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STAFF REPORT: REGULAR CALENDAR

Consistency Determination No.: CD-0004-18

Federal Agency: Department of the Air Force

Location: Minuteman, Wall, and Surf Beaches, Vandenberg Air Force Base, Santa Barbara County ([Exhibit 1](#)).

Project Description: 2019 – 2023 Beach Management Plan and Wall Beach Recreation Improvements.

Staff Recommendation: Concurrence

SUMMARY OF STAFF RECOMMENDATION

The Department of the Air Force has submitted a consistency determination for implementation of a five-year (2019-2023) Beach Management Plan (“Plan”) to promote survival and recovery of the federally threatened Western snowy plover and the federally endangered California least tern on Vandenberg Air Force Base (“AFB”). The Air Force proposes to implement essentially the same management elements that the Commission reviewed and concurred with in previous Air Force federal consistency submittals for beach management plans at Vandenberg AFB. However, the Plan now includes an experimental provision for suspension of the 50-violation automatic closure of Surf Beach to public access and recreation, which historically occurred in mid-summer. This provision would allow the Air Force, on an experimental basis, the option to keep Surf Beach open to the public throughout the March 1 – September 30 Western snowy

plover breeding season, with the understanding that this option would be rescinded in the event that an unacceptable increase in trespass violations occurs that result in adverse effects to snowy plover habitat.

Recreational beach access will be limited to 1.25 miles of the approximately 13.8 miles of suitable snowy plover and least tern nesting habitat on Vandenberg AFB during the 2019-2023 breeding seasons. These open areas at Minuteman, Wall, and Surf beaches are the same areas that were open to recreational access during the 2000-2018 breeding seasons. All other sandy beaches determined to be snowy plover and least tern habitat would be closed during the March 1 to September 30 breeding season. Following the end of the breeding season the closed beach areas would be reopened. The Air Force will continue its existing program to enforce beach closures and restrictions to protect snowy plover habitat and breeding.

The proposed restrictions on public access in this area continue to be necessary to protect the snowy plover and least tern from human impacts during the breeding season. Monitoring by the Air Force confirms that the existing access restrictions have increased species survival and breeding success on Vandenberg AFB beaches. The proposed Plan would continue to manage public access in a manner taking into account the need to protect the snowy plover and least tern. Therefore, the staff recommends that the Commission find that the Beach Management Plan is consistent with the public access and recreation policies of the Coastal Act (Sections 30210, 30213, 30214, and 30220).

Vandenberg AFB provides important habitat necessary for the survival and recovery of the Western snowy plover and California least tern. In the subject consistency determination the Air Force confirms that Minuteman, Wall, and Surf beaches provide nesting habitat for the snowy plover and least tern, are environmentally sensitive habitat areas (“ESHA”) under the Coastal Act, and that the proposed Plan would be implemented consistent with the ESHA policy of the Coastal Act. The Air Force will continue to implement its U.S. Fish and Wildlife Service-approved snowy plover and least tern monitoring and predator management programs, and will continue ongoing habitat restoration activities to increase suitable breeding habitat for the least tern and snowy plover. Therefore, the staff recommends that the Commission find that the Beach Management Plan is consistent with the environmentally sensitive habitat policy of the Coastal Act (Section 30240).

Cultural resource inventory previously undertaken to identify resources within the project area, the commitment by the Air Force to protect cultural resources during habitat restoration activities, and the participation of the Santa Ynez Band of Chumash Indians during fire break construction and habitat restoration activities demonstrates the Air Force’s commitment to protection of cultural resources in the project area. Therefore, the staff recommends that the Commission find that the Beach Management Plan is consistent with the cultural resource policy of the Coastal Act (Section 30244).

The staff recommends that the Commission **concur** with the Air Force’s consistency determination CD-0004-18. The motion and resolution are on page 4 of this report. The standard of review for this consistency determination is the Chapter 3 policies of the Coastal Act.

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EXHIBITS

- [Exhibit 1](#) – Regional Map
- [Exhibit 2](#) – Beach Location Map
- [Exhibit 3](#) – Wall Beach Recreation Improvements Map
- [Exhibit 4](#) – Letter from City of Lompoc to California Coastal Commission, May 8, 2019.
- [Exhibit 5](#) – Letter from Department of the Air Force/Vandenberg Air Force Base to U.S. Fish and Wildlife Service/Ventura Field Office, August 2, 2019.
- [Exhibit 6](#) – Letter from U.S. Fish and Wildlife Service/Ventura Field Office to Department of the Air Force/Vandenberg Air Force Base, August 20, 2019.
- [Exhibit 7](#) – Letter from Department of the Air Force/Vandenberg Air Force Base to California Coastal Commission/Energy, Ocean Resources and Federal Consistency Division, October 31, 2019.
- [Exhibit 8](#) – Trends in Annual Western Snowy Plover Breeding Populations
- [Exhibit 9](#) – Trends in Annual Numbers of Western Snowy Plover Nests

I. FEDERAL AGENCY'S CONSISTENCY DETERMINATION

The Air Force has determined the project is consistent with the California Coastal Management Program.

II. MOTION AND RESOLUTION

MOTION:

*I move that the Commission **concur** with consistency determination CD-0004-18 that the project described therein is fully consistent, and therefore consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

RESOLUTION TO CONCUR WITH CONSISTENCY DETERMINATION:

*The Commission hereby **concurs** with the consistency determination by the Air Force, on the grounds that the project described therein is fully consistent, and therefore consistent to the maximum extent practicable, with the enforceable policies of the CCMP.*

III. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The U.S. Air Force proposes to implement a five-year (2019-2023) Beach Management Plan to promote survival and recovery of the federally threatened Western snowy plover and the federally endangered California least tern on Vandenberg Air Force Base ([Exhibit 1](#)). The Air Force proposes to implement essentially the same management elements that the Coastal Commission reviewed and concurred with in previous Air Force federal consistency submittals for beach management plans at Vandenberg AFB (e.g., CD-094-04, ND-007-04, CD-089-02, CD-019-00). The subject plan includes continued beach closures and public access restrictions at Minuteman, Wall, and Surf beaches. However, the Plan now includes an experimental provision for suspension of the 50-violation limit closure of Surf Beach, which historically occurred in mid-summer. This provision would allow the Air Force the option to keep Surf Beach open to the public throughout the March 1 – September 30 Western snowy plover breeding season, should there not be an unacceptable increase in trespass violations and adverse effects to snowy plover habitat. The Plan also includes continuation of enforcement measures, habitat restoration, monitoring, education, and predator management. The Air Force also proposes to install four

pre-fabricated cabins and five tent camping sites adjacent to the existing parking area above Wall Beach for use by Air Force personnel.

Recreational beach access will continue to be limited to 1.25 miles of the approximately 13.8 miles of suitable nesting habitat on Vandenberg AFB during the 2019-2023 breeding seasons (open areas). These open areas at Minuteman, Wall, and Surf beaches are the same areas that were open to recreational access during the 2000-2018 breeding seasons ([Exhibits 1 and 2](#)). All other sandy beaches determined to be snowy plover and least tern habitat would be closed during the March 1 to September 30 breeding season (closed areas). Following the end of the breeding season (approximately September 30), the closed beach areas would be reopened. However, per the requirement of the U.S. Fish and Wildlife Service Biological Opinion, the Air Force will delay reopening beaches beyond September 30 until all snowy plover chicks have fledged.

Public access to approximately 0.5 mile of Surf Beach would continue to be available by using the existing access trail at the Surf Station parking lot, or by an existing access trail through the back dunes (and outside of the restricted breeding area) from the Ocean Beach Park parking lot to Surf Station. A public access road (Ocean Avenue) through Vandenberg AFB provides access to Surf Station and Ocean Beach Park to the general public. Access to the northernmost 0.25 mile of Wall Beach and the northernmost 0.5 mile of Minuteman Beach would continue to be open only to active duty, reserve, and retired military personnel and their dependents, and Department of Defense and Vandenberg AFB contractor employees. Access to Wall and Minuteman Beaches is via existing access trails from parking areas adjacent to those beaches.

The consistency determination states that to enforce beach closures and restrictions, the Air Force will continue to erect boundary fencing with English and Spanish signage and picture instruction signage stating the purpose for the closures and demarcating the closed beach areas. Docents would be present in the open beach areas to educate visitors about snowy plover habitat and breeding, inform visitors of beach closures and restrictions, and notify visitors if they violate beach restrictions. In addition, Vandenberg AFB Conservation Law Enforcement Officers would patrol beaches during the breeding season. Enforcement personnel will issue citations to unauthorized individuals observed entering restricted areas and/or not complying with beach regulations.

Historically, Surf Beach was closed by the Air Force for the remainder of the breeding season each summer once the public had caused 50 violations, and Wall and Minuteman Beaches would be closed once military and contractor personnel caused 10 violations at each of those beaches. A violation occurs when a person enters a closed section of the beach where snowy plovers or least terns are breeding. These violation limits are consistent with those in place since 2004. However, as noted above and as discussed in greater detail in the Public Access and Recreation section of this report, the automatic closure of Surf Beach once the 50-violation limit is reached has been suspended by the Air Force and the U.S. Fish and Wildlife Service on an experimental basis in an effort to improve public access at Surf Beach during the summer months while still protecting Western snowy plovers and their habitat.

The Beach Management Plan includes continuing the following prohibitions for all Vandenberg AFB beaches during the March 1 through September 30 breeding season:

- beach fires are prohibited;
- pets are prohibited;
- overnight camping is prohibited;
- littering is prohibited;
- recreational off-road vehicles are prohibited;
- fireworks are prohibited;
- horses are prohibited;
- windsurfing and/or parasailing is prohibited; and
- kite flying is prohibited.

Vandenberg AFB will continue to implement measures developed for coordination between enforcement personnel and snowy plover monitors, including procedures for reporting and documenting violations. Enforcement of beach access regulations during the 2019-2023 time period will be consistent with regulations included in CD-094-04:

Enforcement personnel will patrol beaches during both open and closed periods. Enforcement efforts will emphasize personnel presence when and where it is most needed, i.e., where violations are occurring or are deemed most likely to occur . . . By making enforcement presence less predictable and adjusting enforcement presence to times and locations where violations are occurring, we hope to improve compliance while reducing costs over time and encouraging beach visitors to comply with signs and fences. By reducing enforcement costs, VAFB will be better able to support more days and/or hours of beach access.

In addition, the following prohibitions would continue for all beaches during the October 1 to February 28 non-breeding season:

- overnight camping is prohibited;
- pets must always be leashed;
- littering is prohibited;
- fireworks are prohibited; and
- recreational off-road vehicles (ATVs and utility vehicles) are prohibited.

The Air Force will continue to provide the established educational program to all base personnel and contractors who may use the beaches for recreation. This program will:

- describe and illustrate snowy plover behavior, distribution, and habitat on VAFB;
- describe threats to snowy plovers;
- describe the adverse effects of feeding wildlife;
- explain seasonal access restrictions of certain areas;
- show examples of signs describing beach restrictions;
- explain the penalties for not obeying restrictions;
- provide maps showing restrictions;
- identify the proper contact if an injured or dead snowy plover or least tern is found; and,

- distribute an educational brochure to the public, as needed.

Vandenberg AFB will continue to encourage community volunteer docent programs that provide public education to beach visitors on the snowy plover, its habitat, and beach rules. Kiosks at the entrances to Surf and Wall beaches will provide educational information on snowy plovers and beach access restrictions.

The Air Force will continue its monitoring program as implemented in prior years per the requirements of the U.S. Fish and Wildlife Service-approved monitoring plan and Biological Opinion (8-8-12-F-11R). Annual monitoring on Vandenberg AFB began in 1993 with the goal of estimating annual breeding population and reproductive success of Western snowy plovers and California least terns, examining long-term trends in population and breeding, and determining the effectiveness of habitat restoration projects, predator management measures, and the beach management/public access plan implemented by the Air Force. To date, VAFB has been successful at managing human activities on its beaches. Closed beach areas have shown increased nesting effort and hatching success compared to areas open to human use.

The Air Force also proposes to continue habitat restoration activities within suitable habitat for least terns and snowy plovers on Vandenberg AFB. These activities would occur outside the breeding seasons for both species and strive to increase suitable breeding habitat for the least tern and snowy plover to compensate for allowing recreational use of 1.25 miles of nesting habitat during the breeding season. The Air Force proposes to restore dune habitat by continuing to eradicate invasive and non-native dune vegetation. The total proposed area for restoration is approximately 1,628 acres and restoration methods would include manual removal, chemical treatment, mechanical removal, and prescribed burns.

The Air Force will also continue to implement predator management per the USFWS-approved Predator Management Plan. The consistency determination states that coyotes, crows, and ravens adversely affect snowy plover breeding and fledgling success on Vandenberg AFB. The goal of the Plan is to control predation on snowy plovers sufficiently to allow a reasonable level of recruitment into the population. Qualified biologists conduct predation control, which focuses on those species that have a substantial negative effect on snowy plover breeding and fledging success. While the Air Force targets individual problem coyotes, crows, and ravens for lethal removal, the Plan incorporates preventive and non-lethal management methods to protect snowy plovers.

Lastly, the Air Force is proposing to install four separate, pre-fabricated kit cabins and five tent camping sites at an existing disturbed site adjacent to the parking area above Wall Beach for use year-round by Air Force personnel ([Exhibit 3](#)). The kit cabins are approximately 23 feet by 14 feet in size and 10.5 feet high, supported by concrete pier foundations rising eight to 16 inches above grade. The overall height above existing grade of each cabin will be approximately 12 feet. Cabin building materials will primarily consist of wooden materials with metal roofing and trim. The cabins will not be provided with electrical, water, or sewer connections. Portable toilets located near the entrance to the parking area will serve the cabins and campsites. Tent campsites would be located immediately southeast of the proposed cabins. Campsites would not have any facilities or amenities other than picnic tables and would not include fire pits. One vehicle would

be allowed to park next to each cabin or campsite. The location of the cabins and campsites is approximately 30 feet above sea level. The cabins will be installed such that they can be easily removed should sea level rise begin to compromise the structures. The cabins and campsites would not be visible from the public access areas at Surf Beach or Ocean Beach Park approximately 1.5 miles south of Wall Beach.

B. OTHER GOVERNMENTAL APPROVALS AND CONSULTATIONS

U.S. FISH AND WILDLIFE SERVICE

The Air Force will continue to adhere to the “Terms and Conditions” and follow the “Reasonable and Prudent Measures” included in the Service’s Biological Opinion for the Beach Management Plan (8-8-12-F-11R) for Vandenberg AFB.

CALIFORNIA STATE HISTORIC PRESERVATION OFFICE

The Air Force received concurrence from the State Historic Preservation Office that the proposed habitat restoration project elements would not adversely affect archaeological sites.

TRIBAL CONSULTATION

The Air Force consulted with the Santa Ynez Band of Chumash Indians about the proposed project and conducted a field visit to the areas of potential effect with tribal members. Controlled burning for habitat restoration will be conducted with the participation of the Santa Ynez Band of Chumash Indians Fire Department, whose members are trained Heritage Resource Advisors and stewards of prehistoric archaeological resources. As discussed on page 24 of this report, Commission staff coordinated with the Santa Ynez Band of Chumash Indians, the Coastal Band of the Chumash Nation, and the Northern Chumash Tribal Council.

C. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30212(a) states in part:

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 . . .

Coastal Act Section 30213 states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred

Coastal Act Section 30214(a) states in part:

The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.

The access policies of the Coastal Act provide for managing public access and recreational opportunities in order to protect natural resource areas. However, in order to understand the significance of the impact of the proposed public access restrictions, the Commission must analyze these restrictions in the context of the existing access resources in the area. Access to the northern Santa Barbara County coast is one of the more limited areas of the California coast. Between Gaviota to the south and Point Sal to the north is a 64-mile stretch of coastline that is only open to the public at two locations: Surf Beach on Vandenberg AFB and Jalama Beach County Park, located approximately 20 miles downcoast just outside the southeastern corner of Vandenberg AFB ([Exhibit 1](#)). In addition, both beaches are subject to temporary closures during missile launches at Vandenberg AFB, and as noted previously in this report Surf Beach is subject to closure during the Western snowy plover breeding season (March 1 – September 30).

The Commission has a long and extensive history of concern over the limitations on public access along this stretch of the coast, including the Hollister and Bixby Ranch¹ areas located south of Vandenberg AFB. Its concerns included insuring consistency of new development with the public access provisions of the Coastal Act in the review of permits and local coastal

¹ In December 2017 the Nature Conservancy purchased the 24,000-acre Bixby Ranch (also known as the Cojo Jalama Ranches). The property encompasses eight miles of shoreline and is now designated as the Jack and Laura Dangermond Preserve.

programs (LCPs). In addition, the Commission concurred with a consistency determination (CD-21-82) by the Air Force for the construction of a Space Shuttle launch facility, in part, because it included additional public access at Ocean Beach and north of Jalama Beach. In another consistency determination (CD-5-89), the Commission staff recommended objection (the Air Force withdrew the project at the hearing) to a proposal to construct a new launch facility because of impacts, including closures, to the use of Jalama Beach. Finally, the Commission objected to a consistency determination (CD-65-90) for the Air Force's proposed acquisition of development rights on the former Bixby Ranch, because it affected the local government's ability to implement the access provisions of its LCP. These actions demonstrate that protecting existing and ensuring new access opportunities in this area of the coast is a high priority for the Commission.

Although Vandenberg AFB provides critically needed public access opportunities in an area where access is limited, this area is equally, if not more, critical to the survival of the federally-threatened Western snowy plover and federally endangered California least tern. As discussed further in the ESHA section below, Vandenberg AFB provides important habitat that is necessary for the survival and recovery of these species. The historic and existing closures and/or restrictions on public access in this area are necessary to protect snowy plovers and least terns from human impacts during the breeding season. Because of the historic and geographic limitations on public access to the shoreline, the protection of snowy plover habitat on beaches open to the public on Vandenberg AFB is a complex and difficult issue for the Commission to address. The California least tern colony is located approximately four miles northwest of Wall Beach at Purisima Point, in an area not open for recreation to either the general public or Air Force personnel. As a result, it is protection of Western snowy plover habitat and breeding activity that is the primary reason for the access and recreation restrictions incorporated into previous, existing, and proposed beach management plans. In previous consistency determination concurrences for beach management plans at Vandenberg AFB (CD-094-04, ND-007-04, CD-089-02, and CD-019-00), the Commission balanced protecting snowy plover habitat that the U.S. Fish and Wildlife Service identified as key to the survival and recovery of the species, with ensuring maximum public access to the shoreline at Surf Beach consistent with required snowy plover protection measures.

The subject consistency determination for the 2019-2023 Beach Management Plan was originally scheduled for Commission action at its May 9, 2019, meeting. Prior to the start of the public hearing for that matter, Lompoc Mayor Jenelle Osborne presented a letter to the Commission staff on behalf of the City, highlighting the ongoing adverse effects on the City of Lompoc and its residents arising from public access restrictions and seasonal beach closures at Surf Beach, and requesting that the Commission address those effects during its consideration of the Air Force's proposed Beach Management Plan ([Exhibit 4](#)). Prior to the start of the hearing, Commission staff met with Mayor Osborne and representatives from the Air Force to discuss the City's letter. As a result, the Air Force agreed to postpone the public hearing on its consistency determination to the Commission's July 10-12 meeting in San Luis Obispo in order to allow the Air Force and Commission staff additional time to address the City's concerns about public access at Surf Beach.

On May 15 the Air Force proposed to the U.S. Fish and Wildlife Service that it suspend the violations that occur at the adjacent Ocean Beach Park area that are counted as part of the 50-violation limit at Surf Beach for the remainder of the 2019 snowy plover breeding season, in an effort to keep Surf Beach open to the public during the summer months. On May 24 the Service agreed with this proposal and concluded that the change was within the scope of effects analyzed in the Service's 2015 Biological Opinion for the Beach Management Plan. As a result the Air Force was able to keep Surf Beach open to the public through the rest of the 2019 breeding season, while still enforcing the access and recreation restrictions designed to protect snowy plover habitat at and adjacent to Surf Beach. In addition, staff from the Air Force and the City of Lompoc met twice in June and July to discuss the City's concerns about beach access and potential ideas to improve public access at Surf Beach.

By late May it became apparent to Commission staff and Air Force staff that additional time would be needed to undertake a more comprehensive examination of the public access issue at Surf Beach, one that would benefit from the participation of other federal, state, and local agencies with jurisdiction in this matter. As a result, on May 23rd the Air Force agreed to postpone the public hearing on its consistency determination to the Commission's December 11-13, 2019, meeting in Calabasas (Los Angeles County). This postponement would provide adequate time for the Commission staff to work with staff from the Air Force, the City of Lompoc, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife to determine if there were potential modifications that could be made to the Beach Management Plan that would improve public access opportunities at Surf Beach during the March through September time period each year, while still protecting western snowy plovers and their habitat along the Vandenberg AFB shoreline.

The Commission staff organized a multi-agency meeting at Surf Beach on July 26 in order to better understand the history and current status of snowy plover protection, the related public access restrictions at Surf Beach, the effects of those restrictions on the City of Lompoc and its residents and businesses, and potential modifications to the Beach Management Plan. Attending the site visit were 29 representatives from the Coastal Commission, Air Force, U.S. Fish and Wildlife Service, City of Lompoc, County of Santa Barbara, California Department of Fish and Wildlife, and the office of Congressman Salud Carbajal. Participants visited Surf Beach and Ocean Beach Park in order to understand the physical geography of the beach and dune complex, walked the existing access paths, saw boundary fencing and interpretive signage, and discussed options for improving public access to and use of Surf Beach during summer months. Those options included suspending the 50-violation limit automatic closure mechanism for Surf Beach, delineating a walking path between Ocean Beach Park and Surf Beach inland of the restricted snowy plover breeding area, a potential boardwalk along the same route, and improvements to the pathway (including an ADA-approved ramp) from the Surf Station parking lot down to the beach. All of the participants agreed that some modifications to the summertime public access restrictions at Surf Beach could likely be implemented without adversely affecting western snowy plover habitat and breeding.

Representatives from the City of Lompoc also inquired of the agencies about the potential for re-establishing surf fishing as a public recreational activity at Surf Beach. Surf fishing enjoyed a long history as a popular activity at this location, both as a form of recreation and as a food

source for local residents. However, the ocean waters offshore of Surf Beach are now within the boundary of the Vandenberg State Marine Reserve (VSMR), which was established in 2007 and where no take of any marine resources is allowed. As a result, surf fishing is currently prohibited. It was noted that Vandenberg AFB has no jurisdiction or regulatory authority over these offshore waters. A representative from the California Department of Fish and Wildlife explained the process for changing the boundary of a state marine reserve. That process is not overseen by the Department but instead by the State Fish and Game Commission. The public can petition that Commission to modify a boundary or to re-designate all or part of a preserve to a state marine conservation area, where some take of marine resources is allowed. The City of Lompoc may further investigate this process to determine the potential for re-introducing surf fishing at Surf Beach, but given that the Air Force's Beach Management Plan does not include ocean waters within its jurisdictional area, the site visit participants generally understood that such an undertaking was beyond the scope of the current effort to improve public access at Surf Beach.

On August 2 the Air Force formally requested that the U.S. Fish and Wildlife Service allow the public recreational access areas at Surf Beach to remain open throughout the Western snowy plover breeding season and discontinue the beach closures triggered by the existing 50-violation limit ([Exhibit 5](#)). On August 20 the Service agreed that this change could be initiated immediately and stated in its letter to the Air Force ([Exhibit 6](#)) that:

VAFB will continue to prohibit certain recreational activities in western snowy plover habitat and provide outreach to the public, as described in the biological opinion. Western snowy plover nesting areas designated to be closed from recreation during the breeding season will remain protected. Furthermore, violators at Surf Beach and Ocean Park will continue to be cited under Title 18 USCS 1382, "Trespass." These citations result in an appearance before the Magistrate and/or a fine. VAFB would also continue to conduct law enforcement and docent patrols at Surf Beach and Ocean Park, and maintain all fencing and signage between the open and closed areas to deter as many trespassers as possible. VAFB will continue to keep records of all trespassers illegally entering base property at Surf Beach and Ocean Park to determine, in cooperation with the Ventura Fish and Wildlife Office, if this change results in an unacceptable increase in trespass violations and any subsequent effect to plovers not previously analyzed in the biological opinion.

The Air Force and the Service have agreed to jointly review the results of 2019 snowy plover monitoring at Vandenberg AFB to determine if the change in public access restrictions implemented this past summer at Surf Beach resulted in an adverse effect to plovers not previously analyzed in the *Biological Opinion*. The draft 2019 Plover Monitoring Report is due in mid-December and the two agencies are expected to review the report in January 2020. At that time the Air Force and the Service will determine whether discontinuing the automatic beach closures triggered by the 50-violation limit can be implemented during the remaining four years of the Beach Management Plan time period. The Air Force has agreed to provide the Commission staff the results of this review, which will also address the following questions: (1) did keeping Surf Beach open this past summer after the 50-violation limit was reached result in

adverse effects on snowy plovers and/or their habitat; (2) is there a threshold level of adverse effects on plovers that will be used to determine if the beach should be closed either before or after the 50-violation limit is reached; and (3) will the experimental program to keep Surf Beach open if the 50-violation limit is exceeded be continued in the 2020 breeding season.

The Air Force stated in its October 31 letter to the Commission staff ([Exhibit 7](#)) that:

Per the biological opinion, VAFB lifted all beach restrictions on 20 September 2019 as all plovers had fledged by then. A total of 56 violations were documented throughout the season with 27 occurring at Surf Beach and 29 at Ocean Park. Although the 50 violation limit was reached on 6 September 2019, the aforementioned initiatives allowed VAFB to keep Surf Beach open to the public.

As a result of the agreement between the Air Force and the Service, the 2019-2023 Beach Management Plan has been modified to incorporate the experimental discontinuance of the automatic closure of Surf Beach once the 50-violation limit has been reached during the annual snowy plover breeding season. The Commission appreciates this significant modification to the Plan, the needed improvement to public access arising from this modification, and the efforts made by the Air Force and the Service to accomplish this benefit for the citizens of Lompoc and the surrounding region. However, for this experiment to continue through the remaining four years of the Plan, Surf Beach users will need to continue adhering to the restrictions remaining in place to protect snowy plover habitat adjacent to the 0.5-mile-long stretch of Surf Beach open to the public. As noted previously, the Air Force will continue to enforce the long-established access restrictions, will continue to cite violators, and will retain the authority to close the beach to the public should this experiment result in an unacceptable increase in violations and/or adverse effects to plovers and/or plover habitat.

The improvement to public access and recreation as a result of the experimental program to discontinue the automatic closure of Surf Beach during summer months also serves as an acknowledgement by the public agencies involved of the need to address the adverse effect of the beach closure on the Lompoc region. Access to the coast is severely restricted due to the presence of Vandenberg AFB and the great distances to the nearest public beaches to the north and south of Lompoc. This geographic reality, combined with the city's diverse ethnic composition and its financially challenged General Fund, raises environmental justice issues that are now central to the Commission's commitment to public access for all of California's residents.

Throughout California's history, low-income communities, communities of color, and other marginalized populations have faced disproportionate burdens in accessing the California coastline due to geographic, economic, social, and cultural barriers. Ensuring maximum and equitable public access to the California coastline (as required by Coastal Act Sections 30210 and 30213) is consistent with environmental justice principles reflected in the Coastal Act. Section 30604(h) states: "when acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of

environmental benefits throughout the state.”² The Commission adopted an environmental justice policy in March 2019, committing to consider environmental justice principles, consistent with Coastal Act policies, in the agency’s decision-making process and ensuring coastal protection benefits are accessible to everyone. In approving the policy, the Commission recognized that equitable coastal access is encompassed in, and protected by, the public access policies of Chapter 3 of the Coastal Act:

The Coastal Act’s mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its long-standing commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors listed in the Policy Statement.

Understanding that even nominal costs can be barriers to access preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, and associated free or low-cost parking areas.

In part, as embodied in the Commission’s adopted environmental justice policy, the term “environmental justice” is currently understood to mean equitable distribution of environmental benefits, including, in this case, equitable opportunities for coastal access and recreation. In California, equitable coastal access and recreation opportunities for all populations has not been realized due to historic and social factors, such as discriminatory land use and economic policies and practices.³

The Commission finds that the agreement between the Air Force and the U.S. Fish and Wildlife Service to discontinue the automatic closure of Surf Beach during summer months on an experimental basis holds the potential to significantly improve coastal access and recreation for the residents of the Lompoc area during the summer months and helps to implement the goals of the Commission’s environmental justice policy.

The subject consistency determination states that:

From 2012 through 2015, 2017, and 2018, Surf Beach was closed early [ranging from June 3 to August 10] due to the USFWS’s BO violation limit being reached. Allowing portions of beaches to remain open during the breeding season is a compromise position between the AF and the USFWS to allow some public access

² Government Code Section 65040.12(e) defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

³ Robert Garcia & Erica Flores Baltodano, *Free the Beach! Public Access, Equal Justice, and the California Coast*, Stanford Journal of Civil Rights and Civil Liberties. 143 (2005)

to the local beaches even though this results in less beach habitat being available for breeding birds use. Public recreational activities at the beaches are not compatible with breeding activities (i.e., nesting).

As noted above, the 50-violation limit for 2019 was reached on September 6; Surf Beach would have closed on that date had not the Air Force and Service agreed on implementing the experiment to discontinue the automatic beach closure.

The consistency determination includes data on the annual breeding population of Western snowy plovers before and after beach closures were established at Vandenberg AFB in 2000:

The mean number of adults and nests initiated increased after closures went into effect. Moreover, the period during linear restriction (1994-1999) shows a decreasing trend, whereas the period after has been variable, but relatively stable. In 2004, there was a spike in the WSP population on VAFB that was also observed for the total WSP population range-wide (USFWS 2007). In 2017, the number of adults observed was near the long-term mean and the number of nests initiated on VAFB was well above the long-term mean (Robinette et al 2017). [Exhibit 8]

The consistency determination also compared the number of nests established per linear mile within areas open to recreational access and closed areas, and found that long-term means for closed areas are higher than those for open areas at all three beach areas: Minuteman, Wall, and Surf ([Exhibit 9](#)).

The most recent U.S. Fish and Wildlife Service Biological Opinion for beach management at Vandenberg AFB (8-8-12-F-11R) states that the closure of beaches in the project area to public access during the snowy plover breeding season has increased survival and breeding success of this species. The Biological Opinion stated that these positive developments occurred in part because the Air Force initiated actions to increase public awareness in order to reduce potential effects to the western snowy plover and its habitat while trying to keep the open areas accessible to the public and Vandenberg AFB personnel during the breeding season. These actions included distribution of educational brochures to the public, the installation of bilingual signs and picture instruction signs in order to reduce human intrusion into areas closed during the breeding season, and the use of volunteer docents during the breeding season to increase public awareness and reduce human intrusion into closed areas.

In its most recent review of beach management plans at Vandenberg AFB (CD-094-04), the Commission examined the impact of beach closures and enforcement actions on Western snowy plover populations and public access. In its concurrence with CD-094-04, the Commission noted that previous beach management plans had led to protection of and increases in populations of snowy plovers at Vandenberg AFB, and that the 2005-2009 Plan was consistent with those previous plans and continued to balance public access and recreation with protection of snowy plover habitat and populations. The Commission's adopted findings for CD-094-04 noted that in the 2005-2009 Beach Management Plan public access would be increased from four days per week to seven days per week and that enforcement would be enhanced and more random:

The U.S. Fish and Wildlife Service concurs with this decision to open the beaches seven days a week and to implement the modifications to the enforcement element. The Service and the Air Force believe that a more random enforcement presence holds the potential to further reduce violations of the Vandenberg beach management regulations. In addition, the two agencies also believe that by having people on the open beaches on a daily basis will curtail the establishment of snowy plover nests at these sites, reduce the potential for plover-human conflict at these sites, and encourage the plovers to establish nests on those beaches that are closed to all recreational activity during the March-September nesting season.

The most recent Vandenberg AFB snowy plover monitoring report (Point Blue Conservation Service, November 2017) stated in part that:

Efforts to manage human activities at VAFB appear to be successful. Areas closed to recreational beach access have shown increased nesting effort and clutch hatch success when compared to adjacent open beach areas. Additionally, nesting effort base-wide has increased since closures were established in 2000.

As in the previous beach management plans concurred with by the Commission, the proposed 2019-2023 Plan continues to include the option of closing beaches to recreational use if the Air Force cannot meet its enforcement commitments. However as discussed previously, the Air Force has modified the Plan to discontinue the automatic beach closures triggered by the existing 50-violation limit. The Air Force will continue to enforce access restrictions, cite violators, and place personnel where and when they are most needed to protect snowy plovers and their habitat. The determination of violations of the beach regulations will continue to not be limited to the number of people cited, but will continue to include documentation based on footprints, trash, or other evidence of human use in closed areas.

While the Air Force's current proposal is a five-year Beach Management Plan, the consistency determination states that annual review, evaluation, and adjustment would still be conducted as in previous years. The Air Force will continue to produce annual monitoring reports on the status of the plover and recreational beach management at Vandenberg AFB, and the Commission and the general public will continue to receive those reports. As is typical when the Commission reviews consistency determinations for multi-year management and/or development plans, should the Air Force determine that significant modifications to the proposed five-year Beach Management Plan are required during the life of the plan (e.g., adverse changes to the snowy plover population or its nesting habitat, unexpected recreational use conflicts, reductions in funding for monitoring and/or enforcement), or should the Commission determine that the proposed five-year plan is having an effect on coastal resources substantially different than originally described in this consistency determination, the Air Force will need to prepare and submit to the Commission a supplemental consistency or negative determination for those modifications and/or those unexpected effects.

Included in the Beach Management Plan is a proposal to install four separate, pre-fabricated kit cabins and five tent camping sites at an existing graded and disturbed site immediately adjacent to the parking area above Wall Beach for use year-round by Air Force personnel ([Exhibit 3](#)). As

described earlier in this report, the overall height above existing grade of each cabin will be approximately 12 feet. The cabins will not be provided with electrical, water, or sewer connections, and portable toilets and trash receptacles located near the entrance to the parking area will serve the cabins and campsites. Campsites would not have any facilities or amenities other than picnic tables and would not include fire pits. The cabins and campsites would not be visible from the public access areas at Surf Beach or Ocean Beach Park, located approximately 1.5 miles south of Wall Beach. The Commission agrees with the Air Force that the four cabins and five campsites would not affect public access and recreation at Surf Beach or Ocean Beach Park.

In conclusion, the Commission finds that the proposed five-year Beach Management Plan (2019-2023), and its seasonal restrictions on public access and recreation at beaches on Vandenberg AFB, is consistent with the public access and recreation policies of the Coastal Act because the Plan components are necessary to protect the federally-threatened western snowy plover and the federally-endangered California least tern which nest and breed on these beaches, and would manage public access in a manner taking into account the need to protect fragile natural resources. The Commission also finds that the experimental discontinuance of the automatic closure of Surf Beach triggered by exceeding the existing 50-violation limit is a significant improvement to public access to the shoreline in an area where coastal access is severely restricted due to the military security needs associated with Vandenberg AFB and the great distances between the Lompoc area and other public beaches on the central coast. Therefore, the Commission finds that the proposed five-year Beach Management Plan is consistent with the public access and recreation policies (Sections 30210, 30213, 30214, and 30220) of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT

Coastal Act Section 30240 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.*

The U.S. Fish and Wildlife Service listed the Pacific Coast population of the Western snowy plover as “threatened” in March 1993 under the Endangered Species Act (ESA) of 1973, as amended. The ESA mandates federal agencies, such as the Air Force, to protect snowy plovers on their land and enforce the provisions of the ESA, which prohibit accidental and intentional take. The ESA also places a proactive requirement on all federal agencies to participate in the recovery of the species. The beaches at Vandenberg AFB provide wintering and nesting habitat for the Western snowy plover. The Air Force states that:

VAFB's beaches provide both nesting and wintering WSP habitat. Plovers use approximately 12.5 miles of VAFB's beaches. Since the first comprehensive surveys for WSPs in western North America in the late 1970s, VAFB has consistently held one of the largest concentrations of breeding WSPs along the United States west coast. Additionally, VAFB has the largest continuous mainland coastal habitat under Federal ownership, and experts think VAFB can support 400 adult birds during the breeding season. Because of these factors, VAFB provides one of the greatest opportunities for recovering the WSP throughout its range (USFWS 2015).

In previous consistency determinations for beach management plans at Vandenberg AFB, the Commission found that sandy beaches that provide nesting habitat for the snowy plover are environmentally sensitive habitat areas (ESHAs) under Section 30240 of the Coastal Act. In the subject consistency determination the Air Force continues to acknowledge that Minuteman, Wall, and Surf beaches are ESHA and that the proposed Beach Management Plan would be implemented consistent with the Coastal Act ([Exhibit 2](#)). Section 30240 restricts the types of uses within ESHA to activities dependent on the sensitive resources. In this case, the Air Force proposes to restrict beach recreation activities in order to protect the snowy plover. The U.S. Fish and Wildlife Service's current Biological Opinion for the Air Force's Beach Management Plan described the current threats to the snowy plover:

Human activity is a key factor in the decline of the western snowy plover coastal breeding populations range wide. Human disturbance is the primary cause of habitat loss, along with urban development, invasive nonnative plants, and expanding predator populations.

Human activities such as walking, jogging, fishing, fireworks, unleashed pets, horseback riding, and off-road vehicles can destroy the western snowy plover's cryptic nests and chicks. Thus, humans can cause direct mortality of western snowy plovers because people may step on and crush eggs or chicks on purpose or inadvertently, deliberately take eggs from nests, and remove chicks from beaches erroneously thinking they have been abandoned. Humans may flush adult western snowy plovers off their nests, which may cause mortality of eggs and chicks due to exposure to temperature changes, blowing sand, and increased vulnerability to predators. Beach-related recreational activities that are concentrated in one location can negatively affect incubating western snowy plover adults when these activities occur too close to their nests and repeated intrusions by people into nesting areas may cause birds to move into marginal habitats where reproductive success is then reduced. Studies of the piping plover indicate that early season nesting attempts are abandoned and moved elsewhere when human use becomes too intense. Disturbances such as stationary visitors and surf fishermen kept incubating western snowy plovers off their nests for the longest period of time probably because of the duration of stationary disturbances that occur close to nests (Fahy and Woodhouse 1995). Additionally, the improper disposal of offal (waste parts of fish), bait, and other litter attracts predators of western snowy plover. Western snowy plovers may also become entangled in discarded fishing lines.

Given the findings in the most recent Biological Opinion, the Air Force determined that it continues to remain necessary to significantly limit beach recreational activities in order to prevent a decline in the snowy plover population and to provide adequate protection of the ESHA. The Commission agrees and finds that the proposed Beach Management Plan is dependent on the sandy beach ESHA at Minuteman, Wall, and Surf beaches.

Section 30240 also requires that activities within an ESHA avoid significant disruption to the sensitive habitat. The Air Force states that:

The proposed project will reduce the beach recreation activities within the ESHA. As described above, these activities can adversely affect WSP reproductive success. Therefore, beach management will protect plover habitat, and thus it is consistent with the standard to avoid significant disruption. In past years, plovers have nested on the open portions of these beaches, but in relatively low numbers. Therefore, using these open beaches is not likely to significantly affect nesting plovers.

In addition, symbolic exclosures (a chain or rope fence generally around a nest) would be used to protect nests in the open areas. Therefore, the Air Force finds that the proposed recreational uses identified in the AF's CD will not significantly affect the ESHA.

The Commission agrees with the Air Force that the proposed Beach Management Plan will not significantly disrupt habitat values in ESHA at Minuteman, Wall, and Surf beaches.

The proposed Beach Management Plan also includes the continued management of predators to reduce snowy plover and least tern nest and chick predation loss. The existing U.S. Fish and Wildlife Service-approved Predator Management Plan (February 2011) will continue to be implemented during the 2019-2023 time period of the proposed Beach Management Plan. The Air Force states that predator management at Vandenberg AFB continues to be necessary in particular to protect snowy plovers because: (1) the plover nests on the ground in loose colonies and relies mostly on camouflage as its predation protection; (2) human activities and invasive plants have eliminated much of the plover's nesting habitat and the remaining habitat is much more sensitive to predation; and (3) notwithstanding plover population increases at Vandenberg AFB in recent years, the Pacific Coast Western snowy plover population has declined in recent years.

The consistency determination describes the predator management measures used in the past and included in the 2019-2023 Beach Management Plan:

- *The AF will trap and remove avian predators identified as an imminent threat near WSP and LT habitat, and coordinate all predator management activities between the biological monitors and appropriately permitted individuals. Predator management personnel would observe predator movements to and from beaches to try to identify roosting and nesting locations of birds that frequent WSP and LT habitat.*

- *The AF will lethally remove individual coyotes that are keying-in on WSP nests. In some instances, lethally removing corvids may be warranted. Authorized personnel under the direction of a VAFB biologist would maintain the trap(s), humanely euthanize corvids, and dispose of the carcasses.*
- *Nixalite or similar materials will be installed on all posts and fencing where practicable to minimize the attractiveness of these structures to avian predators.*
- *The AF will place small shelters within LT nesting habitat at Purisima Point to provide cover for LT chicks from avian predators. The AF will evaluate the design, number and specific placement of shelters each season to achieve optimum effectiveness.*
- *The AF will install and maintain electric fencing around the least tern managed area at Purisima Point (Purisima Point Colony)[four miles northwest of Wall Beach]. The AF will electrify the fences prior to LT arrival and repair fences as needed.*
- *The AF will utilize infrared-triggered still cameras to assist with unidentified predation issues.*
- *The AF will place traps for mammalian predators based on information derived from biological monitors.*
- *Trained and authorized personnel under the supervision of individuals permitted to work in WSP and LT nesting habitat will trap and lethally remove mammalian predators within nesting habitat.*

The consistency determination addresses the need for caution when implementing the Predator Management Plan:

. . . predator management must be implemented carefully, because if improperly done it could result in significant ecological effects and possibly adverse impacts to the plover. For example, if the population of the top-level terrestrial predator, the coyote, in this system is significantly reduced through predator management, it could result in increased predation by lower level predators (mesopredators), such as red foxes, raccoons, opossums, and skunks. The mesopredators may be better at nest predation than the coyotes. In addition, predator/prey relationships are complex and too much interference with this relationship could have unintended ecological and biological effects. The goal of the AF's Predator Management Plan is to reduce plover predation while minimizing ecological effects from predator management. Specifically, the plan states, "Management actions conducted under this Plan will emphasize selective control of individual problem predators, using non-lethal techniques wherever possible in the control of native predators. VAFB's predator management decisions must also include the assessment of these actions

on the larger ecosystem, with the priority being that ecosystem stability and integrity are maintained.”

The consistency determination states that the Air Force will continue to use trash cleanup and carrion removal as tools to reduce the presence of ravens and coyotes on the beach. Human trash attracts predators to the beach and by regularly removing this debris the Air Force hopes to reduce the number of predators attracted to the beach. Ravens and coyotes that rely on carrion as part of their food source are attracted to dead animals that wash up on the beach. The Predator Management Plan calls for removing carrion when plover monitors identify it, after taking into consideration potential impacts on snowy plovers from removal activities.

The Air Force will continue to implement predator management in the project area during the 2019-2023 time period in accordance with the U.S. Fish and Wildlife Service-approved Predator Management Plan (2011), and will continue to update the plan as needed and in coordination with the Service should conditions in the project area require adaptive management. As in previous years, the Plan emphasizes selective control of individual problem predators, non-lethal techniques wherever possible, but does include selective lethal removal. The Commission agrees with the Air Force that continued implementation of the existing Predator Management Plan will not significantly disrupt habitat values in ESHA at Minuteman, Wall, and Surf beaches and is consistent with Section 30240 of the Coastal Act.

As in previous years, the Air Force will place up to four temporary shelters adjacent to closure area boundary fences on Minuteman, Wall, and Surf beaches in order to provide sun and wind protection to beach patrol personnel and thus enable a more continuous presence on the beaches during the March 1 through September 30 time period. The shelters are no larger than six-feet-long by four-feet-wide by eight-feet-tall, and the roofs will be affixed with Nixalite or other anti-perching material to prevent predators from perching on them.

The temporary shelters will be placed in an ESHA. Section 30240 provides that development within an ESHA must be dependent on the ESHA resources and must avoid significant disruptions to the habitat. The proposed shelters are dependent on the ESHA resources. Their purpose is to provide shelter for enforcement personnel and increase the presence of the enforcement staff in the area. The shelters will allow the enforcement people to have uninterrupted presence on the beach, while providing areas to rest, get shelter from the weather, and store gear. Since the purpose of these enforcement efforts is to assure that public use of the beaches does not adversely affect snowy plover nesting habitat, the enforcement program is dependent on the ESHA resources. Since the proposed shelters will enhance the Air Force's enforcement efforts, the structures are also dependent on the resources.

In addition the proposed shelters will avoid any significant disruptions on the ESHA resources. The Air Force will install the shelters prior to March 1 (the start of the nesting season) and will remove the shelters after September 30 (the end of the nesting season). The Air Force's wildlife biologist will monitor placement of the shelters to minimize impacts to nesting habitat and the Air Force will install anti-perching material on the shelters to prevent their use by predatory birds. With these measures, the proposed structures will not significantly disrupt the ESHA habitat and are consistent with Section 30240 of the Coastal Act.

The Beach Management Plan includes continuation of suitable snowy plover habitat restoration at and adjacent to Minuteman, Wall, and Surf beaches. Restoration activities would occur outside the breeding season and strive to increase suitable breeding habitat to compensate for allowing recreational use of 1.25 miles of nesting habitat during the breeding season. The Air Force proposes to restore dune habitat by continuing to eradicate invasive and non-native dune vegetation. The total proposed area for restoration is approximately 1,628 acres and restoration methods would include manual removal, chemical treatment, mechanical removal, and prescribed burns. The Commission found in previous Air Force consistency determinations for beach management at Vandenberg AFB that such restoration work was an allowable use in ESHA. The Commission agrees with the Air Force that the proposed continuation of snowy plover habitat restoration remains an allowable use in project area ESHA and is consistent with Section 30240 of the Coastal Act.

Also included in the Beach Management Plan is a proposal to install four separate, pre-fabricated kit cabins and five tent camping sites at an existing graded and disturbed site immediately adjacent to the parking area above Wall Beach for use year-round by Air Force personnel ([Exhibit 3](#)). As described earlier in this report, the cabins will not be provided with electrical, water, or sewer connections, and portable toilets and trash receptacles located near the entrance to the parking area will serve the cabins and campsites. Campsites would not have any facilities or amenities other than picnic tables and would not include fire pits. The cabins and campsites would not be located within the Wall Beach ESHA and would be separated from the ESHA by the existing parking lot. Nixalite or other anti-perching devices will be installed on the cabin roofs to deter avian predators. While the proposed facilities will introduce more human activity at Wall Beach, the current violation limit for this beach during the March 1 through September 30 snowy plover breeding season will remain in effect. The limit of 10 violations at Wall Beach has never been reached in any year since 2001. However, should that limit be reached during the breeding seasons of the 2019-2023 Beach Management Plan, Wall Beach would be closed for the remainder of the season. The cabins and the campsites would remain open but the existing gate on the trail that provides access to the beach would be closed and locked. Individuals using the cabins and campsites would not be able to access the beach and would be informed that access to and use of the beach is prohibited until September 30. Thus, there exists a significant incentive for Air Force personnel who will use the cabins and campsites to honor the snowy plover protection measures that will continue to remain in place on Wall Beach. The Commission agrees with the Air Force that the proposed cabins and campsites are sited and designed to prevent significant impacts to the Wall Beach ESHA, and the use of those facilities by Air Force personnel under proposed access and recreation restrictions is compatible both with ESHA protection and beach recreation.

The Air Force states in its consistency determination that it will continue to adhere to all the requirements contained in the U.S. Fish and Wildlife Service Biological Opinion for Beach Management at Vandenberg AFB (8-8-12-F-11R), including the implementation of Reasonable and Prudent Measures, Terms and Conditions, Reporting Requirements, and Conservation Recommendations designed to protect the Western snowy plover and California Least tern and their habitats along the Vandenberg AFB shoreline.

In conclusion, the beaches on Vandenberg Air Force Base support nesting snowy plovers, a federally listed threatened species. Military lands are not designated as critical habitat if those lands are subject to an Integrated Natural Resources Management Plan (INRMP). Vandenberg AFB adopted an INRMP that provides special habitat protection along the shoreline for the Western snowy plover. As in previous concurrences with beach management plans for Vandenberg AFB (dating back to 1994), the Commission continues to find that the snowy plover habitat on Vandenberg AFB is an ESHA. The purpose of the 2019-2023 Beach Management Plan is to manage and protect this ESHA and therefore the Plan is dependent on the sensitive resource of the ESHA. Since public access and recreation opportunities are a resource that currently exists within the nesting habitat of the snowy plover, management of those opportunities is a resource-dependent activity. In addition, the Beach Management Plan will continue to reduce impacts to snowy plovers from human activities on beaches and from predation, and will not significantly disrupt the ESHA.

The Commission agrees with the Air Force and the U.S. Fish and Wildlife Service that the experimental discontinuance of the automatic closure of Surf Beach triggered by exceeding the existing 50-violation limit (as described in detail in the Public Access and Recreation section of this report) will not lead to adverse effects on snowy plovers and their habitat because the use restrictions and enforcement will remain in place. In addition, the Air Force, in consultation with the Service, retains the ability to close Surf Beach during the plover breeding season should it determine that the experiment is unexpectedly creating adverse impacts to plovers and/or plover habitat. The Air Force will provide information to the Commission regarding any impacts to plovers (including any that might arise from the experimental program) such that the Commission may determine if the plan is having an effect on coastal resources substantially different than originally described in this consistency determination, therefore triggering the need to prepare and submit to the Commission a supplemental consistency determination. Therefore, the Commission finds that the proposed plan is consistent with the environmentally sensitive habitat policy of the Coastal Act (Section 30240).

E. CULTURAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Cultural resources are places or objects that possess cultural, archaeological, or paleontological significance and include sites, structures, or objects significantly associated with, or representative of, earlier people, cultures, and human activities. The consistency determination states that habitat restoration activities may occur in areas where archeological and/or paleontological resources exist, but that protective measures would be implemented to ensure no adverse effects result. In addition, where negative effects are unavoidable, proper mitigation will be implemented per the requirements of the Air Force's February 2015 report, *Identification of Historic Properties and Finding of No*

Adverse Effect, Snowy Plover Habitat Restoration, Phase II, Purisima Point and Minuteman Beach, Vandenberg Air Force Base, Santa Barbara County, California.

This report included results from a records review conducted of the Vandenberg AFB Cultural Resource Management Database and the Central Coast Information Center at UC Santa Barbara. This review identified 48 archaeological sites within the project area of potential effect, and an intensive pedestrian survey of the 48 sites was conducted in December 2014. Based on the records review, pedestrian survey, and the Air Force's consultation with the Santa Ynez Band of Chumash Indians, the State Historic Preservation Officer concurred in February 2015 with the Air Force's determination that proposed habitat restoration activities would have no adverse effect on archaeological or historic resources.⁴ Independently, on April 9, 2019, the Commission staff mailed letters to the Santa Ynez Band of Chumash Indians, the Coastal Band of the Chumash Nation, and the Northern Chumash Tribal Council informing Tribal representatives of the proposed project and requesting information on any Tribal cultural, historic, or religious sites within or adjacent to the project area. As of the date of this report, no additional information was provided to the staff.

The consistency determination states that during habitat restoration activities (described in the previous section of this report):

The AF would clearly demarcate cultural areas protected by laws, e.g., National Historic Preservation Act, so that the bulldozer operators are able to easily avoid impacts to the recorded sites during Wall Beach dune re-contouring and constructing firebreaks from San Antonio Creek to Minuteman Beach. A qualified archaeologist would monitor restoration activities that could potentially have an adverse effect on archaeological sites. In addition, a Santa Ynez Band of Chumash Indians (SYBCI) monitor may also be present to minimize adverse effects to cultural resources during firebreaks construction. The SYBCI Fire Personnel may participate with the VAFB Hot Shots (Wildland Fire) in a controlled burn effort for firefighting training that is combined with prehistoric archaeological resources stewardship. Because monitors would be present when bull dozers are operating, and because the legally protected cultural areas would be flagged for purposes of easy avoidance, the restoration project is not likely to impact the archaeological resources.

The Air Force will also adhere to standard archaeological mitigation measures for protection of any cultural resources inadvertently discovered during habitat restoration activities.

The Commission agrees with the Air Force that the proposed project will not adversely affect cultural resources. The resource inventory and evaluation work previously undertaken to identify cultural resources within the project area, the commitment by the

⁴ The currently-proposed habitat restoration work remains unchanged from that evaluated in the 2014 and 2015 surveys.

Air Force to protect known and unknown cultural resources during habitat restoration activities, and the participation of the Santa Ynez Band of Chumash Indians during fire break construction and habitat restoration activities demonstrates the Air Force's commitment to protection of cultural resources in the project area. Therefore, the Commission finds that the Beach Management Plan is consistent with the cultural resource policy of the Coastal Act (Section 30244).

SUBSTANTIVE FILE DOCUMENTS

1. Consistency Determination CD-0004-18 (Beach Management Plan for Vandenberg Air Force Base, Department of the Air Force).
2. Letter from the Department of the Air Force/Vandenberg Air Force Base to the U.S. Fish and Wildlife Service/Ventura Field Office, August 2, 2019.
3. Letter from the U.S. Fish and Wildlife Service/Ventura Field Office to the Department of the Air Force/Vandenberg Air Force Base, August 20, 2019.
4. Letter from the Department of the Air Force/Vandenberg Air Force Base to the California Coastal Commission/ Energy, Ocean Resources and Federal Consistency Division, October 31, 2019.
5. Biological Opinion on the Beach Management Plan, Vandenberg Air Force Base (2014-2018, 8-8-12-F-11R), U.S. Fish and Wildlife Service, February 4, 2015.
6. Predator Management Plan for Protection of Breeding Western Snowy Plovers at Vandenberg Air Force Base, 5-Year Plan, 2011-2015, February 2011, U.S. Air Force.
7. Monitoring and Management of the Endangered California Least Tern and the Threatened Western Snowy Plover at Vandenberg Air Force Base, 2017, Point Blue Conservation Science, November 15, 2017.
8. Letter from State Office of Historic Preservation to Department of the Air Force, February 17, 2015.
9. Letters from California Coastal Commission to Northern Chumash Tribal Council, Coastal Band of the Chumash Nation, and Santa Ynez Band of Chumash Indians regarding Beach Management Plan for Vandenberg AFB, April 9, 2019.
10. Consistency Determinations: CD-012-94, CD-067-95, CD-019-00, CD-023-01, CD-046-01, CD-105-01, CD-089-02, and CD-094-04 (Snowy Plover and Beach Management Plans at Vandenberg Air Force Base).
11. Negative Determinations: ND-087-99, ND-020-00, ND-019-01, ND-034-01, and ND-007-04 (Modifications to Snowy Plover and Beach Management Plans at Vandenberg Air Force Base).
12. Page, Gary W., et al., Distribution and Abundance of the Snowy Plover on its Western North American Breeding Grounds; *Journal of Field Ornithology*, 62(2): 245 - 255.
13. Final Rule for Determination of Threatened Status for the Pacific Coast Population of the Western snowy Plover; *Federal Register* Vol. 58, No 42, page 12864; March 5, 1993.
14. 1993 Western Snowy Plover Monitoring, Vandenberg Air Force Base, February 2, 1994.

15. Draft Environmental Assessment, Modification of Public Access Routes at Ocean Beach Vandenberg Air Force Base, California, February 22, 1994.
16. U.S. Fish and Wildlife Service, Biological Opinion on the proposal to modify recreational beach access, Ocean Beach, Vandenberg Air Force Base, February 3, 1995.
17. Draft Environmental Assessment, Modification of Public Access Routes at Ocean Beach Vandenberg Air Force Base, California, March 1995.
18. Preliminary Findings, Snowy Plover Reproductive Success on Ocean Beach, Vandenberg Air Force Base, California, U.S. Air Force, prepared for the California Coastal Commission, July 1998.
19. Draft Environmental Assessment, Beach Management and the Western Snowy Plover at Vandenberg Air Force Base, October 30, 2000.
20. Western Snowy Plovers on Vandenberg Air Force Base, 2000 Final Report, January 2, 2001.
21. Biological Opinion for Beach Management and Western Snowy Plover at Vandenberg Air Force Base for the 2001 Breeding Season (1-8-01-F-13), March 9, 2001.
22. Draft Biological Opinion for the 2002 Interim Beach Management Program for Vandenberg Air Force Base, Santa Barbara County, U.S. Fish and Wild Life Service, November 26, 2001.
23. Biological Assessment, 2003 Interim Plover Management Plan, Vandenberg Air Force Base.
24. Biological Opinion for Beach Management for the Western Snowy Plover on Vandenberg Air Force Base for the 2003 Breeding Season (1-8-03-F-13), U.S. Fish and Wildlife Service, May 12, 2003.
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