

CALIFORNIA COASTAL COMMISSION

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Th3

Prepared March 16, 2021 for March 18, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

**Subject: Additional hearing materials for Th3
CDP Number 4-82-300 (Oceano Dunes CDP Review)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional ex parte disclosures received in the time since the staff report was distributed

EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: March 18, 2021 Th 3 Oceano Dunes CDP review

2) Date and time of receipt of communication:

March 15, 2021, 3:00-3:45pm

3) Location of communication

By Zoom

4) Identity of person(s) initiating communication:

Shawnee Patterson

5) Identity of person(s) on whose behalf communication was made:

Friends of Oceano Dunes

6) Identity of persons(s) receiving communication:

Donne Brownsey

7) Identity of all person(s) present during the communication:

Brownsey, Jackson Gualco, Jim Suty, Jared MacLeod

Complete, comprehensive description of communication content:

Jim Suty has been with the Friends of Oceano Dunes for their 20 year history. He also served on the TRT from 2001-2018. Friends of Oceano Dunes is a 501 (c) (3) established to protect OHV use at the Park. He stated that they found the staff report disturbing. He provided history regarding the activities of establishing the Oceano Dunes Park Management Plan for the use of OHV use and segregation of Oso Flaco area as a nature area. In 1975, the predecessor to the Coastal Commission approved this Plan. On Page 63, a condition to allow for OHV use restricted to the use at Pismo Beach of 15,000 acres. In 1982, it was reduced to 1500 acres. He indicated that the Friends were not happy with the PWP and believe that OHV use is consistent with the SLO LCP ESHA. They believe the current Park General Plan balances the issues with respect to endangered species and plants and recreational use of OHVs. They also believe that there will be severe economic consequences if OHV use is phased out and also oppose the proposed closing of the Pier Avenue entrance gate. Materials will be attached or sent under separate email.

Date March 15, 2021



Signature of Commissioner Donne Brownsey



State Legislated Oceano Dunes State Vehicular Recreation Area

My name is Jim Suty, I am the founder and President of Friends of Oceano Dunes.

I was the State Appointed OHV representative on the TRT from inception in 2001 to conclusion in 2018

Friends represent the ~2 million annual visitors to the Oceano Dunes.

We Fight to Protect Access For All & Ensure No-Net-Loss!





State Legislated Oceano Dunes State Vehicular Recreation Area

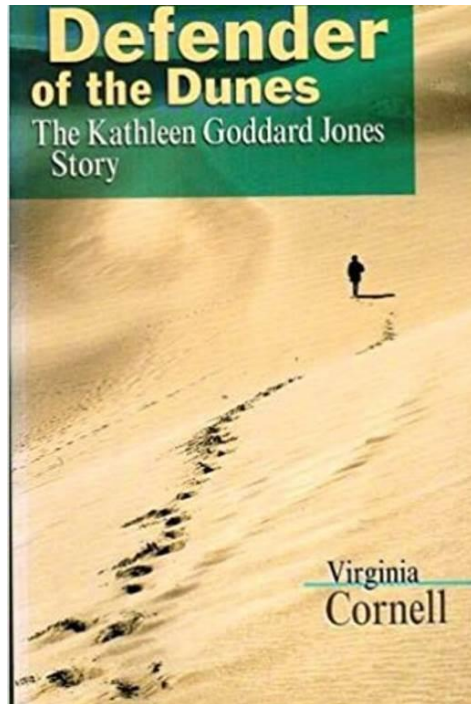
Staff recommendation

Staff recommends fundamental changes at the Park through modifications to the base CDP's terms and conditions. **First and perhaps most critically, staff recommends that all OHV use be eliminated at the Park.** Although staff believes that OHV use in ESHA is not consistent with the LCPs or Coastal Act, leading to a conclusion that such uses should cease immediately, staff recognizes that this is a large State Park and a significant operation. It may take some time to modify the way in which the Park operates (including related to budgeting, planning, and making the physical changes needed) and the ways in which users adjust to the new Park offerings. Thus, staff recommends a five-year transition, where the area allotted to vehicular/OHV use would only be allowed on a temporary basis (and could even be reduced in the interim subject to State Parks' planning efforts).

The Oceano Dunes SVRA is a State Legislated OHV Park – CCC Does Not Have the Authority



State Legislated Oceano Dunes State Vehicular Recreation Area



“But subsequent to that meeting in late 1974 there was developed the general development plan, called The Pismo State Beach and Pismo Dunes SVRA (State Vehicle Recreation Area) General Management Plan and Natural Resources Development Plan for these two sections of state park ownership.”

“And in-that document, which is an excellent document, the management plan was made clear, including the major entrance at the Callender area, which has now become a point of argument again among some groups.

The whole thing is a mess, except that the Coastal Commission has been very helpful, and the county superiors have astonishingly been very helpful. They have now unanimously decided, in their LCP [local coastal plan] , to prohibit off-road vehicle recreation south of Oso Flaco Creek. The Coastal Commission has laid down some firm requirements of the state. One is that they shall control vehicles by erecting "non-climb" fencing. Much of the fencing has been done."

https://digitalassets.lib.berkeley.edu/roho/ucb/text/sierra_club_nationwide2.pdf

The Environmental Community and the Off-Road Community worked together and defeated the Nuclear Power Plant being built in the dunes...we then worked together to establish the protected Southern Dunes and the Oceano Dunes SVRA

State Legislated Oceano Dunes State Vehicular Recreation Area

Plan Format

The Public Resources Code provides that after each unit of the State Park System is classified, the Department of Parks and Recreation must prepare a general development plan and resource management plan for that unit. The Department must then submit the plans to the State Park and Recreation Commission for approval. It is the responsibility of the commission to schedule a public hearing to consider such approval.

In the case of Pismo Beach, there are two plans that have been reviewed by the commission and the public: one plan for Pismo State Beach and the other for Pismo Dunes State Vehicular Recreation Area. These areas are contiguous, and consideration of either plan requires an understanding of the total proposal encompassing the two individual units of the State Park System. For this reason the two plans have been included under a single cover.

On February 27, 1975, the California Coastal Zone Conservation Commission, South Central Coast Region, conducted a public hearing to consider this plan. The regional commission approved the plan at that meeting, and the terms and conditions of the approval appear in the appendix to this publication.

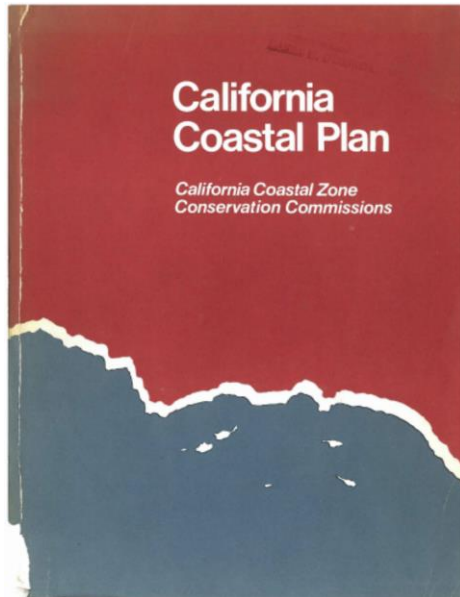
Off-Highway Vehicle* Recreation

1. Two thousand acres of sand dunes for off-highway vehicle recreation
2. Primitive camping facilities for dune vehicles
3. Inland camping area for off-highway vehicle users
4. Vehicle association center with administration facilities for off-highway vehicle recreation
5. Concession-operated facilities for dune vehicle service, rental, and storage and food service
6. Operation center with information and first aid facilities

* The term "off-highway vehicles" as used in this report, refers to wheeled vehicles



State Legislated Oceano Dunes State Vehicular Recreation Area



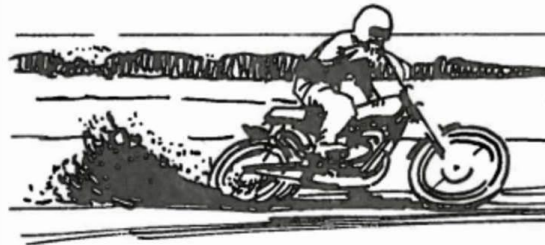
California Coastal Plan

*California Coastal Zone
Conservation Commissions*

December 1975

Recreation (Pg 63)

143. Restrict Off-Road Recreational Vehicles along the Coast. Off-road recreational vehicle (ORV) use in the intertidal and oceanfront areas shall be permitted only in (a) that portion of Pismo Beach in San Luis Obispo County where such use



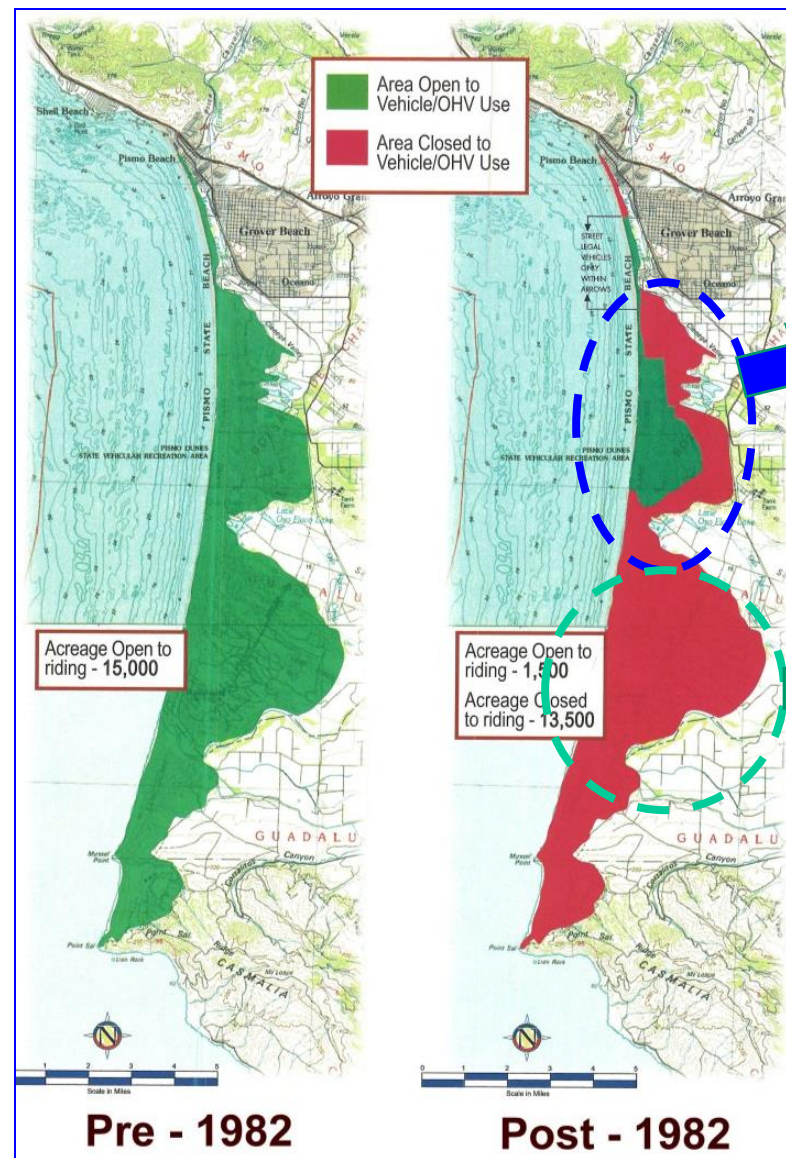
is presently permitted and controlled by the California Department of Parks and Recreation, and (b) such other coastal areas where ORV use is presently permitted and where all of the following standards are met: (1) the ORV use shall not adversely affect coastal plant or animal life, water quality, air quality, or other natural resources, and shall not conflict with other recreational uses; (2) the ORV use shall not result in noise levels that exceed 65 dBA at a distance of 50 feet from the noise source; (3) adequate support facilities shall be provided (e.g., rest rooms, holding tank dump stations, first aid facilities); and (4) a private operator or public agency shall assume responsibility for the management of the area to ensure that the ORV use is limited to the area designated for such use, and that the area is closed to ORV use if the above standards are not continually met.

Shall Be Permitted

- Coastal plants are fenced off and protected
- Animal life is thriving
- Water quality has never been an issue
- Air Quality is due to natural events (Saltation) not OHV.
- Noise limits in place

The 1975 California Coastal Plan allowed for continued OHV use..."Shall Be Permitted"

State Legislated Oceano Dunes State Vehicular Recreation Area



Oceano Dunes State Vehicular Recreational Area

OHV \$ fund a very robust Endangered Species Program which has the best breeding success for the Western Snowy Plover and California Least Tern than **ANYWHERE** else in the state.

This is “balanced land use”

Approximately 1.5 to 2.0 Million Visitors

Guadalupe Dunes National Wildlife Refuge

They don't have enough \$ to fund an Endangered Species Program. They do not manage invasive vegetation or predators. They have a very poor Western Snowy Plover program and **NO** California Least Terns.

This is “close and forget”

Approximately 10,000 visitors

Adjacent Properties...Very Different Results

State Legislated Oceano Dunes State Vehicular Recreation Area

CCC Staff Recommendation

Oceano Dunes State Vehicular Recreational Area

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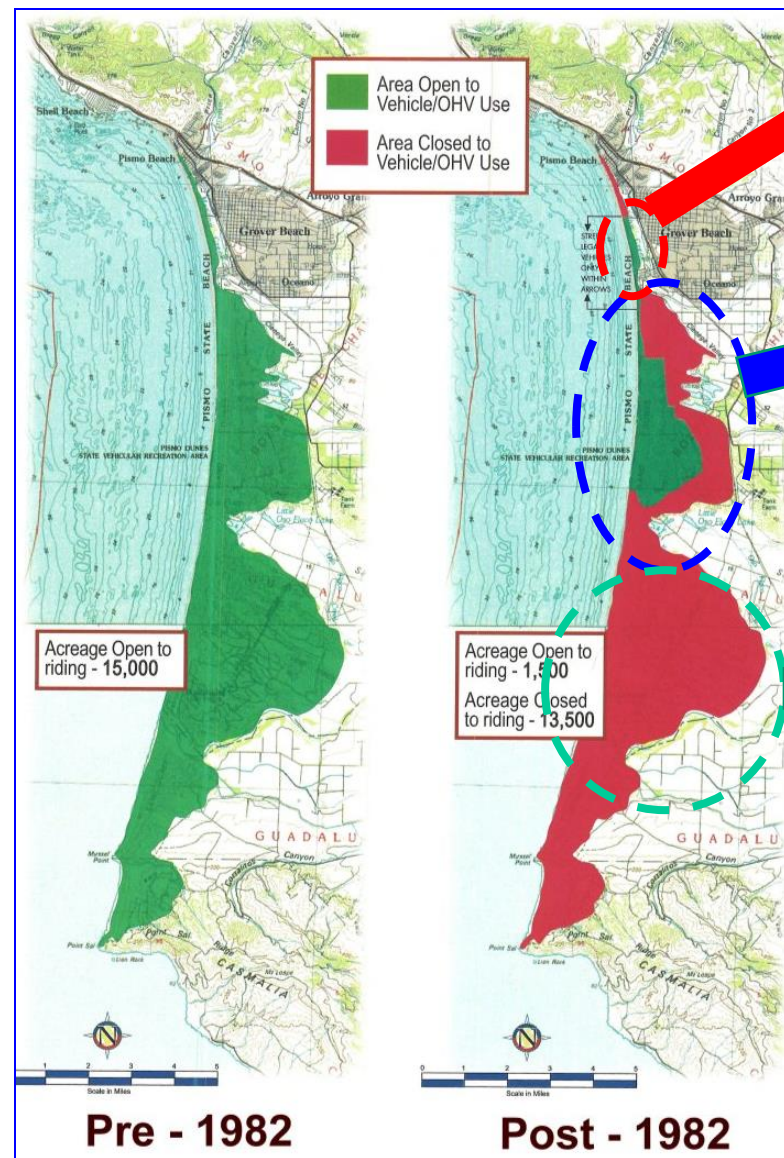
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Adjacent Properties...Very Different Results





State Legislated Oceano Dunes State Vehicular Recreation Area



In 1982, the California Coastal Commission (“CCC”) approved a Coastal Development Permit (CDP 4-82-300) for Oceano Dunes State Vehicular Recreation Area (“Oceano Dunes SVRA”). The CDP has been amended several times since 1982 and set in motion a 40-year debate over access to and recreation at Oceano Dunes SVRA. State Parks is attempting to synthesize permitting and provide solutions to this 40-year challenge through the draft Public Works Plan (PWP).

State Parks and the CCC jointly agreed on the idea of a PWP as a viable option to examine future operations and management at Oceano Dunes SVRA. The PWP includes Oceano Dunes SVRA and Pismo State Beach, which constitute State Parks’ Oceano District (“the District”), and is a long-range land use management plan for compliance with the California Coastal Act (“Coastal Act”) that is reviewed and approved by the CCC. The PWP allows for a comprehensive permit for large or multi-phase projects and examines future operations and management decisions holistically.

State Legislated Oceano Dunes State Vehicular Recreation Area

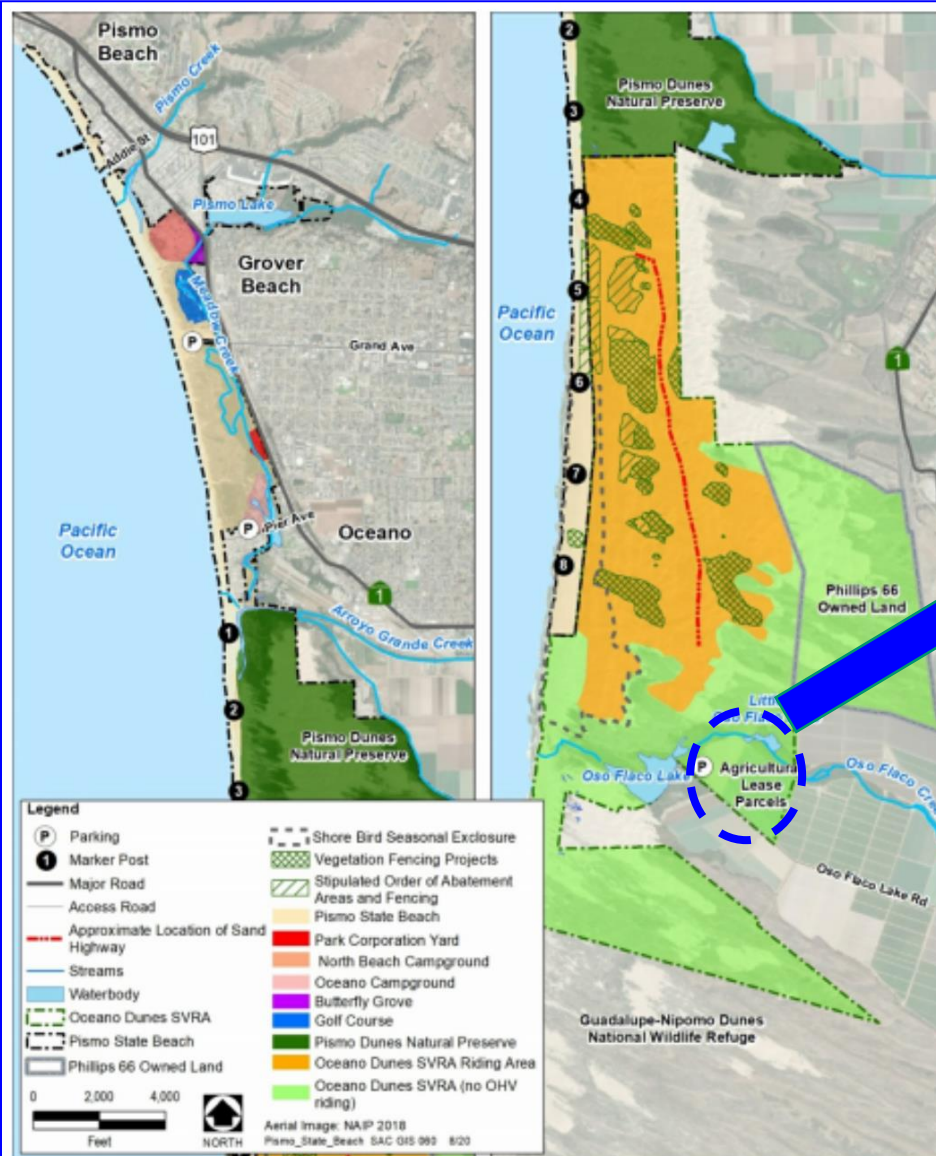


Figure 1-2. Existing Park Land Use and Facilities

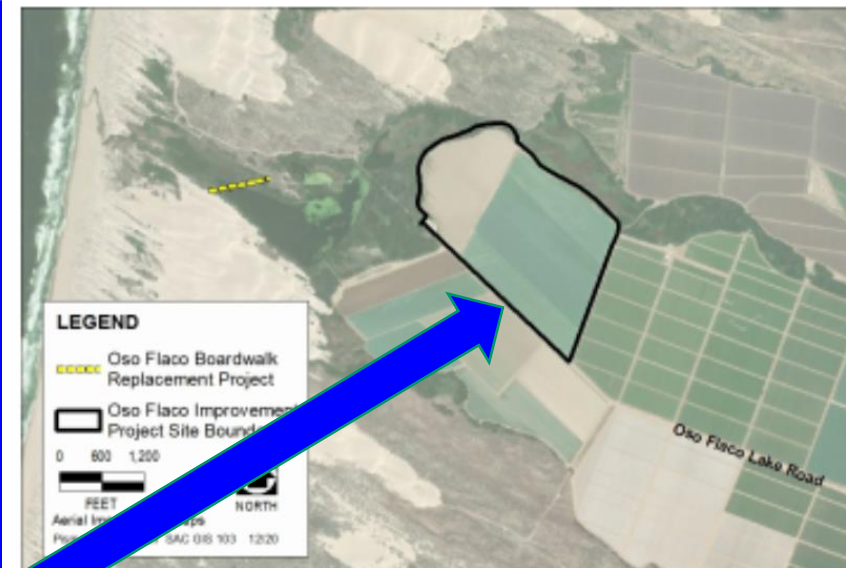


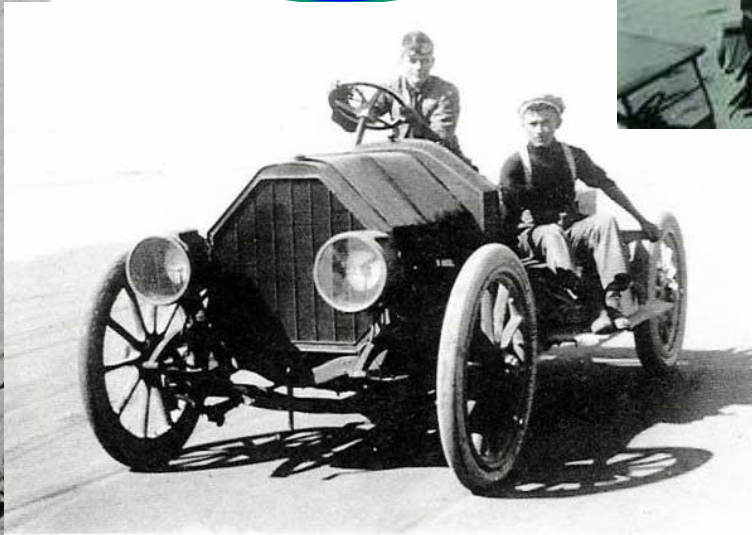
Figure 3-2. Oso Flaco Improvement Project Location

Farmland was purchased for a campground several decades ago and has been leased as farmland.

Making a campground with dune access only converts the Ag Land and does not harm Oso Flaco or the Protected Dunes to the South.



Documented
Historical Use



Early automobile at Oceano-Pismo Beach (circa 1905).





Celebrations





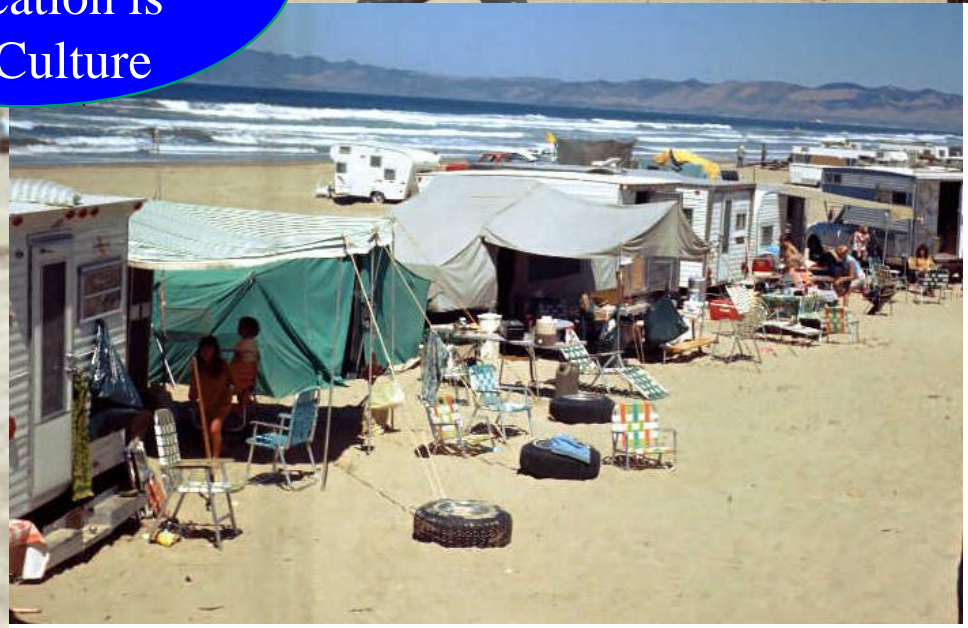
Togetherness



1970



Camping &
OHV
Recreation is
Our Culture



EXPARTE COMMUNICATION DISCLOSURE FORM
Filed by Commissioner Donne Brownsey

1) Name or description of project: March 18, 2021 Th 3 Oceano Dunes CDP review

2) Date and time of receipt of communication:
March 15, 2021, 2-2:20pm

3) Location of communication
By Zoom

4) Identity of person(s) initiating communication:
Sara Wan

5) Identity of person(s) on whose behalf communication was made:
Herself

6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey & Wan

Complete, comprehensive description of communication content:

Sara Wan was calling on behalf of herself, her 15 year service on the Commission and her personal perspective of the Oceano Dunes permit. It is her opinion that the Staff Report got it right and she strongly supports the recommendation. She suggested that specific milestones be added to the 5 year phase out of the OHV use at the Park.

She worked on the Oceano Dunes Park issues in 2000-01, served on the TRT and the 2 person Commission subcommittee for the Park. Her view was that State Parks did not comply with or show interest in responding to the expressed concerns of the Coastal Commission. She said it was long past time to act and there is no question that the OHV use is inconsistent with the Coastal Act under ESHA.

Date March 15, 2021

A handwritten signature in blue ink, appearing to read "Donne Brownsey", is written over a horizontal line.

Signature of Commissioner Donne Brownsey

EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: March 18, 2021 Th 3 Oceano Dunes CDP review

2) Date and time of receipt of communication:

March 15, 2021, 1-2pm

3) Location of communication

By Zoom

4) Identity of person(s) initiating communication:

Liz McGuirk

5) Identity of person(s) on whose behalf communication was made:

Cal State Parks Director Armando Quintero, Chief Deputy Director Liz McGuirk, Sarah Miggins and Alex Stehl

6) Identity of persons(s) receiving communication:

Donne Brownsey

7) Identity of all person(s) present during the communication:

Brownsey, Quintero, McGuirk, Miggins and Stehl

Complete, comprehensive description of communication content:

Quintero and team described their concerns with the report and their position that the PWP process should be followed. They believe that the draft PWP, draft EIR and draft Habitat Plan are responsive to the concerns expressed by the Commission. They also indicated that the Biodiversity Management Plan greatly increases buffer zones and includes studies that will provide important data for managing park resources.

They spent time providing their perspective on the 15 issues that were raised by the Commission staff and they believe are addressed in the documents cited above. They assert contra to the CCC staff analysis that statute established the SVRA. The SVRA is also part of the General Plan for the Park and has been classified as an SVRA by the State Park Commission which has authority for classifications. Changing elements of the Parks General Plan as directed in the staff report triggers a CEQA process as well as numerous other procedures. Some of the conditions proposed by the staff report cannot be immediately implemented due to procedural requirements.

Parks staff believe that the current plan and the draft PWP are consistent with the SLO LCP ESHA analysis. They also asserted that predetermining the outcome of the CEQA process and the State Parks commission ruling usurps the public review processes. It

was their hope that the Commission would review and hear the draft PWP and the DEIR at this meeting. That Parks would then take the Commission analysis back and revise the documents and return with the final package later this spring.

Date March 15, 2021



Signature of Commissioner Donne Brownsey

EXPARTE COMMUNICATION DISCLOSURE FORM
Filed by Commissioner Donne Brownsey

1) Name or description of project: March 18, 2021 Th 3 Oceano Dunes CDP review

2) Date and time of receipt of communication:
March 15, 2021, 2:30-2:45pm

3) Location of communication
By Phone

4) Identity of person(s) initiating communication:
SLO County Supervisor Bruce Gibson

5) Identity of person(s) on whose behalf communication was made:
Himself

6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey & Gibson

Complete, comprehensive description of communication content:

Gibson, as an individual county supervisor, believes that the Staff Report was outstanding and he strongly supports the recommendation. He reviewed his work on the local Air Board on the dust issues. It is his opinion that State Parks erred by not putting the dust control measures in the PWP. He indicated that it has been very frustrating over the past 10 years to get State Parks to perform their duties with respect to the findings and orders of the local air board.

Gibson stated that the report articulates a positive and constructive vision of the future Park without OHV. He believes that the economic impact studies analyzed in the report were very informative. He clarified that he does not represent the district in which the Park is located nor that the SLO Board of Supervisors has a position on the Commission's agenda item. He sent a letter on these issues which is attached to this report.

Date March 15, 2021



Signature of Commissioner Donne Brownsey



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS

Bruce Gibson *District Two Supervisor*

February 23, 2021

BY U.S. MAIL & E-MAIL

Mr. Steve Padilla, Chair
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
(OceanoDunesReview@coastal.ca.gov)

Re: Comments on Oceano Dunes State Vehicular Recreation Area Coastal Development Permit (4-82-300) Review and Public Works Plan (Item Th3, March 18, 2021)

Dear Mr. Padilla and Commissioners:

I write as a San Luis Obispo County Supervisor and member of the SLO County Air Pollution Control District Board of Directors to convey my comments on the above-referenced item and to voice my support for Commission staff's recommendation regarding future uses in the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

Following a short summary, I offer more detailed comments on the proposed Public Works Plan and its draft environmental impact report (DEIR).

Summary

In short, the proposed PWP does not adequately address numerous issues and impacts of ODSVRA operations and should be rejected by your Commission. I support your staff's recommended modifications to CDP 4-82-300.

For many years, numerous commenters have been raised issues regarding, 1) State Parks' general compliance with its 1982 Coastal Development Permit; 2) airborne dust pollution caused by off-highway vehicle (OHV) use; 3) inconsistencies between current uses in the ODSVRA and the San Luis Obispo County's Local Coastal Program (LCP); and 4) issues regarding emergency response and nuisance impacts to Oceano residents. None of these issues are resolved in the proposed PWP.

Let me emphasize in particular that the PWP does not adequately address the airborne dust pollution caused by OHV riding in the ODSVRA. Consequently, the DEIR's air quality analysis is inadequate, as it fails to identify the beneficial impacts of mandated air pollution control measures. These shortcomings are consistent with State Parks' refusal to accept peer-reviewed technical studies that establish the contribution of OHV use to serious public health threats downwind of the ODSVRA.

More than a decade of effort has produced no significant progress toward reducing air quality violations and numerous other impacts to coastal resources continue. Thus, I agree with your staff's recommendation for a phased transition of the Park to non-OHV recreational activities. Such a transition will enable effective efforts to control windborne dust, allow resolution of the significant Coastal Act issues well-known to your Commission and provide new economic opportunities in San Luis Obispo County.

Detailed comments on the PWP

San Luis Obispo County residents and elected officials have long been concerned with several issues regarding the ODSVRA, including:

- Reconciliation of Figure 4 and Standard 9 of the County's Local Coastal Program;
- Dust pollution downwind of the Park caused by OHV use;
- Impacts to Oceano residents, specifically emergency response, sand being tracked out, and other nuisance impacts such as trash, noise and traffic; and
- State Parks' general compliance with the 1982 Coastal Development Permit (CDP), now under review.

As detailed below and in your staff report, the PWP does not adequately address numerous issues:

- The PWP does not squarely address reconciliation of Figure 4 and Standard 9 in the County's LCP (specifically the South County – Coastal Area Plan). The PWP does not specifically delineate whether the La Grande Tract is a buffer area or riding area. The PWP appears to maintain the LA Grande Tract as a riding area and therefore the proposed use remains inconsistent with the County's LCP.
- The PWP fails to include the dust pollution reduction measures required in the Particulate Matter Reduction Plan (PMRP) prepared by State Parks in response to regulations and orders of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The PWP Executive Summary (PWP ES 1.2.1) inconsistently excludes the PMRP from the PWP actions, yet "requires compliance with the PMRP." However, one project objective in the DEIR project description (DEIR 2.3.2) is to "manage the park consistent with state and federal resource protection goals and mandates," which by the above must include the PMRP. The inclusion of this objective requires analysis of the air quality impacts of both the PWP and the PMRP. This omission results in an inadequate air quality analysis in the DEIR, as noted below.
- The PWP does not address issues of sand being tracked out into the Pismo Beach, Oceano and Grover Beach communities from vehicles exiting the ODSVRA. This has been a significant ongoing issue for these communities and needs to be further addressed.
- The PWP does not sufficiently enhance the potential for economic development in the coastal area of the City of Grover Beach and Oceano, specifically in the area of Pier Avenue. As you

know, elected leaders and business and property owners in this area have complained about the lack of investment and redevelopment in this area due to location of the entrance for ODSVRA. The attendant impacts associated with the current entrance and its operation have artificially depressed investment and redevelopment.

- While the PWP proposes a potential new accessway to ODSVRA via the Oso Flaco Improvement Project and conceptually through the Phillips 66 Southern Entrance Project, the ultimate feasibility of those projects is questionable and their environmental impacts are unacceptable.
- The PWP does not adequately address impacts to Arroyo Grande creek and sensitive species due to vehicles crossing the creek area. Further, the PWP does not appear to address, or even acknowledge, the County Flood Control's proposed project for Arroyo Grande Creek and Meadow Creek regarding flood control.
- While the proposed public access boardwalk would increase public access to the coast, the compatibility of such a boardwalk with vehicle access between Grand and Pier Avenues and Beach Post Marker 2 is questionable. While regulations would restrict speed and prohibit OHV use until Beach Post Marker 2, enforcement of such restrictions is limited and ineffective. There are numerous public reports of individuals violating such rules and operating vehicles in this area recklessly and dangerously.
- The Oso Flaco Improvement Project, as designed, proposes an unacceptable conversion of prime agricultural land and will impose increased impacts on sensitive habitat.
- The PWP does not address concerns regarding the true operating intensity and capacity of the ODSVRA, especially with respect to OHV use. The proposed entrance kiosks and operations do not address the issues identified by the Coastal Commission in its June 21, 2019 staff report related to capacity management. For example, there are no improvements or operational changes that would accurately count the number of OHV vehicles located within the ODSVRA site at any given time.
- The PWP does not address the County's concerns with the increase in emergency response associated with the OHV use in the ODSVRA.

Summary of comments on the DEIR – esp., airborne dust pollution and OHV use

My comments on the DEIR were conveyed to State Parks in my letter of February 23, 2021 (attached). While the DEIR has several inadequacies, as detailed in the letter, I wish to highlight here the failure to properly account for the downwind dust pollution that has been found to be the result of OHV use in the ODSVRA.

The PWP discussion of “areas of controversy” (S.6) suggests that “dust and sand blown off site and downwind” are acceptable consequences of “allowable uses.” However, the airborne dust pollution downwind of the Park frequently violates federal and state clean air standards and local air quality

regulations (specifically Rule 1001, enacted by the San Luis Obispo County Air Pollution Control District, SLOAPCD). Peer-reviewed technical studies have established that OHV riding in the Park is a major contributor to the dust pollution. The issue of dust pollution has been a topic of considerable public controversy for over a decade.

The PWP itself fails to include the dust pollution reduction measures required in the Particulate Matter Reduction Plan (PMRP), yet inconsistently "requires compliance with the PMRP." Given the implicit inclusion of the PMRP in the future management of the ODSVRA, the DEIR does not adequately analyze air quality impacts. Specifically, compliance with the PMRP would result in air quality improvements that should be identified as beneficial (Class IV) environmental impacts. Omission of these Class IV impacts in the DEIR is consistent with State Parks' refusal to accept the important connection of OHV riding and dust pollution. Supporting this refusal, the DEIR misrepresents the findings of important technical studies, consistent with State Parks' long-standing efforts to discredit the scientific connection.

Concurrence with the Commission staff's recommendation

While my experience with the ODSVRA has been almost entirely through SLOAPCD efforts to reduce the public health threat caused by windborne dust connected with OHV use, I appreciate that current Park uses raise numerous Coastal Act and other public policy issues. Many of these issues are challenging to resolve in light of the competing interests of various groups.

I believe there are various ways to mitigate the dust problem, but State Parks has shown minimal commitment to that effort, as manifested by its refusal to accept the technical basis of the problem source and the related inadequacies of the proposed PWP. Quite clearly, the eventual elimination of OHV use will open numerous opportunities to remediate the Oceano Dunes, effect significant control of dust emissions and certainly resolve other Coastal Act issues. For those reasons, I support your staff's analysis and their recommendation to transition the Park to other environmentally-sustainable recreational opportunities.

Thank you for the opportunity to provide comments.

Respectfully submitted,



Bruce Gibson
Supervisor, District 2
San Luis Obispo County

cc: John Ainsworth, Executive Director, California Coastal Commission
Dan Carl, Deputy Director, California Coastal Commission
Kevin Kahn, Deputy Director, California Coastal Commission



COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
Bruce Gibson District Two Supervisor

February 23, 2021

BY U.S. MAIL & E-MAIL

California State Parks
Strategic Planning and Recreation Services Division
1725 23rd Street, Suite 200
Sacramento, CA 95816
(OceanoDunes.PWP.EIR@parks.ca.gov)

Re: Comments on draft Environmental Impact Report for the Pismo State Beach and Oceano Dunes State Vehicular Recreation Area

To whom it may concern:

I write to convey my comments on the draft Environmental Impact Report (DEIR) for the Pismo State Beach and Oceano Dunes State Vehicular Recreation Area (collectively, ODSVRA) Public Works Plan (PWP).

Referencing numbered sections of the DEIR:

S.5 – No OHV (Phased) Alternative: The draft EIR states “By eliminating OHVs, street-legal vehicles would still be allowed to operate in the Park; thus, only removing a small subset of vehicles from the beach and dunes.”

In support of this statement, the draft EIR references Vehicle Code Sections 38010 and 38012, however, it is unclear what quantitative information collection or analysis was done to support the conclusion that such a modification would only affect a “small subset” of vehicles that actually use the park.

The draft EIR references the OHV Trust Fund and identifies various programs that State Parks implements with respect to resource management. In support of not adopting the “No OHV (Phased) Alternative,” the draft EIR asserts that “Current spending for these programs...would be reduced and result in significant impacts to sensitive and endangered species and habitat currently funded through OHV Trust Funds to meet the state and federal management requirements.”

The primary driving force behind the need for the resource programs is the fact that OHV use negatively impacts natural resources within the ODSVRA area. If OHV use ceases, then the need for such resource management is likewise reduced.

S.6 – Areas of Controversy and Issues to be Resolved: The discussion outlined in this section under the heading “Existing Park Operations” insufficiently describes the history and background of the permit history of the park and areas of controversy, specifically, the dispute and differences of opinion between State Parks and Coastal Commission which is outlined in the Coastal Commission’s June 21, 2019 staff report.

The discussion is also inadequate, as it suggests that “dust and sand blown off site and downwind” is an acceptable consequence of activities that are “allowable uses.” The discussion should note that airborne dust pollution downwind of the Park frequently violates federal and state clean air standards and local air quality regulations (specifically Rule 1001, enacted by the San Luis Obispo County Air Pollution Control District, SLOAPCD). Peer-reviewed technical studies by SLOAPCD have established that OHV riding in the Park is a major contributor to the dust pollution. The issue of dust pollution has been a topic of considerable public controversy for over a decade.

Thus, the discussion should include two other significant areas of controversy:

- 1) State Parks’ refusal to accept the established findings connecting dust pollution and OHV riding at ODSVRA (see comments on 6.2.3 below); and
- 2) the efforts of State Parks to evade compliance with SLOAPCD Rule 1001 in the nine years since it was enacted in 2011.

The issues above have generated significant public controversy and litigation. The omission from the PWP of dust control measures required by the SLOAPCD and its Hearing Board amount to a further evasion by State Parks of responsibility for the negative public health impacts caused by operations in the ODSVRA.

2.0 – Project Description. The project description for the DEIR analysis is inadequate because it fails to include the dust pollution reduction measures required in the Particulate Matter Reduction Plan (PMRP) prepared by State Parks in response to regulations and orders of SLOAPCD and its Hearing Board. The PWP Executive Summary (PWP ES 1.2.1) inconsistently excludes the PMRP from the PWP actions, yet “requires compliance with the PMRP.” However, one project objective in the DEIR project description (DEIR 2.3.2) is to “manage the park consistent with state and federal resource protection goals and mandates,” which by the above must include the PMRP. The inclusion of this objective requires analysis of the air quality impacts of both the PWP and the PMRP. This omission results in an inadequate analysis in the DEIR 6.0 (Air Quality), as noted below.

5.3.1 – Issues Not Discussed Further in This EIR. The initial and future Oso Flaco Improvement projects entail the conversion of prime soils into recreation and open space. The DEIR addresses this impact by stating: “Approximately 116 acres of land within the Oso Flaco Improvement Project site is designated as Prime Farmland. However, State Parks has owned this land for decades and has been leasing the site in the interim to be used by a private entity for agriculture until such time that the site can be used as Park land. The Oso Flaco Improvement Project site is not under an agricultural preserve

program. The proposed site restoration and transition to high-priority public access and recreational use and restored as natural habitat consistent with the Park General Plan would not result in loss of Important Farmland acreage. Therefore, implementation of the PWP and site-specific projects would have no impacts related to the direct conversion of Important Farmland."

The fact that State Parks owns, currently leases and intends on returning the site to Park land completely fails to properly evaluate the environmental impacts to agricultural resources by virtue of the proposed project.

6.2.3 – Dust and PM Studies at Oceano Dunes SVRA – This part of the discussion on the Environmental Setting (DEIR 6.2) misrepresents the conclusions of several important technical studies, as follows:

- South County Phase 2 Particulate Matter Study (SLOAPCD, 2010) – This study explicitly concluded that OHV riding is a major contributor to elevated PM concentrations. The reference in the EIR leaves out that crucial fact, consistent with State Parks' refusal to accept that conclusion.
- Overview of Scientific Concerns Regarding Rule 1001 by the SLOAPCD (CGS 2012) – This memo, which purports to rebut the conclusions of the Phase 2 Study, was peer reviewed and rejected. The Phase 2 Study conclusions were validated.
- 2013 Intensive Wind Erodibility Measurements at and Near the ODSVRA: Report of Findings (DRI D., 2015a) – The discussion omits the fact that this study confirmed dust emissivity was higher in areas subject to OHV use, which confirms the findings of the Phase 2 Study.

The misrepresentations of these three studies are consistent with State Parks' long-standing efforts to discredit the scientific connection between dust pollution and OHV riding.

6.3.1.1 – Impacts from PWP Implementation: Given the implicit inclusion of the Particulate Matter Reduction Plan (PMRP) in the future management of the ODSVRA under the PWP, the DEIR does not adequately analyze air quality impacts. Specifically, compliance with the PMRP would result in air quality improvements that should be identified as beneficial (Class IV) environmental impacts. Omission of these Class IV impacts in the DEIR is consistent with State Parks' refusal to accept the important connection of OHV riding and dust pollution.

Other concerns include:

The DEIR states that "Oceano Dunes SVRA operates under daily vehicle limits established by CDP 4-82-300, most he (sic) recently amended and approved by CDP 4-81-300-A5 in 2001" While these permits do establish vehicle limits for the park, its actual implementation and enforcement is questionable. For example, State Parks does not inspect the inside of toy haulers to count the number of OHV vehicles inside. Nor does State Parks count vehicles existing the park or vehicles that come in after hours. These limits also do not apply to certain holidays and special events. Therefore, the assumption that the on-the-ground operations match permit requirements is not supportable.

The DEIR states “As outlined in greater detail in Volume 1, Chapter 3, “The Plan,” of this EIR, the PWP is intended to enhance operational efficiency and improve the visitor experience; however the PWP does not propose to increase park visitation, staffing, or related vehicle use levels, and may in fact reduce visitor use levels at least in the interim; the PWP is therefore consistent with the emission-generating characteristics and assumptions used by the SLOAPCD to forecast emissions in the 2001 Clean Air Plan, as well as the measures and strategies identified to reduce emissions.”

The Oso Flaco Initial Improvement Project proposes 38 primitive walk-in campsites with group camping up to 50 people. A new gathering space is proposed for concessions, events and interpretative and education programs. This initial project also proposes additional visitor parking space of up to 60 standard spaces and 20 larger spaces for recreational vehicles, school buses, etc. The future project proposes up to 100 drive-in campsites for tent camping, 20 cabins and 200 new recreational vehicle parking spots.

Given the nature and scope of the improvements and the historic difficulties of managing vehicle limits, the statement that the PWP does not propose to increase park visitation is not supportable.

6.1.1.1 – Impacts from PWP Development Projects and Small Development Projects: This section analyzes Impact 6-1 – Conflict with or Obstruct Implementation of the Applicable Air Quality Plan. The DEIR in this section references all of the proposed projects in the PWP and states “These site-specific improvement projects would not result in changes to park visitation or vehicle use levels.”

Similar to the comment immediately above, some of the projects propose significant visitor serving and recreational uses (i.e. the Oso Flaco Future Improvement Project). It is not realistic to assume that park visitation would not change given the nature and scope of the proposed improvements.

7.2.2 – Avoidance and Minimization Measures (AMMs): The first paragraph of this section references avoidance and minimization measures (“AMMs”) that are being developed in the Habitat Conservation Plan (“HCP”) that State Parks is also preparing. The DEIR states “The application of AMMs during PWP implementation is presumed, and therefore they are not considered mitigation measures but rather resource protection measures that are part of the proposed PWP and HCP. Thus, the AMMs are considered to be in place when determining the level of impact of the PWP, as described below.”

This not only unlawfully modifies the environmental baseline, but it assumes the effectiveness of AMMs that have not played out in real life. The analysis should be revised to reflect the current environmental baseline and park operations of May of 2018 consistent with Section 1.5 of the DEIR.

7.2.3 – Definition of ESHA: The DEIR defines environmentally sensitive habitats (“ESHA”) as “...those vegetation communities that are considered sensitive natural communities by CDFW, that are subject to regulation under section 404 of the federal Clean Water Act, the State’s Porter Cologne Act, or California Fish and Game Code 1600 et al.” The DEIR further states that “Unvegetated habitat

types such as beach strand or unvegetated dunes are not considered ESHA for the purposes of this EIR.”

That definition is inconsistent with the definitions of ESHA in the Coastal Act, San Luis Obispo County Code and the County's Land Use Element combining designation. Public Resources Code Section 30107.5 defines ESHA 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.”

Likewise, County Code Section 23.11.030 defines mapped ESHA as “A type of Sensitive Resource Area where 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 easily be disturbed or degraded by human activities and development. They include wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats and are mapped as Land Use Element combining designations. Is the same as an Environmentally Sensitive Habitat.”

The same County Code section defines unmapped ESHA as “A type of Sensitive Resource Area where 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 easily be disturbed or degraded by human activities and development. They include, but are not limited to, known wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats that may not be mapped as Land Use Element combining designations.

County combining designations identify the entirety of the ODSVRA area as a Sensitive Resource Area: https://opendata.slocounty.ca.gov/datasets/a1eca058b96a478bbb484b30d8cbb495_70?geometry=-120.866%2C34.956%2C-120.212%2C35.054

The entirety of the analysis regarding compliance with ESHA policies should be revised to be consistent with these definitions.

7.3.1.1 - Impacts on Special-Status Species from Proposed PWP Implementation: In analyzing the PWP's impacts on special status species, the DEIR states “State Parks would continue to implement their standard practices and policies and AMMs currently in place for existing and future management activities and potential impacts on special-status from these activities are covered by the HCP and were analyzed in the HCP EIR.”

The effectiveness of those AMMs are unknown. Further, State Parks has recently performed certain activities which were detrimental to these species and their habitat, which resulted in a formal cease and desist letter being issued by the Coastal Commission. Therefore, pure reliance on these standard practices and policies as effective mitigation is unsupported.

7.3.4.1 Impacts on Wildlife Movement from Proposed PWP Implementation: The DEIR does not specify what the wildlife movement is in the existing park in order to meaningful assess the impacts of the various projects on wildlife movement.

7.3.4.2, Impacts on Wildlife Movement from Development Projects, Impact 7-10 Impacts on Wildlife Movement: The DEIR fails to provide adequate information and analysis on how it determined that the Oso Flaco Improvement Projects, the Park Corporation Yard Improvement Project, the Butterfly Grove Public Access Project and the Phillips 66/Southern Entrance Project would have a less than significant impact on wildlife movement.

The entirety of the analysis is two sentences: "Impacts would be temporary during construction and would not be expected to result in new permanent wildlife barriers. The projects would occur in areas of ample open space/natural communities and any wildlife would be able to pass through the area even during construction." This is insufficient under CEQA.

19.3.2.2 Impacts from PWP Development Projects, Impact 19-1, Construction or expansion of Recreational Facilities which might adversely affect the physical environment: The discussion of the Oso Flaco Initial and Future Improvement Projects fails to address the conversion of agriculture (see also comments on section 5.3.1. above).

I appreciate the opportunity to comment on this draft EIR. Please don't hesitate to contact me if you need further information.

Respectfully submitted,



Bruce Gibson
Supervisor, District 2
San Luis Obispo County

EXPARTE COMMUNICATION DISCLOSURE FORM
Filed by Commissioner Donne Brownsey

1) Name or description of project: March 18, 2021 Th 3 Oceano Dunes CDP review

2) Date and time of receipt of communication:
March 15, 2021, 2-2:20pm

3) Location of communication
By Zoom

4) Identity of person(s) initiating communication:
Sara Wan

5) Identity of person(s) on whose behalf communication was made:
Herself

6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey & Wan

Complete, comprehensive description of communication content:

Sara Wan was calling on behalf of herself, her 15 year service on the Commission and her personal perspective of the Oceano Dunes permit. It is her opinion that the Staff Report got it right and she strongly supports the recommendation. She suggested that specific milestones be added to the 5 year phase out of the OHV use at the Park.

She worked on the Oceano Dunes Park issues in 2000-01, served on the TRT and the 2 person Commission subcommittee for the Park. Her view was that State Parks did not comply with or show interest in responding to the expressed concerns of the Coastal Commission. She said it was long past time to act and there is no question that the OHV use is inconsistent with the Coastal Act under ESHA.

Date March 15, 2021

A handwritten signature in blue ink, appearing to read "Donne Brownsey", is written over a horizontal line.

Signature of Commissioner Donne Brownsey

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: Oceano Dunes Coastal Development Permit 4-82-300 Review
- 2) Date and time of receipt of communication: March 9, 2021 at 2:00 pm
- 3) Location of communication: Telephone
- 4) Identity of person(s) initiating communication:
Deborah Krajewski
- 5) Identity of person(s) on whose behalf communication was made:
California State Parks
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Roberto Uranga, Armando Quintero, Alexandra Stehl, Liz McGuirk, Sarah Miggins, Celina Luna,

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a meeting with California State Parks who provided background information on the Oceano Dunes and shared that they oversee 280 State Parks. They highlighted their bio-diversity plan and how they have increased the protection radius for the nests. They are committed to closing the beach during the nesting season and their agency is tasked with balancing public access and resource protection. Oceano Dunes is the largest and healthiest nesting area for the western snowy plover and California least tern. They would like to develop a clear and transparent process for resource protection and the visitor experience.

3/10/2021
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: Oceano Dunes Coastal Development Permit 4-82-300 Review
- 2) Date and time of receipt of communication: March 8, 2021 at 3:00 pm
- 3) Location of communication: Telephone
- 4) Identity of person(s) initiating communication:
Sara Wan
- 5) Identity of person(s) on whose behalf communication was made:
Sara Wan
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Roberto Uranga, Sara Wan, Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a meeting with Sara Wan, who provided background and history on this item from when she was on the Commission and approved the TRT plan. She is in strong support of the staff recommendation and would like to see annual milestones attached to the special condition that requires a five-year phase out.

3/10/2021
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: Oceano Dunes Coastal Development Permit 4-82-300 Review
- 2) Date and time of receipt of communication: March 9, 2021 at 11:00am
- 3) Location of communication: Telephone
- 4) Identity of person(s) initiating communication: Shawnee Patterson, Gualco Group
- 5) Identity of person(s) on whose behalf communication was made: Friends of Oceano Dunes
- 6) Identity of persons(s) receiving communication: Roberto Uranga
- 7) Identity of all person(s) present during the communication: Roberto Uranga, Jackson Gualco, Jim Sutty, Jared Keith MacLeod, Celina Luna,

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a meeting with the Friends of Oceano Dunes group who stated the area has 2 million visitors annually and their fees directly help with the preservation of the western snowy plover and the California least tern. They said that without these fees, the area would not have the funds to pro-actively perform the preservation efforts. They also provided background information related to the ORV's being allowed through CA State Parks with conditions, and that there is a way to have "balanced land use" on the Oceano Dunes site.

3/10/2021
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: Oceano Dunes Coastal Development Permit 4-82-300 Review
- 2) Date and time of receipt of communication: March 8, 2021 at 1:30 pm
- 3) Location of communication: Telephone
- 4) Identity of person(s) initiating communication:
Bruce Gibson
- 5) Identity of person(s) on whose behalf communication was made:
Bruce Gibson, San Luis Obispo County Supervisor
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Roberto Uranga, Bruce Gibson, Celina Luna,

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a meeting with Bruce Gibson, San Luis Obispo County Supervisor. He provided background information and highlighted his experience with local air quality issues. He agrees with the staff recommendations and believes there should be a re-envisioning of Oceano Dunes.

3/10/2021
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Steve Padilla

- 1) Name or description of project: Oceano Dunes CDP Review
- 2) Date and time of receipt of communication: 3/4/21, 2:00pm
- 3) Location of communication: Web Conference
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Director Armando Quintero
- 5) Identity of person(s) on whose behalf communication was made: CA State Parks
- 6) Identity of persons(s) receiving communication:
Commissioner Steve Padilla
- 7) Identity of all person(s) present during the communication: Commissioner Padilla and his staff member, Tony Cruz, CA State Parks Director Quintero, Chief Deputy Liz McGuirk, and Alexandra Stehl.

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Director Quintero highlighted the biodiversity management plan and the significance of its recommendations for Oceano Dunes. He asserted that the draft PWP is consistent with the LCP as it has addressed all conditions requested by the CCC and has gone even further in areas like use limits. Director Quintero indicated that they have analyzed the issue and concluded that vehicle access can still occur at the site while protecting the natural and cultural resources of Oceano Dunes. He further asserted that the draft PWP reduces off-road highway vehicle use, but doesn't propose its elimination, because CA State Parks does not believe elimination to be necessary.

In addition, he highlighted the potential loss of camping options and impacts to statewide camping availability. He indicated that the draft PWP, habitat conservation plan, and biodiversity management plan are tools needed for data-driven, science-based operational management of resources at Oceano Dunes. Lastly, he expressed his wishes for joint collaboration among the several agencies involved.

03-04-2021



Date

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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Th3

CDP 4-82-300 (Oceano Dunes CDP Review)
March 18, 2021

EX PARTE COMMUNICATION

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Caryl Hart

1) Name or description of project: Oceano Dunes PWP

2) Date and time of receipt of communication: January 26, 2021 4:00 pm

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Armando Quintero, California State Parks Director

5) Identity of person(s) on whose behalf communication was made: California State Parks

6) Identity of persons(s) receiving communication: Caryl Hart

7) Identity of all person(s) present during the communication: Armando Quintero, Caryl Hart

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Discussion of Oceano Dunes issues including PWP, Biodiversity plan. Director Quintero reviewed PWP
for Oceano and efforts to protect habitat while providing services and additional
Infrastructure for OHV community.

February 3, 2021

Date



Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Ex Parte Communication Disclosure

Filed by: Commissioner Katie Rice

Re: Oceano Dunes State Park PDP

Day/time: December 31, 2020 9 a.m.

Type of communication/Location: Telephone call

Initiator of communication: Armando Quintero, Director State Parks

Participants in communication: Dir. Quintero, Commissioner Rice

Comprehensive Description of communication content:

Dir. Quintero called to let me know that the draft PDP for Oceano Dunes was to be released. The content of the PDP was not discussed. Dir. Quintero did make note that development of the PDP required significant work and effort, collaboration, and cooperation on the part of multiple state and fed resource protection agencies. He also updated me and we discussed several State Parks initiatives related to Marin County agencies/projects/programs unrelated to the PDP or Oceano Dunes State Park, or Coastal Commission.

Date:

Jan 8, 2021

Signature:

Katie Rice

EX PARTE COMMUNICATION DISCLOSURE FORMFiled by Commissioner: Caryl Hart1) Name or description of project: Oceano Dunes2) Date and time of receipt of communication: July 3, 20203) Location of communication: Telephone 4:00 pm

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Kriss Neuman,
Pt. Blue5) Identity of person(s) on whose behalf communication was made: Caryl Hart6) Identity of persons(s) receiving communication: Caryl Hart7) Identity of all person(s) present during the communication: Caryl Hart and
Kriss Neumann

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

General discussion of nesting behavior of plovers
and least terns in the ODSVRA, and discussion of
role of vegetation and prey behavior in dune
ecosystems including ODSVRA7/3/20
Date
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

Received 6/29/20

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Erik Howell

1) Name or description of project: Oceano State Park

2) Date and time of receipt of communication: 06/27/2020

3) Location of communication: Oceano State Park

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Erik Howell

5) Identity of person(s) on whose behalf communication was made: Jeanette Trumpetter, Bonnie Ernst, Tarren Collins

6) Identity of persons(s) receiving communication: Erik Howell

7) Identity of all person(s) present during the communication: Erik Howell, Bonnie Ernst, Tarren Collins, Jeanette Trumpetter

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

While riding bikes, we discussed the history of Oceano OHVRA and the adverse impact OHV use has had on wildlife and the public's ability to use the beach for hiking and biking. We discussed options for maintaining low cost accomodations at the beach while minimizing trash, pollution and other negative impacts to the environment.

6/29/20
Date

Erik Howell
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project:
PWP for the Oceano Dunes State Park

RECEIVED

FEB 27 2020

2) Date and time of receipt of communication:
January 7, 2020 at 9:00am

3) Location of communication
By Telephone

4) Identity of person(s) initiating communication:
Liz McGuirk, Chief Deputy Director, State Parks

5) Identity of person(s) on whose behalf communication was made:
Herself

6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey and McGuirk

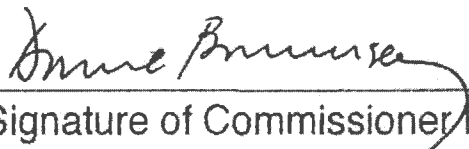
Complete, comprehensive description of communication
content (attach complete set of any text or graphic material
presented):

McGuirk sent me a copy of a letter from the Coastal Commission to State Parks about the process of the Public Works Plan or PWP signed by Kevin Kahn dated Dec 13, 2019. In response, we scheduled a phone call. During the call, McGuirk expressed that Parks was trying to understand if the letter was communicating a change in the process that the Commission had adopted in the July 2019 hearing.

State Parks was concerned that the Commission letter was changing the framework for their analysis and their recommendations under the PWP for the Oceano Dunes Park. We discussed setting up a meeting with Jack Ainsworth to address the procedural concerns McGuirk raised. There was a call approximately a week later to confirm the meeting between Jack Ainsworth and Parks Director Lisa Mangat.

Since the conversation related to the PWP that Parks is developing, which Parks has not yet submitted to the Commission for review, this conversation was not an ex parte communication that is required to be disclosed under the Coastal Act. In addition, because this conversation did not entail discussions of any of the substantive matters associated with the PWP but rather focused on the procedural framework that Parks understood to be their charge, I did not report an ex parte at that time. Upon further reflection, however, in order to ensure full transparency on an issue with significant public interest, I am filing this disclosure, despite the fact that it is my understanding that these conversations are not required to be disclosed as ex parte communications under the Coastal Act.

Date Feb 27, 2020



Signature of Commissioner Donne Brownsey