preserve and Campground/Day Use areas, **Special Condition #1** also requires the submittal of final plans that show the proposed fencing following the existing fence alignment with up-to-date fence designs, and shows the location of interpretive signage.

**Special Condition #2** prohibits construction of the portion of the fence adjacent to the Preserve area and the northern portion of the fence perpendicular to Highway 75 between February 15<sup>th</sup> and September 15<sup>th</sup> of any year, unless written approval is received from the United States Fish and Wildlife Service. **Special Condition #4** requires the presence of a biological monitor at any work with the potential to disturb biological resources.

In summary, the proposed project would result in protective measures that would deter humans or predatory species from walking through these sensitive habitat areas. As conditioned, no construction impacts are anticipated. However, the 2" x 6" mesh size proposed for fencing in the areas adjacent to the sensitive bird habitat of the Preserve and adjacent to the Navy Base could result in predator perching opportunities that would put these species at risk if the fence were oriented in a manner that increased predator bird perching, opportunities, or increased human trespass. Thus, as conditioned, the orientation of the 2" x 6" mesh shall be determined in consultation with the United States Fish and Wildlife Service and California State Parks. ~~Using a mesh size no larger than 2" x 2" would avoid creating new perching opportunities while still allowing for an attractive fence design.~~ As conditioned, the proposed project would protect environmentally sensitive habitat areas consistent with the sensitive habitat policies of Section 30240 of the Coastal Act.

## C. VISUAL RESOURCES

Section 30251 of the Coastal Act requires visual resource protection and states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section B.6 of the City of Coronado's LCP states:

*6. Maintain high standards for visual aesthetics and preserve these scenic qualities as recreational resources.*

Section H.2 of the City of Coronado's LCP states:

*2. Require that permitted development be sited and designed to safeguard existing public views to and along the ocean and bay shores of Coronado, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Section H.5 of the City of Coronado's LCP states:

*5. Reaffirm the Scenic Highway Element of the City's General Plan which designates the Silver Strand and San Diego Coronado Bay Bridge portions of State Highway 75 as Scenic Highway, and the Scenic Highway Modifying Chapter of the City's Zoning Ordinance which regulates land use adjoining Scenic Highways.*

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be protected as a resource of public importance, and thus permitted development shall be sited and designed to protect views to and along the ocean, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. While used as guidance, the City of Coronado's LCP states that the Silver Strand portion of Highway 75 is a Scenic Highway, indicating that views along Highway 75 should be protected. Silver Strand State Beach is located east of the Pacific Ocean and west of San Diego Bay, and western views along this stretch of Highway 75 are predominately of the dunes and ocean (Exhibit #3). The proposed fence alignment will be in the same alignment as the existing fence, which is parallel to the Campground/Day Use lots of the park and the Silver Strand Dune Natural Preserve and perpendicular to the highway on the northern boundary of the campground, adjacent to Navy property.

State Parks proposes to use two different mesh sizes for different portions of the fence. In order to have the maximum visual permeability to minimize the visual impact of the fence, the Campground/Day Use lots fence paralleling Highway 75 would have a 6"x 6" grid mesh and be 6 feet in height. This design still allows for ocean views from Highway 75 to be preserved over the fence, since the proposed fence height will remain at 6 feet, and will be more visually attractive than the existing chain link fence.

State Parks has proposed a 2" x 6" grid for the portion of the fence alongside the Preserve. As discussed in detail above, the intent behind the smaller mesh size in this location is minimize the impact of the fence in this scenic area and maximize the visual permeability of the fence, while still maintaining the fence's ability to protect the adjacent habitat from predators and human intrusion.

~~However,~~ While the Commission's ecologist, in consultation with USFWS, has determined that a fence mesh size of ~~no greater than 2" x 2"~~ is necessary more protective



~~of to protect the sensitive bird species that nest around the project site~~ than a 2" x 6" mesh size, the Commission finds that the latter is sufficient to protect ~~Although this design will not be as permeable as the campground/day use lots fence (6" x 6"), or the applicant's preferred design (2" x 6"), as discussed above, the main purpose of the fence is to preserve the western snowy plover habitat and nesting areas from destruction. As conditioned, the smaller a 2" x 6" mesh size design allows for maximum protection of sensitive species and habitats while still being more visually appealing than the existing fence, as it incorporates a wire mesh design rather than chain link and replaces a rusted and dilapidated structure. The portion of the fence that is on the Naval Base boundary in particular will not have any adverse visual impact, as that 300 foot long stretch of fence is perpendicular to the highway, and only partially and briefly visible from the highway.~~

In discussions with Commission staff, staff at the City of Coronado have expressed concerns about the proposed new fencing, and suggested that the smaller mesh fencing alongside the Preserve in particular will ~~not be less~~ visually appealing than a larger mesh. However, the proposed design is intended to be a compromise between the more protective, but visually denser fence design preferred by the USFWS, and a less visible design preferred by the applicant and, to an even greater extent, the City of Coronado. The proposed fence would replace an existing fence that protects sensitive bird species from human and domestic animal intrusion. The smaller grid design alongside the Preserve and north of the campground, and the more open design alongside the campground strikes a reasonable balance between habitat protection and visual quality. Ocean and dune views will be no less available from Highway 75 than they are currently. Thus, no significant adverse impacts to the scenic quality of the natural environmental will result, consistent with the applicable policies of the Coastal Act.

In order to preserve the viewshed along Highway 75, **Special Condition #1** requires that the applicant submit fence elevations that show the updated design that improves visual resources. As conditioned, no significant impacts to views or scenic coastal areas will occur. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

#### **D. PUBLIC ACCESS/PARKING**

Section 30212 of the Coastal Act states:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby...*

Currently, public access and parking for the Preserve and Campground/Day Use lots is from the Silver Strand State Park entrance located at Coronado Cays Boulevard (Exhibit #5). The proposed fence would be in the same alignment as the existing fence, so there would be no impact to public access. While existing beach access would be preserved at all established access points north of the Preserve area, the new fence would deter beach users from crossing the dunes elsewhere. In doing so, the fence would help to maintain

the overall quality of the dune habitat and prevent against the establishment of informal trails to the beach while maintaining designated public access points to the beach consistent with the public access and recreation policies of the Coastal Act and Coronado LCP. In addition, the fence will also serve as a safety measure by preventing illegal crossings along Highway 75.

Because of the limits on construction during the nesting season and because State Parks has timing requirements related to funding, some construction work may need to occur during the summer season and the project would temporarily use up to 15 parking spaces in the day use lots. However, there are several hundred spaces available in the parking lot, and the use of 15 spaces during construction is not expected to significantly impact public access and recreation except during the times of heaviest demand. Thus, **Special Condition #2** prohibits use of public parking spaces or construction on the portion of the fence adjacent to the campground and parallel to Highway 75 on weekends or holidays from Memorial Day weekend through Labor Day. **Special Condition #3** requires the submission of detailed plans showing staging area locations and access corridors to the construction site. These areas must avoid or limit impacts on vehicular and pedestrian traffic along Silver Strand State Beach and Highway 75. The project will not require closing any lanes on Highway 75 at any time. As proposed, no significant impacts to public access will occur. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30212 of the Coastal Act.

## **E. LOCAL COASTAL PLANNING**

The subject site is located in an area of the Commission's original jurisdiction. The proposed fence is compatible and consistent with the campground and Preserve use. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the City's LCP. Approval of the project, as conditioned, will not prejudice the ability of the City of Coronado to continue to implement its certified LCP.

## **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

This project was found by the Department of Parks and Recreation to be categorically exempt from CEQA per Guideline section 15301 (Cal. Code of Regs., tit. 14), which exempts certain repair, maintenance and restoration activities for existing facilities.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions

addressing biological resource protection, visual resource measures, and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\San Diego\Reports\2016\6-16-0024 Silver Strand Fence stf rpt draft.docx)

## APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Coronado Local Coastal Program
- “Disturbance to wintering western snowy plovers” by Kevin D. Lafferty, dated 2001

# Subject Site

**Northern Portion of Fence Perpendicular to Highway 75 and Bordering Navy Land**

**Northern Portion of Fence Parallel to Highway 75 and Adjacent to Campground and Day Use Areas**

**Southern Portion of Fence Parallel to Highway 75 and Adjacent to Preserve Area**

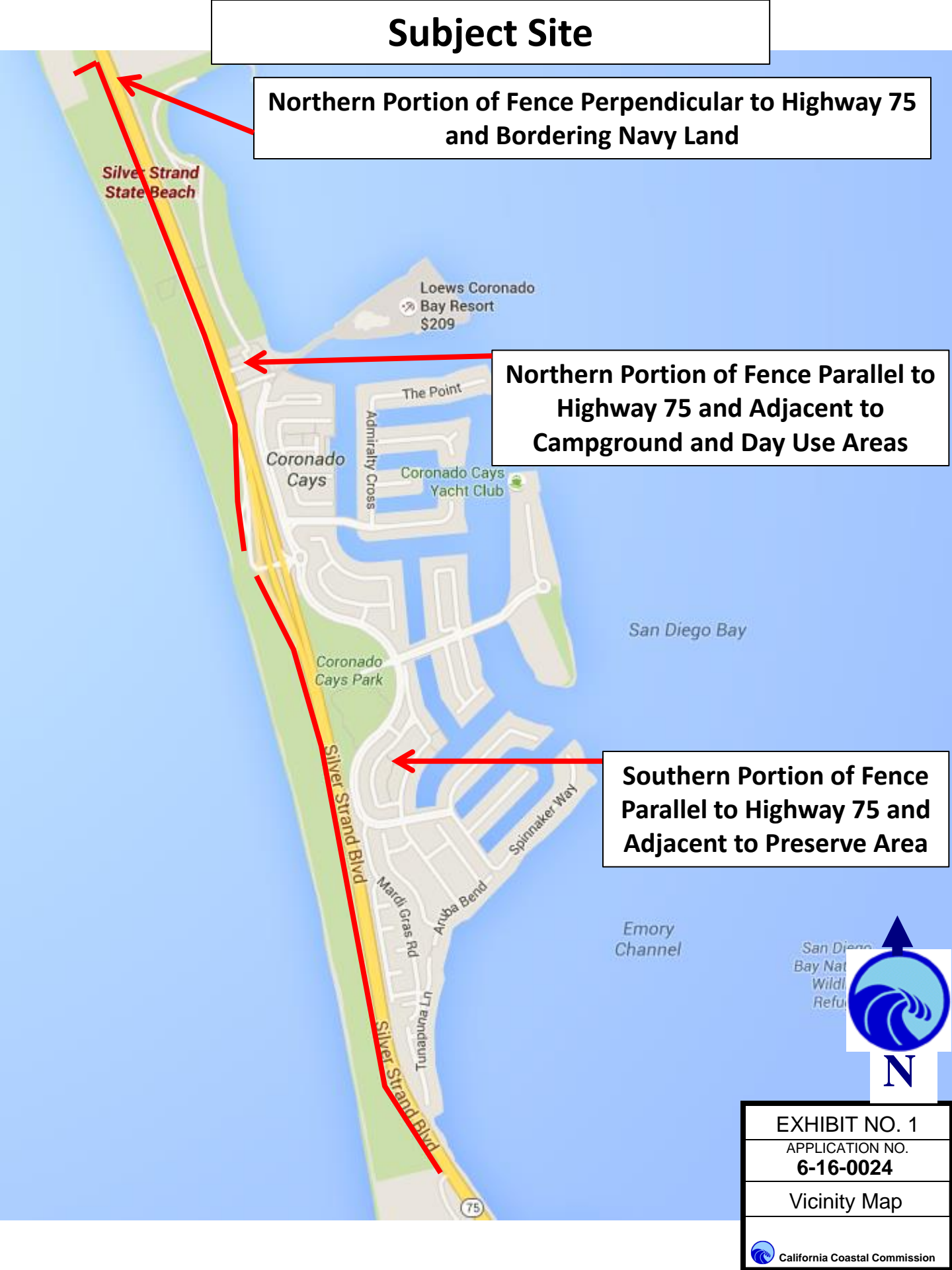


EXHIBIT NO. 1

APPLICATION NO.

**6-16-0024**

Vicinity Map



California Coastal Commission

# Subject Site

**Northern Portion of Fence Perpendicular to Highway 75 and Bordering Navy Land**

Silver Strand State Beach

Loews Coronado Bay Resort  
\$209

**Northern Portion of Fence Parallel to Highway 75 and Adjacent to Campground and Day Use Areas**

Coronado Cays

Coronado Cays Yacht Club

The Gondola Company

San Diego Bay

Coronado Cays Park

**Southern Portion of Fence Parallel to Highway 75 and Adjacent to Preserve Area**

Silver Strand Blvd

Emory Channel



EXHIBIT NO. 2

APPLICATION NO.

**6-16-0024**

Aerial View



California Coastal Commission



## Images of the Existing Fence



EXHIBIT NO. 3

APPLICATION NO.

**6-16-0016**

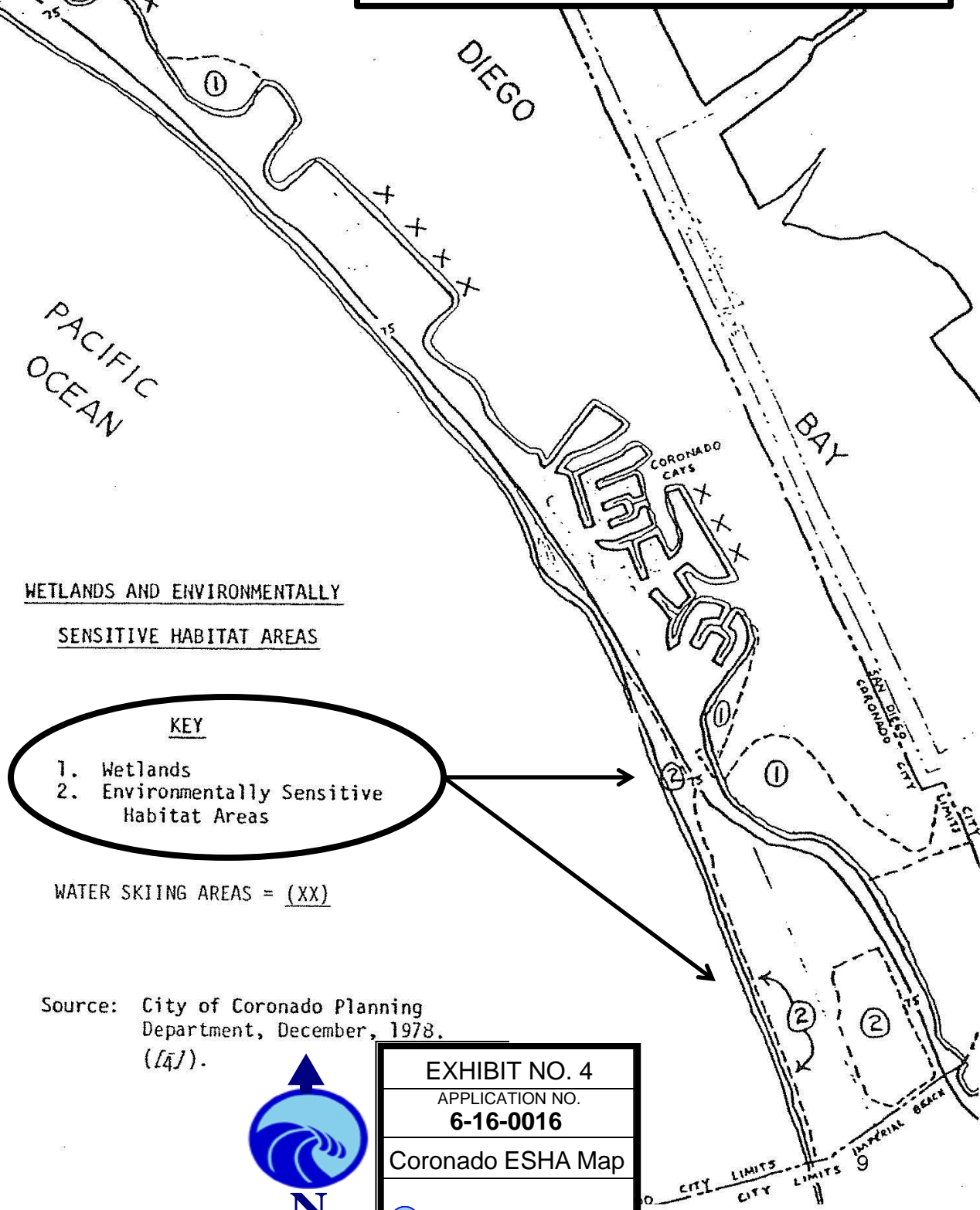
Photos



California Coastal Commission

FIGURE 4

Environmentally Sensitive Habitat  
Areas Map from the City of  
Coronado's LCP





Existing Access Points to Silver Strand State Beach from  
Coronado Cays Blvd. and Silver Strand Blvd. (Highway 75)



EXHIBIT NO. 5

APPLICATION NO.

**6-16-0016**

Public Access Point

Highway 75 and Coronado Cays Blvd.



California Coastal Commission



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-SDG-10B0642-15CPA0271

JUL 10 2015

Mr. Darren Smith  
District Services Manager  
San Diego Coast District  
California State Parks  
4477 Pacific Highway  
San Diego, California 92110

Subject: Comments on Proposed Fencing at Silver Strand State Beach Natural Preserve,  
Coronado, California.

Dear Mr. Smith:

The U.S. Fish and Wildlife Service (Service) is providing this letter in response to your electronic mail message, dated June 5, 2015, requesting review and comment on proposed fencing at the Silver Strand State Beach Natural Preserve (Preserve). The project includes replacement of approximately 6,315 feet of chain-link fence along the interface of the Preserve and State Route 75 and 5,500 feet of symbolic post and cable fence along the western interface of the Preserve with the beach/ocean.

We appreciate your continued commitment to protect the Preserve with fencing as it provides valuable habitat for sensitive plant and animal species, including the federally threatened western snowy plover (*Charadrius nivosus nivosus* (*C. alexandrinus* n.), plover) and endangered California least tern (*Sternula antillarum browni* (*Sterna a. b.*), least tern). Plovers and least terns are ground nesting birds that use the Preserve for nesting, roosting and foraging. Plovers and least terns are particularly susceptible to disturbance associated with human and pet (dog) foot traffic, and predation by mammalian and avian predators.

We support fencing of the Preserve to minimize disturbances to plovers, least terns and other ground nesting birds, as evidenced by our past provision of \$12,000 in Coastal Program monies to California State Parks for the maintenance and repair of the existing fence. We recommend that the replacement fence be designed to provide a barrier to potential predators, pets, and people. To that end, we have the following recommendations concerning the fencing proposed along the interface of the Preserve with State Route 75:

1. To maximize the area of protected habitat, the fence alignment should be moved to the east where possible. Moving the fence east will increase the potential nesting area, and reduce avian predator perches with a "line of sight" to the nesting area. In some areas,

EXHIBIT NO. 6

APPLICATION NO.

6-16-0016

Fish and Wildlife Service Letter



California Coastal Commission



there is a slight berm east of the existing fence. Moving the fence east of the berm could visually block "line of sight" from the top of the fence into the nesting area and thus reduce the potential for avian predators to forage from the fence.

2. The above-ground height of the fence should be at least 7 feet to discourage people and mid-sized mammalian predators (e.g. cats, opossums, skunks) from climbing the fence. The bottom one foot of the fence should be buried beneath the sand surface to prevent mammals and people from digging under the fence. Therefore, the fence material should be 8 feet tall.
3. We recommend using 11 gauge chain-link fencing with 1.5 inch openings, and that an "exclusion bar" or angled fence panel be added to the top of the fence (Figure 1), to preclude mid-sized mammalian predators from passing through the fence and reduce the potential for mammals and people to climb the fence. We also recommend using vinyl-coated fence and placing a tension wire along the top of the fence to maximize the life of the fence.
4. No gates should be placed in the fence to reduce the potential for impacts associated with trespass into the Preserve.
5. Anti-perch materials should be used on the fence posts and along the top of fence segments where there is "line of sight" visibility into the nesting area.
6. Fence installation should occur during the months of September to February to avoid the plover and least tern nesting season.
7. Signs should be placed at strategic locations on the fence (and symbolic fence) to educate visitors and encourage compliance with the Preserve boundaries.

Thank you for the opportunity to provide input on the design and placement of the fence at the Preserve. If you have any questions or would like to discuss our recommendations, please contact Sandy Vissman or Carolyn Lieberman or at (760) 431-9440.

Sincerely,



for

Karen A. Goebel  
Assistant Field Supervisor



Figure 1. Photo of angled fence panel.



Figure 2. Photo of fence panel and 'exclusion bar.'



DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District

4477 Pacific Highway

San Diego, CA 92110

(619) 688-3260 FAX (619) 688-3229

Lisa Ann L. Mangat, Director

March 2, 2016

Lisa Schlembach

Coastal Program Analyst

California Coastal Commission

7575 Metropolitan Drive, Suite 103

San Diego, CA 92108

(619) 767-2370

[www.coastal.ca.gov](http://www.coastal.ca.gov)

**RE: 6-16-0024 Silver Strand Fence Staff Report**

Dear Ms. Schlembach,

Thank you for providing the Staff Report for Silver Strand State Beach Replacement Fencing. After reviewing the Staff report California State Parks requests the following changes to the special conditions. Without these changes the project will not be feasible.

**Special Condition #1 -**

The 2"x6" design, as submitted, is a compromise design that best preserves the scenic qualities of highway 75 while greatly improving the efficacy of the fencing by reducing opportunities for mammalian predators and trespassers from gaining access to the Preserve. California State Parks (CSP) is concerned about predators perching on the top wire and posts of the design and will address those concerns but we are doubtful that there is a functional difference between 2"x6" inch and 2"x2" inch mesh. The two small avian predators most likely to visit the site are American kestrel (with a wingspan of 20.1 to 24 inches and a length of 8.7 to 12.2 inches) and Loggerhead shrike (with a wingspan of 11 to 12.6 inches and a length of 8 to 12 inches). It would be unlikely that these birds would be able to occupy a 2"x6" space for a length of time necessary to gain a predatory advantage. The proposed design was the result of careful consideration and negotiation between the project stakeholders. Stakeholder provided funding for the project will not be available if Special Condition #1, requiring a revised grid mesh of 2"x2" design is approved.

Page 12 incorrectly states the predator control monitoring program is oriented more toward mammalian predators. For clarification, State Parks contracts for monitoring of the Preserve with the oversight of the USFWS; the monitoring staff have been doing the program for over 10+ years, and include monitoring all types of impacts, such as human, animals, and avian. CSP has a process in place for an effective trapping and depredation component to identify

EXHIBIT NO. 7
APPLICATION NO.
<b>6-16-0024</b>
State Parks
Response Letter
 California Coastal Commission

and remove any animals or predatory birds that may impact the Western Snowy Plover and Least Tern.

As discussed above CSP disagrees with the Commission's summary on page 13, that states "the 2"x6" mesh could result in predator perching opportunities" and "using a mesh size no larger than 2"x2" would avoid creating new perching opportunities". State Parks believes the 2"x6" balances all concerns and is adequate to prevent avian perching. The issue is width, not height, for perching for predatory birds. Realistically, it would be difficult for animals and birds to perch or pass through a 2" wide opening, which is only ½" wider than the USFWS recommended width. CSP and its contractors will actively monitor the performance of the fencing with regard to avian predators and apply additional anti-perching or measures as needed.

A photograph of the 2"x6" mesh may not have been referenced in the information available to Coastal Commission staff, and is attached herein.

For clarification, Special Condition #1, b. incorrectly states "incorporate an anti-perching device on the top of the fence." The project as submitted specifies the wooden posts will be cut at a 45 degree angle and fitted with an anti-perching device.

Special Condition #1, c. incorrectly makes a reference to a pedestrian gate. A pedestrian gate is not proposed in the fencing adjacent to the campground/day use area.

Special Condition #1, d. – Interpretive Signage is currently posted in various areas, image attached herein. State Parks requests discretion on location of installed signs to balance visual impacts and visitor usage patterns. State Parks does not see a benefit to signage on the portion of the fence perpendicular to Hwy 75 north of the campground as the area is already off limits due to restricted access by the Navy. Signage is installed along northern, southern, and western boundary of the Preserve.

State Parks provides mandatory training to staff annually on Western Snowy Plover / Least Tern protection, as well as provides materials and educational programs to visitors, campers, and Junior Lifeguard participants. State Parks is working to provide more training and education to partners including Border Patrol and Navy. Local USFWS staff participates and facilitates the training, and USFWS regulatory staff is aware of the training efforts.

Thank you for allowing us to address the aforementioned issues within the Staff report. We hope you will support our recommended changes. CSP appreciates the work that you have undertaken in support of this project. We look forward to the hearing and will begin work on complying with the special conditions once the project is approved.

Please feel free to contact me (619-688-3398) or our District Services Manager Darren Smith (619-952-3895) for further questions or clarification concerning this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Dennison', with a long horizontal flourish extending to the right.

Richard Dennison, Del Sur Sector Superintendent

Cc Robin Greene, San Diego Coast District Superintendent  
Darren Smith, District Services Manager  
Reading File





Design Master Double Wire Fence Contempo



Omega Fence Systems Elite Double Wire



Please Respect the Fences

Please Beware  
Of Nesting  
Plovers

Ashlynn,  
Silver Strand

Por Favor Respete los Cercos



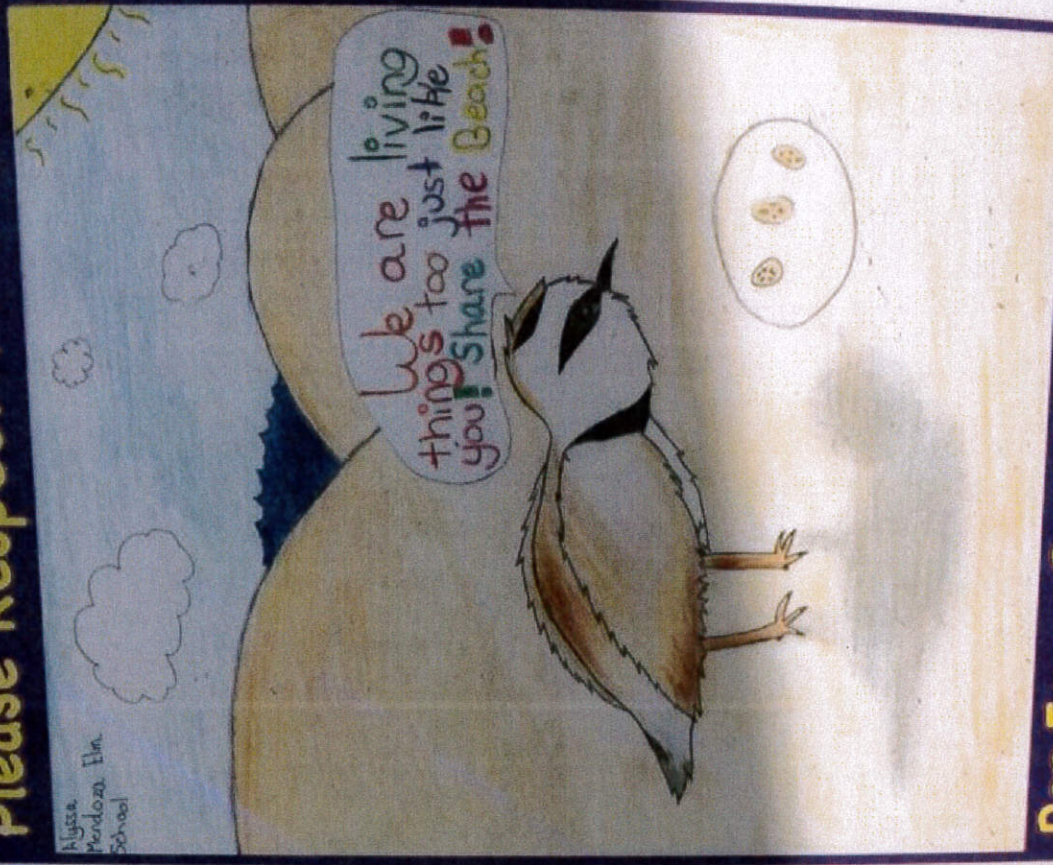
Please Respect the Fences

Alyssa,  
Ponderosa Elm  
School

We are living  
things too just like  
you! Share the Beach!



Por Favor Respete los Cercos





ENDANGERED SPECIES NESTING AREA

# SNOWY PLOVER AND LEAST TERN PRESERVE BOUNDARY

PROTECT YOUR  
RECREATIONAL OPPORTUNITIES  
BY STAYING ON THE HARD SAND BELOW  
THE HIGH TIDE LINE.



The Snowy Plover is a small (6-7") sand colored bird with a black mark on each side of the breast, behind each eye and on the brow.



The Least Tern is a medium (7-9") white bird with a black cap and neck, forked tail, with yellow legs and bill.

Birds nest in bowl-like depressions in the sand. They abandon nests if disturbed by humans, dogs or vehicles.



**THANKS FOR YOUR COOPERATION!**

Disturbing wildlife on a National Wildlife Refuge is prohibited by law. You may be cited or fined for violations of this rule.  
USFWS 50 CFR Sections 17.11 and 27.51 (G) and/or State of California Public Resources Code, Sections 5003, 5008 and California Code of Regulations Title 14 Sections 4305 and 4326.





## CITY OF CORONADO

1825 STRAND WAY  
CORONADO, CA 92118

OFFICE OF CITY MANAGER  
(619) 522-7335  
FAX (619) 522-7846

### Agenda Item W10e

March 2, 2016

California Coastal Commission  
Attn: Lisa Schlembach  
San Diego Area  
7575 Metropolitan Drive, Suite #103  
San Diego, CA 92108  
**Sent Via Electronic Mail & Regular Mail**

**Re: Support as Submitted for Application No. 6-16-0024 for Silver Strand State Beach Fence Replacement Project (Agenda Item W10e on Hearing date 3-9-16)**

Dear Commissioners:

The City of Coronado is in support of State Parks' application as submitted to construct a wire mesh fence along the State of California designated scenic highway (State Route 75) in Coronado. The City of Coronado does not support the Coastal Commission staff recommendation to substitute the State Parks' proposal with fence material that has reduced visibility and less visual appeal. In our opinion, the fence material proposed by Coastal Commission staff is completely contrary to the Coastal Act and the City of Coronado's Local Coastal Plan in regards to protecting scenic and visual qualities of coastal areas as a resource of public importance.

The City of Coronado, in conjunction with the Coronado Cays and the Silver Strand Beautification Committee, has worked for the last twenty years to improve the vistas and views along the State-designated scenic highway. This has included the removal of overhead power lines, native plant restoration, the construction of public access overlooks, and a bayside nature trail.

The current fence runs a distance of approximately 2.1 miles. It is dilapidated, rusted, failing, an eyesore, and ineffective in protecting sensitive habitat. Please see the enclosed pictures. The fence is prone to falling down. The fence has openings in excess of two feet from the bottom of the fabric to the shifting sands below. Predators can easily pass under the fence now. Humans can push the fence over. The current fence provides little to no protection to endangered species from humans or animals. Additionally, the fence is a visual blight obscuring vistas and views of the ocean.

EXHIBIT NO. 8

APPLICATION NO.

**6-16-0024**

Letters of Support



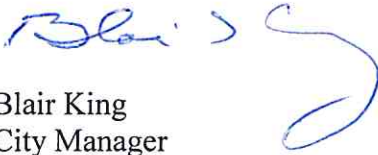
California Coastal Commission

In response to constituent concerns, the City of Coronado has repeatedly requested that the California Department of Parks and Recreation remove or improve the fence. Apparently, State Parks lacks the financial resources to repair or replace the fence. In response, the City of Coronado appropriated \$230,000 of General Fund resources to replace the fence, secured a grant of \$50,000 and has advocated that Loews Resort of Coronado contribute to the replacement of the fence.

Working with State Parks, a compromise fence fabric of 2" x 6" wire mesh, a foot below grade, and wood posts along the southerly reach of the fence line was agreed to, with 6" x 6" fence fabric along the northerly reach of the fence. Please see the attached exhibits.

We respectfully request that you approve the application as submitted in consideration of improving both the view corridor and habitat protection.

Sincerely,



Blair King  
City Manager  
City of Coronado

enclosure(s)

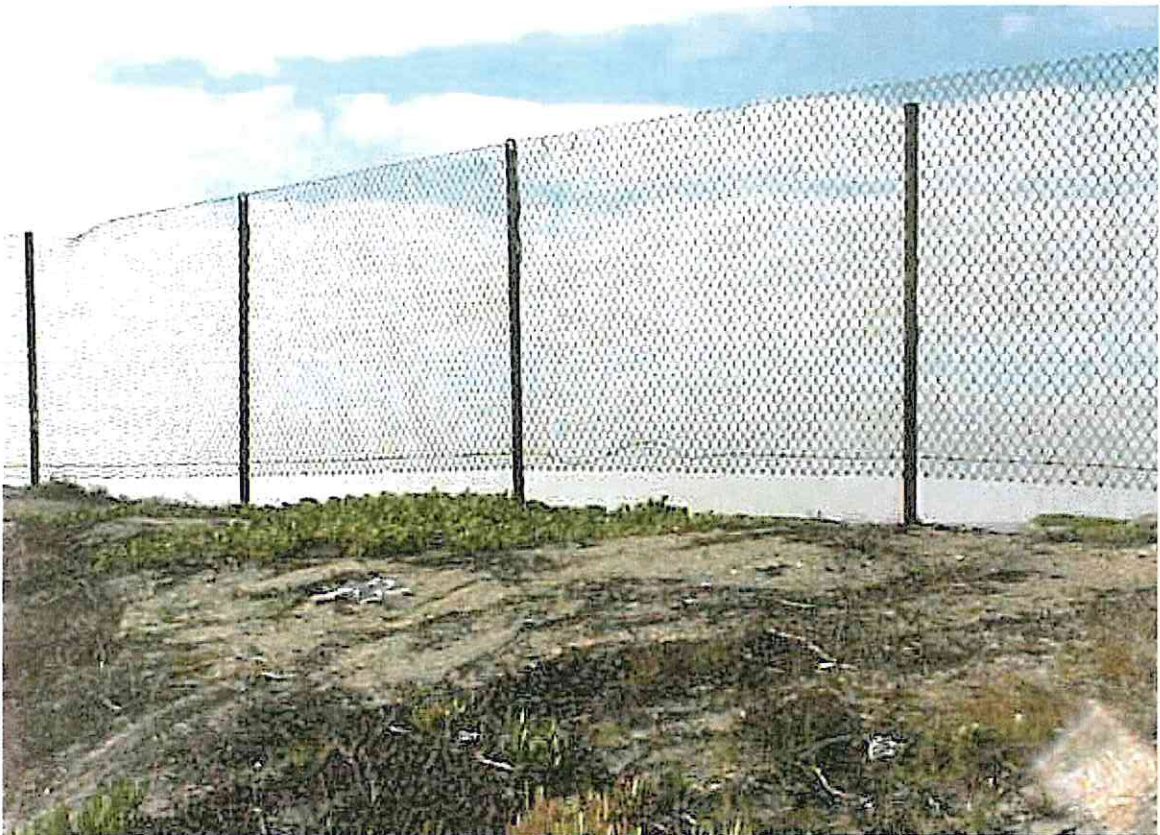
cc: Honorable Mayor and Councilmembers  
Richard Dennison, Sector Superintendent, California State Parks



Photographs



1/14/16: Opening in fence (above and below).







1/14/16: Fence requiring repair (above and below).







3/2/16: Silver Strand Fence (above and below).







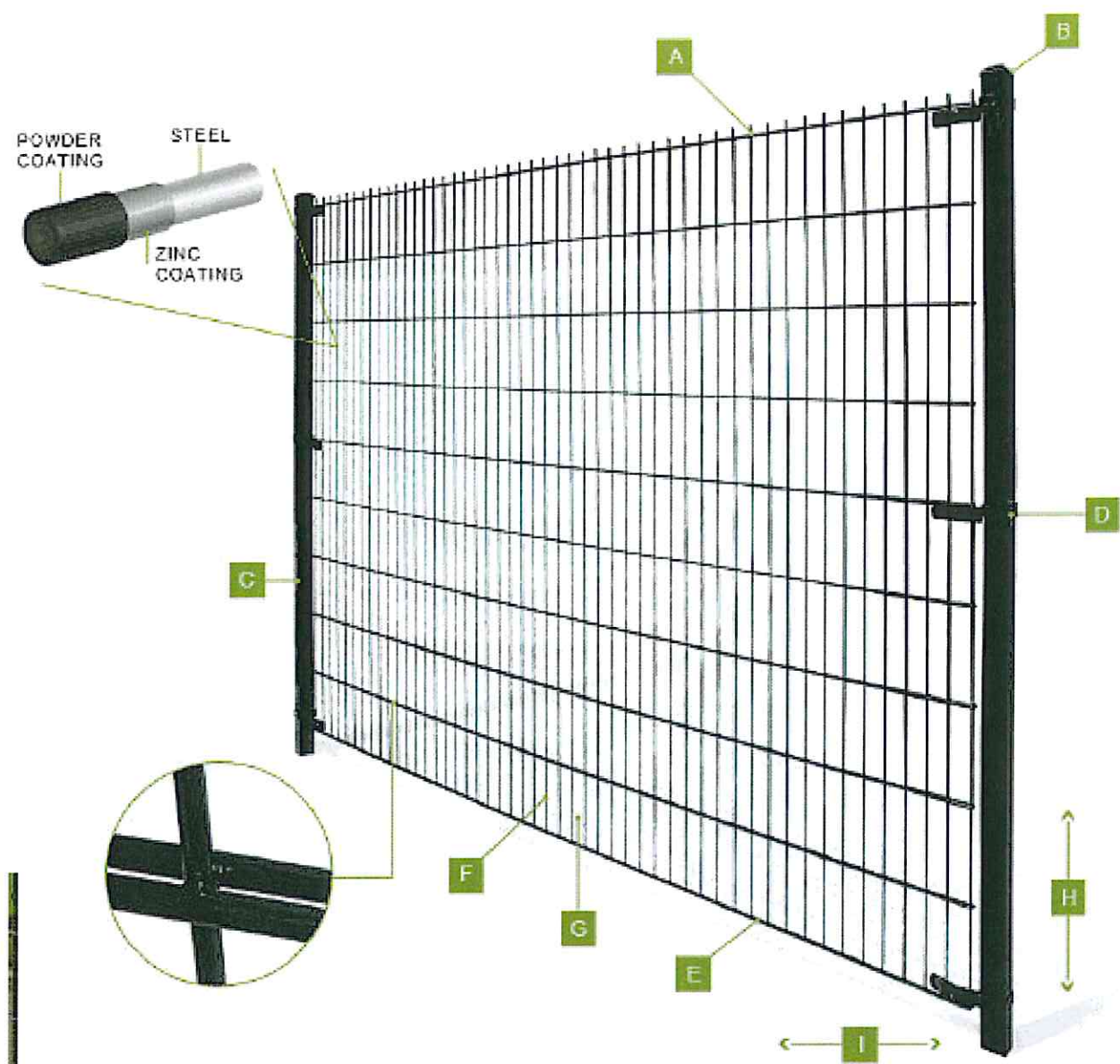
3/2/16: Silver Strand Fence.

### Exhibits



Design Master Double Wire Fence Contempo





Omega Fence Systems Elite Double Wire

March 4, 2016

California Coastal Commission, Attn: Lisa Schlembach  
San Diego Area  
7575 Metropolitan Drive, Suite #103  
San Diego, CA 92108

**RE: Comments Regarding Silver Strand State Beach Fence Replacement Project  
(Agenda Item W10e on Hearing date 3-9-16)**

Dear Commissioners:

WILDCOAST conserves coastal and marine ecosystems and wildlife throughout California and Mexico. As part of our coastal conservation programs in California, we have led projects that engage stakeholders in finding a balance between habitat conservation, beautification, and public access for 15,536 acres of coastal ecosystems, including the Tijuana River Watershed, the Otay Valley Regional Park, and south San Diego Bay.

In areas such as the south San Diego Bay and the Otay Valley Regional Park, public access and beautification is a key component to community engagement in conservation of these urban, nature-based recreation areas. Just this year, we helped remove over 100 yards of blighted chain link fences in areas adjacent to the San Diego Bay National Wildlife Refuge as part of a community driven beautification effort.

WILDCOAST has worked with stakeholders, including the City of Coronado, the Silver Strand Beautification Committee, and California State Parks, to help develop and provide input on a balanced plan that would remove the current dilapidated chain link fence from State Route 75 (Silver Strand). This area is a State of California designated scenic highway and is a critical link between the City of Coronado and adjacent trails, beaches, bikeways, and conservation areas. Over the last decade, this stretch of highway has seen improved public amenities, habitat protection, and views along the scenic highway. WILDCOAST would like to see this improvement continue in a balanced manner consistent with adjacent beautification and conservation efforts in south San Diego Bay.

The proposed staff recommendation and special conditions for item W10e do not encompass the critical stakeholder input that has been gathered regarding the replacement of the blighted chain link fences along Silver Strand. WILDCOAST supports the California State Parks proposal (Application No. 6-16-0024) of a 2" x 6" wire mesh fence, a foot below grade with wood posts along the southerly reach of the fence and a 6" x 6" fence fabric along the northern portion of the fence.

We urge the California Coastal Commission to consider the original California State Parks proposal and consider this balanced project that improves both habitat protection and the view corridor.

Sincerely,



Serge Dedina, PhD.

Executive Director, WILDCOAST

cc:

City of Coronado Mayor Casey Tanaka

City of Coronado City Manager Blair King

Richard Dennison, Sector Superintendent, California State Parks

County Supervisor Greg Cox

Derry Cowley  
32 Blue Anchor Cay Road  
Coronado, CA 92118

March 4, 2016

California Coastal Commission  
Attn: Lisa Schlembach  
San Diego Area  
7575 Metropolitan Drive, Suite #103  
San Diego, CA 92108

**RE: Silver Strand State Beach Fence Replacement Project (W10e)**

Dear Commissioners:

As a resident of the Coronado Cays, I would like to see the fence replacement project on Silver Strand (item W10e) ensure community character, beautification and habitat protection. Community members in the Cays have been working with agencies to find an appropriate design for this fence. We are concerned that the proposed changes by Coastal Commission staff to the California State Parks proposal are not in line with what residents would like to see for the Silver Strand.

The Silver Strand is a state-designated scenic highway that links residents of the Cays to Coronado, Imperial Beach, recreational amenities, and beautiful wildlife areas. We would like to see the fence that replaces the current blighted fence and strikes a balance between habitat protection and community beautification.

As a Coronado Cays resident, I urge the Coastal Commission to listen to local residents and agencies for this project and choose the fence (such as in the original State Parks proposal) that the community would like to see.

Sincerely,

  
Derry Cowley

## Schlembach, Lisa@Coastal

---

**From:** lizabutler@aol.com  
**Sent:** Friday, March 04, 2016 5:01 PM  
**To:** Schlembach, Lisa@Coastal  
**Cc:** john.holder@wildcoast.org; bking@coronadoca.us; greg.cox@sdcounty.org; Dennison, Richard@Parks; ctanaka@coronado.ca.us  
**Subject:** Re: Silver Strand Comment Letter

Dear Lisa,

I am referenced in the comment letters from both WILDCOAST and the city of Coronado. As a long time volunteer for the Silver Strand, I have had a key role in addressing the condition of the State Park South Fence. This work began in the 1990s. The fence was erected in 1984 and has failed to protect habitat or to preserve scenic value--or visual access to the dunes and ocean along the state designated Silver Strand Scenic Route (1974).

I am writing in support of the State Park and city of Coronado fencing proposal--which is rejecting the opinion in the staff report.

I have more to say on this project. There is a context that is missing from the analysis of the resource agency and consultant. I hope you and the commissioners find this perspective helpful.

You will be receiving my comment letter tomorrow.

Thank you for the time and effort you and other CCC staff provide for us all.

Respectfully,

Liza Butler

Silver Strand Project

619-405-1500 cell



## **THE SILVER STRAND BEAUTIFICATION PROJECT**

13 Kingston Court East  
Coronado, California 92118  
(619) 405-1500  
E-mail: LizaButler@aol.com

### **Re Silver Strand State Beach Fence Replacement Project (application No 6-16-0024) Agenda Item W 10e on Hearing Date March 9, 2016**

March 6, 2016

Dear Commissioners

The Silver Strand Beautification Project (SSBP) is a grass roots environmental effort "to preserve and enhance the open spaces of the Silver Strand." The Silver Strand is a seven mile 'barrier island' running between the ocean and San Diego bay along the state designated Silver Strand Scenic Highway which officially begins at the top of the Coronado bay bridge and offers sweeping views of the Strand's spectacular California coast line.

Since 1993, the SSBP along with the city of Coronado has created successful public private partnerships with the Navy, Port, CALTRANS, State Parks, Fish and Wildlife (F/W), WILDCOAST, Imperial Beach, SDGE and Loews Coronado Bay Resort. With city, state and county support we were able to secure two rounds of significant federal Transportation Grants (ISTEA and TEA-21) as well as county Community Enhancement Grants. We have been successful in achieving important protections for the Strand's wildlife and scenic corridors by enriching open space habitats, removing predator perches and creating accessible, artful environmental education.

Some of the results of our vision and partnership alliances are:

- \* Under grounding of Utilities in front of the navy's Least Tern Preserve (1997)
- \* Under grounding of Utilities along the federal San Diego Wildlife Refuge (2004)
- \* Creation of the nature trail "Nature's Bridge to Discovery" with environmental education and viewing decks observing the least tern preserve, salt marsh and bay habitats (1998)
- \* Restoration of 1.4 miles into native plant habitat (coastal sage scrub), from 100% invasive carobrotus ice plant.
- \* Development of Coronado's environmental master plan "The Silver Strand Landscape Enhancement Plan" (1993) establishing the biology framework for the use of native/regional plants and extensive removal of all invasive species.
- \* Development of the Port's first native plant parkland, including a wildlife sculpture, "Grand Caribe Shoreline Park"(1996).
- \* Restoration of State Park grounds, redesign for the Crown Cove Aquatic Center, establishment of public private partnership with Loews, including the room tax which created the Park's Environmental Fund (1993-2006).
- \* Creation of the southern Strand view deck, rest area and interpretive sign, which serve to keep people off the Refuge road to the dikes (2004).

The State Park Fence has been on the SSBP priority list since the beginning. The 700 ' dilapidated, rusted- out chain link fence was put up in 1984 and has been in a continuous state of disrepair for twenty years. Placed on the top of the dunes close to the Highway 75 it poses a formidable threat to coastal scenic value and visual access

to the scenery along the sea. The fence falls down, segments blow out, it gets poorly staked and patched and then the cycle of disrepair repeats. Over the years, many alternatives have been offered to the state park system; such as, seasonal fencing, fencing around the preserve nest areas, wood slated 'dune fencing', post and rope, post and cable, 'no foot print' signage, etc. In 2004, the SSBP secured funding to develop an advanced landscape architect design created to protect the snowy plover, create more dunes thus more habitat and was less visually intrusive and more consistent with a Scenic Highway and the community character. This unique and durable design material has 5-6 inch mesh openings and uses wood lodgepole. In places where the current fence is a few feet from the road or on top of the dune, the fence line would curve several feet west of the highway right of way. In the stretches where sand is often lost and blown onto the road, the fence would have a layer of 'dune fence' superimposed over the mesh. This added layer brings a traditional dune aesthetic while also holding sand and double fencing the more sensitive nesting areas.

While essential consensus was achieved between state parks and community stakeholders, the resistance to remove or change the fence was placed on the chronic lack of state funding. For the next ten years, the fence gave no protection to wildlife, the dunes were easily penetrated from both sides and the broken - down shell of a fence remained an eyesore for county visitors and local residents and a deepening embarrassment for state parks and its jurisdictional city. The Silver Strand is a valued natural resource for San Diego County. Coronado's beaches are world famous. The state fence is an anomaly; it is visual blight reflective of urban decay and an absentee landlord. How could this beautiful coastal resource be allowed to remain degraded, habitat



unprotected for over twenty years?

Within a four mile radius of this state park fence project, there is clear evidence of inconsistent policy or uneven application of policy on behalf of F/W and other resource agents:

- \* The west side of the State Park dune preserve has no chain link fence; it is open to beach use including beach walkers, dog walkers, dogs off leash and park and navy vehicles. Metal poles with string suggest snowy plover nesting areas.
- \* Half a mile north on state land leased to the navy are expansive least tern nesting areas and federal dune revegetation projects. This three mile ocean stretch along the Scenic Highway has no fencing and sections are directly opposite a navy residential community.
- \* Half a mile south east in the SD Bay National Wildlife Refuge is post and cable fencing along the bike and pedestrian trail.

Knowledgeable, conscientious people--- staff, elected officials and residents--- have continued to question the need for the south fence. When the speed limit went up to 65MPH plus and the tri beam median barrier was installed and 'no parking' signs lined both sides of the Scenic Highway, this very condition made pedestrian crossing deadly, expensive and unlikely. On the two major summer holidays, extra signage lines the dunes and the city lends extra police enforcement. Agency monitoring has claimed disturbance made by humans and small animals, but the accounts remain anecdotal without record keeping publicly available.

In 2014, we ignited a renewed effort to either remove the fence or implement the Schmidt Design alternatives. The city

then built a funding coalition with Loews and the county. Even with collaborative funding in place, F/W and resource consultants declined to take into consideration the unique context of this longstanding problem by rejecting innovative ideas and insisting on a chain link replacement on top of the ridge line. When dealing with a coastal landscape along a State Scenic Route, there is no 'business as usual.' The legislature has set forth standards to be considered by all local, state and federal agents when planning any kind of structure along a designated scenic resource. The insistence that chain link is the standard fencing used in wilderness state parks, thus it must be used along the Silver Strand belies understanding of "context planning" and genuine habitat protection. Habitat is only really protected when agencies and communities work in unity and respect. Unwillingness to work in compromise, to appreciate the depth of stakeholder character, to eschew partnership--- usually ends with great cost.

In closing, the Silver Strand grass roots project supports the City of Coronado's compromise fence alternative for the south portion. It does not support the CCC staff recommendation for chain link in the same footprint. The staff opinion lacks 'context sensitive' analyses which would have included the fence proximity to the Scenic Highway and the lack of consistency between F/W fencing approvals and recommendations in the same area.

**Thank you for your consideration of the above context for the Silver Strand State Beach Fence Replacement Project (Application No 6-16-0024) Agenda Item W10 e on Hearing Date March, 9 2016.**

Respectfully  
Liza Butler  
Founder 1993  
Silver Strand Beautification Project  
619-405-1500 cell

## Schlembach, Lisa@Coastal

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**From:** Vissman, Sandy <sandy\_vissman@fws.gov>  
**Sent:** Thursday, March 03, 2016 12:01 PM  
**To:** Schlembach, Lisa@Coastal  
**Cc:** Garn, John  
**Subject:** Re: 6-16-0024 Silver Strand Fence Staff Report

Good Morning, Lisa and John,

We have reviewed the Staff Report, and we appreciate the incorporation of the smaller, more protective mesh size into the area immediately adjacent to the Preserve, which is similar to the chain link that we recommend. We remain concerned that the larger mesh size proposed adjacent to the campground would still allow movement of mammals onto Silver Strand State Beach. In our letter dated February 26, 2016, we recommended that if a chain link fence was not required, a 2 inch x 6 inch mesh be used adjacent to the Campground area. We wanted to bring this to your attention, and recommend that this be included as part of the fence design if the smaller mesh is not used adjacent to the campground.

Thank you, and please call me if you have any questions,

Sandy

EXHIBIT NO. 9

APPLICATION NO.

**6-16-0024**

Letters of

Opposition



California Coastal Commission



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008



In Reply Refer To:  
FWS-SDG-15B0257-16CPA0247

FEB 25 2016

Lisa Schlembach  
California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, California 92108-4421

Subject: Proposed Fencing at Silver Strand State Beach Natural Preserve, Coronado, California

Dear Mrs. Schlembach,

We provide this letter as a follow up to our July 10, 2015, letter to the California Department of Parks and Recreation (State Parks), which provided our recommendations for fence replacement at Silver Strand State Beach, in Coronado, California. Silver Strand State Beach includes the Silver Strand State Beach Natural Preserve (Preserve), which supports significant coastal strand habitat for sensitive plant and animal species, including the federally threatened western snowy plover (*Charadrius nivosus nivosus*, plover).

Plovers are present in the dune habitat protected within the Preserve year-round. During the summer months, plovers nest directly on the sand in the dunes and forage for invertebrates in the dunes and intertidal areas. During the winter months, plovers roost in the dunes and forage for invertebrates in the dunes and the intertidal areas. Our recommendations to maximize fence effectiveness for plover protection reflect standards for fencing adjacent to other nesting habitat for sensitive species, including habitat at San Dieguito Lagoon and San Diego Bay National Wildlife Refuge.

We appreciate the continued commitment of the State Parks to protect the Preserve with fencing and recognize that the State Parks, in cooperation with the City of Coronado, has made an effort to incorporate some of our recommendations into their current fence proposal. We remain concerned, however, that the proposal submitted to the California Coastal Commission (Commission) deviates from our recommendations in several important areas and may provide inadequate protection for the plover. The following information re-iterates the concerns and recommendations regarding the proposed fence design outlined in our July 10, 2015, letter.

The fence proposal submitted to the Commission includes a vehicle gate, which appears to open directly into the dunes of the Preserve with no identified vehicle route. We remain concerned that vehicle travel directly through a gate and into the nesting and roosting area is likely to result in avoidable impacts to plovers. Vehicles that travel through a gate directly into the dunes may crush nests, chicks, or adult plovers.

We are also concerned that the presence of a gate may facilitate human trespass into the Preserve. Two gates currently provide access to the beach in the vicinity of the proposed gate. One existing gate is less than 1 mile to the north, and the other one is less than 1 mile to the south of the proposed gate location. The need for this additional gate is unclear given the proximity of existing entry points for law enforcement and of concern due to the potential for impacts to plovers.

The current fence proposal includes 2 x 6 inch mesh along the edge of the Preserve and larger 6 x 6 inch mesh to the west of the Preserve. The proposed mesh openings are significantly larger than the 1.5 x 1.5 inch mesh that we recommend. The larger openings in the fence increase the potential for predatory mammals to pass through the fence, particularly to the west of the Preserve where the fence would have 6 x 6 inch openings, and thereby increase the potential for depredation upon plovers within the Preserve. The larger openings created by the proposed mesh also create the potential for additional perches for small predatory birds, since birds may perch on the wires within the larger openings.

Trespass is an issue within the Preserve, and human foot traffic can disrupt breeding or roosting and crush eggs and chicks. The larger openings in the proposed fence provide footholds that will make the fence easier to climb. We are concerned that effectiveness of the fence at precluding human trespass will be reduced if the fence is too easy to cross. State Parks has limited enforcement in this area, which elevates the importance of the fence as an effective barrier to human trespass.

Fence construction along the edge of the Preserve is appropriately scheduled outside the breeding season for the plover (construction only from September-February), and we note that our July 10, 2015, letter should have included provisions to assure that disturbance to non-breeding plovers should be minimized during fence construction.

To address the concerns identified above, we recommend approval of the 7-foot chain-link fence design used at other sensitive sites and as described in our July 10, 2015, letter or incorporation of the following modifications to the current fence proposal:

1. Remove the proposed vehicle gate from the fence design;
2. Require incorporation of the 2 x 6 inch mesh along the entire fenceline to deter mammals and discourage use by predatory birds, as opposed to the proposed 6 x 6 inch along the western segment.
3. Address funding or other measures to implement a monitoring program to assess the effectiveness of the fence at deterring mammalian predators and predatory bird use of the fence. The potential for modifications to the fence should be recognized and supported if the fence design is ineffective at deterring mammals or if problems with predatory bird use of the fence are detected. Potential modifications could include changes in fence design or fiscal support and implementation of a predator management program. State Parks does not currently fund predator management activities within the Preserve, which elevates the importance of the fence as a deterrent to mammalian predators and the importance of anti-perch considerations in the fence design.

4. During fence construction, minimize disturbance to plovers using the non-breeding season roosting area by 1) staging equipment only outside the Preserve, 2) minimizing the use of heavy equipment within the Preserve (e.g. working from SR 95 along the linear fence alignment during installation), 3) monitoring plovers during fence construction adjacent to the Preserve to facilitate avoidance, and 4) if fence installation activities within the Preserve are necessary, directing activity away from plover roosting areas.

In conclusion, we appreciate the collaboration between Silver Strand State Beach and other partners to replace the degraded fence along Silver Strand State Beach. The fence should be designed to minimize the potential for trespass and maximize protection of sensitive natural resources. The 7-foot chain-link fence is the design used to accomplish these objectives at similar nesting sites for plovers and other sensitive species. Thus, while we recognize that the exact fence dimensions that will prevent trespass, preclude movement of mammals into the preserve, and minimize avian predator perching are uncertain, we continue to recommend the 7-foot chain-link fence design over the current fence proposal under consideration by the Commission. Should your agency approve the proposed design, we believe the measures identified above, including focused monitoring on the effectiveness of the fence, should be a condition of the approval, with plans for modifications to the fence or perimeter management, should the fence prove ineffective.

Sincerely,



G. Mendel Stewart  
Field Supervisor

Enclosure

cc:

Darren Smith, State Parks

## Schlembach, Lisa@Coastal

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**From:** Vissman, Sandy <sandy\_vissman@fws.gov>  
**Sent:** Friday, February 26, 2016 1:16 PM  
**To:** Schlembach, Lisa@Coastal; Dixon, John@Coastal  
**Subject:** Fwd: FW: Fence replacement at Silver Strand

fyi. Not sure if you already had this email that was previously sent by a local plover monitor/ ornithologist.  
----- Forwarded message -----

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**From:** Robert Patton [mailto:[rpatton@san.rr.com](mailto:rpatton@san.rr.com)]  
**Sent:** Wednesday, December 23, 2015 4:11 PM  
**To:** 'Smith, Darren@Parks' <[Darren.Smith@parks.ca.gov](mailto:Darren.Smith@parks.ca.gov)>  
**Subject:** RE: Fence replacement at Silver Strand

Thanks Darren,

As I'd communicated previously, I'm concerned that any changes in fence materials and location would result in increased negative impacts to snowy plovers. As indicated by Elizabeth Copper's comments to the City for their permit, other local plover biologists are also concerned.

Footprint or alignment of the new fence should at least approximate the current alignment. Any relocation westward would result in reducing available nesting habitat and would introduce potential predator perches closer to nesting and roosting sites. This concern also applies to the City's proposed "undulating" design for aesthetics. Such a design would also increase overall fence length and result in need for more materials and higher costs.

Fence height above ground should be maintained at six feet to hinder both human access and mammalian predator access. Although some individual humans and some individual mammalian predators will climb a six-foot fence, most are at least deterred and will search for easier access. Reducing the height below six-foot would increase the probability of coyotes and other predators climbing over, and would allow a human trespasser of average height to easily grip and push down on the top of the fence for easier climbing or for vandalism of the fence by bending the fabric downward.

Although the bottom of the current fence is exposed in many places, burying the bottom of the new fence should be a priority in order to increase security of the nesting area by reducing access to humans and mammalian predators.

Fence fabric mesh opening size should be no larger than the current two inches in order to prevent avian predators from perching within the fabric, small to medium mammalian predators from passing through, and larger predators and humans from gaining easy footholds to climb over. With the current design, avian



predators are limited to perching on the top of peaked chainlinks. The proposed fabric of two by six inch vertical openings would significantly increase available perching surfaces both along the entire horizontal top of the entire length of the fence fabric but also within all of the mesh openings since kestrels and shrikes could fit within each opening and thus hunt from every horizontal wire. The proposed alternative fabric of two by six inch horizontal openings would reduce perching within the openings, but still increase perching potential along the top for the entire length of the fence, and would provide easier footholds for humans or mammalian predators to climb over. The two by six inch size of the openings in both these fabric alternatives are large enough to allow access through by rodents, including ground squirrels which have been documented preying on plover eggs and chicks.

The new fenceposts are proposed to be of pressure treated wood rather than the current posts of steel, and have been proposed to be sharply tapered at the top to reduce potential perch area. Although tapering may reduce the perch area somewhat, it will not prevent perching since birds' talons can easily grip wood or other porous materials. If wood posts are to be used, they should be topped with Nixalite or other anti-perching devices. I also seriously doubt that wood posts would last as long as steel posts, having witnessed how short-lived wooden signposts have been in local beach settings. When considering the costs of anti-perching materials and replacement posts, I suspect steel posts would be more cost-effective. Any posts taller than the fence fabric should be topped with Nixalite or other anti-perching devices.

For aesthetics as well as for increased longevity of materials, I agree with the proposal that materials should be powder-coated.

I'm concerned about the mention of a gate or gates in the proposal. If any are installed, they would need to have the frame surrounded by Nixalite or similar wire anti-perching strips to limit access by mammals under or between gate and posts, human or mammals climbing over, and avian predators perching on. They would need to be kept locked at least during the nesting season and any with keys instructed on seasonal restrictions barring access during nesting season. If gates are to be included, they should be located away from areas consistently used by plovers for nesting or roosting.

I recognize that the City has aesthetic concerns in replacing the fence, but they should be secondary to protection of the federally designated critical habitat and state designated preserve for nesting by this federally threatened species.

Thanks,

Robert

**From:** [Elizabeth Copper](#)  
**To:** [Schlembach, Lisa@Coastal](#)  
**Cc:** [sandy\\_vissman@fws.gov](#); ["Robert Patton"](#); [Smith, Darren@Parks](#)  
**Subject:** RE: Link to 6-16-0024 Silver Strand Fence  
**Date:** Sunday, March 06, 2016 8:00:04 PM

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Dear Lisa,

Thank you for sending the notice. I had already read your staff report and congratulations for doing an excellent job. My comments are primarily about things that are not clear in the staff report. Can the report be amended before the hearing?

P. 2-3 Special Condition 4 as written suggests that monitoring of construction would only occur during the breeding season. Construction monitoring is necessary during the non-nesting season when work is being done in the Preserve area to prevent disturbance from construction to roosting plovers (migrants arriving in the late summer and remaining through the winter into February).

p. 6 - pedestrian gates - this suggests that there may be more than one gate. No gates in the Preserve area would be preferable and multiple gates undesirable and unacceptable. A gate even if locked provides an easier place to climb the fence and a potential attraction to someone on the beach seeing it as a potential exit. What will determine the location of the gates? The locations of roosting sites vary but ideally the location of the gate would be determined in consultation with biologists to identify areas that may be particularly sensitive. A map of roost sites and nest distribution would also be desirable to indicate sensitive areas.

p. 7 - last paragraph. This paragraph indicates monitoring will occur when construction is occurring adjacent to the Preserve or at the fence at the south end of NAB but in the last sentence of that paragraph only disturbance to nesting activity is identified as a reason to alter construction activity. Disturbance to an active roost site should also be acknowledged as a reason for adjusting construction.

p. 8 - paragraph 3. The report acknowledges concerns about predators perching on top of the new fence and indicates that anti-perching measures may be taken (e.g., addition of a top-line) if predators are observed perching on the fence but provides no requirement of monitoring of predator -perching , reporting mechanism, or time-frame for identifying problems should they arise or a time -frame for remediation. It would be in everyone's best interest to monitor predator perching on the existing fence prior to construction and to follow that with monitoring post-construction to determine if the new fence is no more or less a problem than the existing fence. Monitoring of predators perching in the mesh of the fences could also determine if the concern with mesh size is justified and avoid future conflicts over this issue.

p. 11 - FWS recommended revisions - "Fence construction should not occur during the months of September to February" should read February to September.

p. 12 - discussion of the recommended gauge of the fence. I could not find in the report an indication of the gauge of the new fence (sorry if I overlooked it) but I am assuming it is not 11

gauge as recommended by FWS. The statement that there was no evidence of human trespass in the Preserve area as a result of people cutting the fence is not supported by personnel who have monitored Snowy Plovers at this location. Because the gauge is an issue that has been raised by FWS and because it has been identified in the report as not significant, there should at least be a detailed description of the new fencing material be provided as part of the project description and if human trespass becomes a problem because the material is not sufficiently sturdy that replacement should be assured. Perhaps the applicant can provide samples of the fence material for review by FWS and the Commission.

p. 12 - Predator monitoring is referenced in the staff report. I assume the monitoring is done by the personnel monitoring the Snowy Plovers. If predator management is being done regularly it would help to know by whom under what circumstances. Predatory birds e.g., crows, ravens, and some raptors are the birds most likely to make use of the fence. If there is not a predator management program in place to address these species any design that might increase the presence of these predators could have a significant impact on the listed Snowy Plover and nearby nesting Least Terns.

I appreciate staff responding to the concerns about potential effects resulting from replacement of the fence and applaud the City of Coronado for providing substantial funding for this project which is needed for both natural resource protection and aesthetic relief. I hope that adequate design and management detail can be added to allay the described concerns.

Perhaps the City of Coronado as a primary funding source for this project can be encouraged in future to communicate with regulatory agencies earlier in the process to avoid conflicts that might have been resolved before this application reached the commission.

Thank you,

Elizabeth Copper  
Avian Research Associates  
830 Orange Avenue, Suite K  
Coronado, CA 92118  
619 248-9154