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STAFF REPORT: REGULAR CALENDAR

Consistency Determination No. CD-0001-23

Federal Agency: United States Forest Service

Location: San Carpoforo Beach, San Luis Obispo County

Project Description: Proposed Forest Order prohibiting overnight camping and campfires on federally owned portions of San Carpoforo Beach for a two-year period.

Staff Recommendation: Conditional Concurrence

SUMMARY OF STAFF RECOMMENDATION

The United States Forest Service ("USFS") submitted a consistency determination for a proposed Forest Order to temporarily prohibit (for up to two years) overnight camping and campfires at San Carpoforo Beach ("San Carpo" or "SCB"). San Carpo, which is the southernmost public access point in Big Sur and at the southern end of the USFS's Monterey District, has supported free hike-in beach camping for several decades. The proposed prohibitions are meant to allow USFS to address several emerging visitor management issues and concerns about sensitive species and habitats at SCB. The USFS believes that these issues result from several factors – first, that San Carpo is the only location in Big Sur that allows free beach camping, which had not been widely-known until recent years when greater numbers of visitors began camping there; second, that USFS and its management partners have had limited resources to monitor, regulate, or enforce the management measures needed to ensure public access does not adversely affect the sensitive coastal resources at the beach, which include several endangered or threatened species; and third, that a relatively recent and substantial increase in visitation coupled with the lack of visitor amenities such as trash cans,

restrooms, fire rings, and others, have resulted in high levels of trash, debris, and impacts to the sensitive species and habitats. The proposed two-year prohibition is meant to allow the USFS to “reset” conditions at SCB and to complete a comprehensive Visitor Use Management (“VUM”) program that will identify visitor amenities and management tools needed to allow San Carpo to provide public access and recreation while also protecting its natural resources.

As initially proposed, the proposed USFS Forest Order did not include several practicable measures that would be less restrictive and would likely alleviate all or some of the USFS concerns in a manner allowing conformity with the enforceable policies of the California Coastal Management Program (“CCMP”). However, in recognition of the ongoing VUM process, Commission staff developed several recommended conditions that, in conjunction with the proposed Order, would have the USFS implement a number of measures at SCB based on the review occurring through its VUM process, with a goal of ensuring “no net loss” of coastal camping opportunities in the Monterey District. Most of the measures to be considered are from applicable USFS planning documents, including the Los Padres National Forest Land Management Plan, a critical habitat designation at SCB for the Western snowy plover, and others. [Condition 1](#) would have the USFS provide to the Executive Director baseline data in the form of maps of the sensitive species and habitat types at San Carpoforo Beach. [Condition 2](#) would have the USFS implement several specific measures to help protect the Western snowy plover within its designated critical habitat at the beach. [Condition 3](#) would have the USFS regularly report to the Executive Director on the progress made in its VUM process, including providing descriptions of measures considered, adopted, or rejected, an evaluation of the known or expected effectiveness of those measures, and descriptions of the outreach efforts used to develop the measures. [Condition 3](#) also confirms the implementation goal of no net loss of coastal camping opportunities. It would also ensure that, prior to the end of the two-year term of the proposed Forest Order, USFS will submit a new consistency determination for Commission review of any proposed new or extended longer-term implementation of measures considered during the VUM review. Finally, [Condition 4](#) would have the USFS invite interested Tribes, including the Salinan Tribe of Monterey and San Luis Obispo Counties to participate in this review.

With these conditions, Commission staff recommends that the Commission **conditionally concur** with CD-0001-23. The motion and resolution are on Page 4 of this report. The standard of review is the enforceable policies of the California Coastal Management Program, which include the policies of the Coastal Act’s Chapter 3.

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EXHIBITS

Exhibit 1 – Map of Project Location and Aerial View

Exhibit 2 – Map of San Carpoforo Beach Ownership

Exhibit 3 – Map of Designated Critical Habitat for Western Snowy Plover at San
Carpoforo Beach

Exhibit 4 – 2019 Resolute Report, provided on behalf of USFS

I. MOTION AND RESOLUTION

A. FEDERAL AGENCY'S CONSISTENCY DETERMINATION

The United States Forest Service ("USFS") has determined the project is consistent to the maximum extent practicable with the California Coastal Management Program ("CCMP").

Motion

I move that the Commission **conditionally concur** with Consistency Determination CD-0001-23 on the grounds that, if modified in accordance with the conditions recommended by staff, the project described therein would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program.

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with the determination of consistency, provided the project is modified in accordance with the recommended conditions, 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

The Commission hereby **conditionally concurs** with Consistency Determination CD-0001-23 on the grounds that the project is fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the CCMP, provided that the United States Forest Service agrees to modify the project consistent with the recommended conditions, as provided for in title 15 Code of Federal Regulations Section 930.

B. CONDITIONS

1. Protection of sensitive species and habitats – baseline conditions. Within six months of issuing its Forest Order, the USFS will provide to the Executive Director maps of sufficient scale and detail and prepared by a qualified biologist that identify the presence and approximate location of special status plant species and vegetation communities on its San Carpoforo Beach lands. These maps are to include any species that are listed as federal- or state- endangered or threatened or are listed as Rank 1 or Rank 2 species in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (2007) and any vegetation communities listed as rare in the California Department of Fish and Wildlife's Natural Diversity Database (CNDDDB, 2007).

2. Protection of Western Snowy Plover. Within 90 days of issuing its proposed Forest Order, the USFS will ensure that a qualified biologist installs symbolic fencing (such as post and rope) at locations determined by the biologist that delineate areas of known or probable Western snowy plover nesting habitat, along with signage requesting visitors to avoid these areas. The USFS will maintain the fencing during the Western snowy plover breeding and nesting season (March 1 to September 1 of each year). The USFS will also provide improved signage at the San Carpoforo Beach entrance that informs visitors of the possible presence of snowy plovers and identifies measures visitors can implement to avoid or minimize impacts to snowy plovers (e.g., remaining outside areas with symbolic fencing, properly disposing of trash and debris, having all dogs on leash only, keeping driftwood in place, etc.).

3. Public access and protection of listed species and habitats. In association with developing a Visitor Use Management program for its Big Sur landholdings, the USFS will issue a Forest Order prohibiting overnight camping and campfires at San Carpoforo Beach for no more than two years subject to the following:

- Within six months of issuance of the proposed Forest Order and at least every six months during the term of the Forest Order, the USFS will report to the Executive Director all measures considered and then implemented, rejected, or subject to continued consideration for managing overnight camping and campfires at San Carpoforo Beach. The implementation goal is to ensure no net loss of coastal camping opportunities in a manner that is adequately protective of sensitive habitat areas and listed species.

These reports are to include any relevant measures identified in the 2012 United States Fish & Wildlife (“USFWS”) critical habitat designation for the Western snowy plover, Biological Opinions #8-8-12-F-35R, 8-8-13-F-25, and SWR/2012/03836:BMS issued in 2013 by the USFWS and National Marine Fisheries Service (“NMFS”) for listed species present at San Carpoforo Beach, the Los Padres National Forest Lands Management Plan, and the 2019 Resolute report, which include but are not limited to:

- Consider development of a designated number of camping spaces and the management tools needed to implement this camping development;
- Address protective measures identified in the 2013 Biological Opinions from USFWS and NMFS that would allow for such camping development (e.g., all campsites located at least 100 feet from open water, etc.);
- Address the current lack of toilet facilities, trash receptacles, and other amenities to serve camping development;
- Address measures that may allow for safe campfires at San Carpoforo Beach, such as a limited number of designated fire rings, limited fuel types, seasonal closures, improved informational signage, vegetation management, etc.);

- Create more parking spaces to address the limited parking at the San Carpoforo Beach entrance along Highway 1;
- Address the current limitations on USFS personnel to manage and enforce visitor use at San Carpoforo Beach, including a description of any efforts to coordinate with other entities, including the California Department of Parks and Recreation, California Highway Patrol, California Department of Transportation, San Luis Obispo County, and others;
- Identify the outreach and education measures implemented to alert expected visitors to the proposed Forest Order and any proposed or implemented management changes at San Carpoforo Beach.
- Identify the effectiveness of the proposed Forest Order on avoiding or reducing the negative effects of overnight camping and campfires at San Carpoforo Beach – e.g., reduced amounts of trash and debris, reduced removal of vegetation, etc.

Prior to expiration of the two-year term of the proposed Forest Order, and as soon as practicable, the USFS will submit a follow-up consistency determination to the Commission for any proposed extension of the Order or for any proposed longer-term management changes or measures to be implemented as a result of this Visitor Use Management review.

4. Tribal coordination and involvement. As part of its Visitor Use Management program, the USFS will within 30 days after issuance of its Forest Order invite any Tribes with interest in the San Carpoforo Beach to participate and or to consult in development of the program.

II. APPLICABLE LEGAL AUTHORITIES - FEDERAL CONSISTENCY

A. Standard of Review

The Commission's federal consistency review is guided by provisions of the federal Coastal Zone Management Act ("CZMA") and by the approved California Coastal Management Program ("CCMP"), as described below. The CZMA (16 U.S.C. § 1451-1464), requires that federal agency activities affecting coastal resources be "carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs." *Id.* at § 1456(c)(1)(A).

B. Consistent to the Maximum Extent Practicable

The implementing regulations for the CZMA ("federal consistency regulations"), at 15 C.F.R. § 930.32(a)(1), define the phrase "consistent to the maximum extent practicable" to mean:

"...fully consistent with the enforceable policies of the management programs unless a full consistency is prohibited by existing law applicable to the Federal agency."

This standard allows a federal activity that is not fully consistent with the enforceable policies of the CCMP to proceed, if full consistency with the enforceable policies of the CCMP is "prohibited [by] existing Federal law applicable to the Federal agency's operations".¹ The USFS did not state in its consistency determination that full consistency with the enforceable policies of the CCMP would be prohibited by existing Federal law. Although the USFS raised concerns about the continued impacts of camping and campfires possibly leading to "take" of a listed species and enforcement action by the U.S. Fish and Wildlife Service, it did not provide legal justification to support a "maximum extent practicable" argument that would prevent full consistency with the enforceable policies of the CCMP. Since the USFS has raised no issue of practicability, as so defined, the standard before the Commission is full consistency with the enforceable policies of the CCMP, which are the policies of Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).

C. Conditional Concurrences

As detailed in these Findings, the Commission finds that the USFS activities, as initially proposed, would not be fully consistent with several enforceable CCMP policies that protect Environmentally Sensitive Habitat Areas ("ESHA"), public access, and recreation. In this situation, and pursuant to CZMA Section 930.43, the Commission may object to the proposal or, pursuant to Section 930.4, may conditionally concur with the proposed activities by identifying measures needed to bring the proposal into full conformity with the CCMP. In this case, and as described herein, the Commission has identified appropriate and feasible measures that would allow for CCMP conformity.

¹ 15 CFR Section 930.32.

Federal consistency regulations at 15 CFR Section 930.4 allow for conditional concurrences, as follows:

“a) Federal agencies... should cooperate with State agencies to develop conditions that, if agreed to during the State agency’s consistency review period and included in a federal agency’s final decision under Subpart C... would allow the State agency to concur with the federal action. If instead a State agency issues a conditional concurrence:

(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency’s concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency’s conditional concurrence letter as an objection pursuant to the applicable Subpart...; and

(2) The federal agency (for Subpart C) ... shall modify the applicable plan [or] project proposal... pursuant to the State agency’s conditions. The federal agency ... shall immediately notify the State agency if the State agency’s conditions are not acceptable...; and

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency’s conditional concurrence as an objection pursuant to the applicable Subpart.

In reviewing the initial USFS submittal, Commission staff asked the USFS to provide additional information and analysis regarding other measures and any alternatives it had considered to address the identified adverse impacts its proposal was meant to address – for example, adding necessary amenities such as trash containers and collection, using a stepwise approach to reduce the main identified impacts while allowing continued camping and campfires, etc. In response, the USFS submitted additional correspondence further describing its concerns and management issues with San Carpoforo Beach, though it did not provide all the requested information staff needed to conduct its review. Nonetheless, discussions between Commission and USFS staff led to development of [Conditions 1 through 4](#) above, which Commission staff believes allow for conformity to the relevant CCMP policies. The Commission therefore finds with the conditions and the Findings herein that the USFS proposal would be fully consistent with the enforceable policies of the CCMP.

III. FINDINGS AND DECLARATIONS

A. INTRODUCTION AND PROJECT DESCRIPTION

San Carpoforo Beach (also referred to as “San Carpo”) is located at the southern end of Big Sur and provides public access to about one-half mile of shoreline (see **Exhibit 1**). Part of the beach is within the Los Padres National Forest and is managed by the Monterey District of the United States Forest Service (“USFS”). Other areas of the beach are owned by the State or by private owners and are managed by the California Department of Parks and Recreation (“State Parks”) and by the adjacent private property owners (see **Exhibit 2**).

San Carpo has long provided a relatively pristine and undeveloped coastal experience for visitors, as until recently, it has been little visited and includes environmentally sensitive habitat areas, including designated critical habitat for some listed species. For several decades, free hike-in camping has been allowed on the USFS parcel. The beach has very few public access amenities other than a small pullout along Highway 1 for parking, an entry gate with some informational signage, and an unpaved path leading to the beach. It does not have restrooms, trash containers, designated campsites, fire rings, or other similar amenities. Although free hike-in “leave no trace” style beach camping has been occurring for many years consistent with the continued presence of sensitive species and habitats, recent increases in visitation, along with management issues and the lack of amenities, has led USFS to be concerned about substantial impacts on both the sensitive habitat areas and the visitor experiences. These impacts have taken the form of high levels of trash and debris at the beach, trampling or cutting of vegetation, adverse effects associated with unregulated camping, and hazards associated with unregulated campfires. Additionally, the lack of adequate delineation of the different ownership areas of the beach, each of which allows or prohibits different activities, results in the inappropriate use of these areas – for example, the area within USFS management allows camping and campfires, whereas those activities are prohibited within the State Parks and privately-owned areas, and the different management requirements are often not clear to visitors.

To address and correct these issues, the USFS is proposing to temporarily prohibit camping and campfires on its portion of San Carpoforo Beach. The USFS is specifically proposing to issue a Forest Order, pursuant to title 16 United States Code section 551 and title 36 CFR section 261.50 (a) and (b), that would for a two-year period prohibit overnight camping and prohibit building, maintaining, attending, or using a fire, campfire, or stove fire on the USFS-owned portion of San Carpoforo Beach. The USFS has already issued a Forest Order that prohibits possessing a dog not on a leash at San Carpoforo Beach, which was meant to reduce potential impacts to listed species, particularly the Western snowy plover. Its proposal to eliminate camping and fires for this two-year period is intended initially to make its management of these visitor activities consistent with those of the beach’s adjacent State Parks and private parcels, to prevent degradation of sensitive habitat and harm to sensitive species that can arise from these activities, and to use the temporary restriction period to complete a Visitor

Use Management (“VUM”) program for San Carpo and other USFS properties along the Big Sur coast that would identify a comprehensive approach to providing visitor management and amenities.

The key issues of this proposal’s conformity with the CCMP relate to policies that protect public coastal access and recreation and also require protection of sensitive environmental resources. In this instance, the USFS is proposing to protect certain biological resources, as is required by CCMP Section 30240, by temporarily eliminating the effects resulting from campfires and the currently existing free camping available on part of San Carpoforo Beach. However, another CCMP policy – Section 30213 – requires that lower cost visitor facilities be protected and encouraged, particularly public recreational opportunities such as are available at San Carpo.² As described herein, the Commission finds that there are practicable measures in addition to those proposed by the USFS that can accommodate these different policy requirements and allow the proposed Forest Order to be fully consistent with the enforceable policies of the CCMP.

B. PROJECT LOCATION AND BACKGROUND

Location

San Carpoforo Beach is located at the southern end of Big Sur, about 14 miles north of the town of San Simeon. The beach covers about one-half mile of coast between two rocky headlands and includes the estuary of San Carpoforo Creek, along with sandy beach, dune habitat, and mixed upland vegetation areas.

Access to San Carpoforo Beach is available via a small pullout along Highway 1 that can accommodate up to about a dozen parked vehicles. At the pullout, an entry gate leads to an approximately 0.3-mile-long unpaved trail to the beach area. The only beach amenities are the parking pullout, an entry gate with some informational signage, and the path to the beach. This lack of amenities allows visitors to experience a largely wild and hitherto untrammled part of California’s coast.

Background and site conditions

Ownership and management: San Carpoforo Beach is managed by three entities – the USFS manages the middle section, State Parks the southern section, and the northern section is in private ownership (see **Exhibit 2**). The entry gate and path to the beach are within the USFS-managed area of the beach. However, with few distinct boundaries or visual cues on the beach to identify the separate ownerships, beach visitors are generally able to access most of the beach without being adequately aware of the different management requirements or prohibitions within each ownership.

² Section 30213 states, in relevant part: “Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...”

This ownership pattern is the result of land acquisitions and transfers that occurred several decades ago. Until the mid-2000s, the middle and southern areas of San Carpoforo Beach were part of the Hearst Ranch complex that stretched along this section of the California coast. At that time, the middle part of San Carpoforo Beach was transferred to the USFS and the southern part to State Parks. This ownership pattern, along with the lack of demarcation among the parcels, has led to some of the problems the USFS expects to resolve with its proposed management changes. For example, camping and campfires are prohibited on the State Parks and private lands but were allowed on USFS lands as part of the land transfer. However, the lack of adequate property demarcation makes it difficult for beach visitors to know whether they can camp or have campfires at a particular location on the beach.

Another management issue is that San Carpoforo Beach is at the extreme edge of both the USFS and State Parks management areas – it is at the southernmost end of the USFS' Monterey District and the northernmost end of the State Park's San Simeon District. With each entity having limited staff to manage or patrol its extensive properties, there is a relatively limited presence of rangers or other management personnel at San Carpo.

An additional factor is the lack of facilities at San Carpoforo Beach. The beach has no restrooms, very limited parking, no potable water, and no trash containers or collection. The USFS reports that campers and other visitors have sometimes left large amounts of trash, debris, and human waste at the beach, and have cut or removed vegetation – some of which is considered ESHA or provides habitat for Western snowy plovers – for campfires or to build shelters or windbreaks. Portions of all three ownership areas on the beach are designated as critical habitat for the Western snowy plover (see **Exhibit 3**); however, the lack of personnel, along with the camping, collecting vegetation for campfires, and improper trash and waste disposal, may result in adverse effects to this species and its habitat (see additional information in Section III.D below). Further, there are often more vehicles parked along Highway 1 than can be accommodated at the narrow parking pullout at the beach access point, which can create a safety hazard.

To add to the management difficulties faced by the USFS, visitation at San Carpoforo Beach appears to have increased substantially during the past few years. Although it has not collected data about visitation rates, the USFS states that San Carpoforo Beach seemed to become more popular during a recent lengthy closure of Highway 1 when visitors could not travel much further north into Big Sur. The USFS also states that long-term camping at San Carpoforo Beach appeared to increase and the above-noted impacts became more severe, during the recent years of COVID-related shutdowns. Finally, USFS believes that the higher visitation rates and more severe impacts are a result of increasing social media reports from visitors noting that San Carpo is a beautiful beach that allows free camping.

The USFS provided Commission staff a November 2023 letter from the District’s law enforcement officer stating that the increased visitation combined with the lack of amenities has contributed to a number of violations and citations. The letter states that during the previous year (October 2022 to October 2023), there were approximately 60 warnings and 45 citations issued for violations related to campfires, trespass, improper sanitation, and others. The letter additionally points out that San Carpoforo Beach is unlike the two other beaches the USFS manages in Big Sur – Sand Dollar and Pfeiffer Beaches – both of which allow day use only, require an entry fee, include amenities such as trash cans and restrooms, and do not allow fires. The letter includes several recommendations for improving the situation at San Carpoforo Beach. Along with the proposed temporary prohibition on camping and campfires, it recommends providing restroom facilities, trash receptacles and collection, increased staffing, and conducting a study to evaluate further camping or day-use opportunities.

The situation at San Carpoforo Beach regarding these and other impacts are further detailed in a 2019 report prepared by Resolute Associates on behalf of a local landowner and presented by the USFS as part of its consistency determination. This report (the “Resolute report”) is provided as **Exhibit 4** of these Findings. The Resolute report was prepared to describe environmental impacts resulting from recreational use of San Carpoforo Beach and to identify management measures that could reduce those impacts and provide protection of sensitive habitat and species at the beach. The report describes several existing or past management measures and their known or likely effectiveness and proposes several new measures meant to improve the current conditions at the beach. The report’s description of the different management approaches on the three parcels notes that State Parks’ management of its southern portion of the beach is generally consistent with the expectation of the private landowner to the north, but that the USFS management is somewhat constrained from being consistent with those approaches due to federal statutes and due to the USFS reliance on the 2005 Los Padres National Forest Lands Management Plan (“Lands Management Plan” or “Plan”) for guiding its management approach.

This Lands Management Plan is meant to guide USFS management decisions throughout the Los Padres National Forest. The Plan’s Record of Decision acknowledges the special character of the Big Sur Coast and notes both the need to improve and expand recreational opportunities while collaboratively addressing the challenges of increased recreational demand.³ The Plan describes several management strategies and “desired conditions” for the area’s USFS lands, some of

³ The Plan states (at page 11): “The Los Padres National Forest is home to one of the more unique areas in the National Forest System: the Big Sur Coast. This rugged, steep coast with its scenic Highway 1, coastal terraces, beaches, and viewable marine wildlife, is a national and international place of significance. My decision emphasizes the rural character and scenic beauty of the Big Sur Coast through the implementation of strategies that include continuous improvement and limited expansion of existing recreation opportunities. The Los Padres National Forest expects to provide access and opportunities to enjoy the Big Sur Coast while being careful to avoid scenic degradation or to encourage additional traffic on Highway 1. This will be a management challenge as population and recreation demand continue to increase. It will also require continuous collaboration with other public agencies and the local communities on the Big Sur Coast.” [emphasis added]

which are applicable to San Carpo. For example, one desired condition is that “[v]isitor use is accommodated without compromising resource values.” The Plan also states that management be “particularly sensitive to the fragility of the unstable landscape and the co-mingling of terrestrial and marine ecosystems,” such as those that exist as San Carpoforo Beach, as well as directing management to “[c]ontinue emphasis on visitor education relative to the unique assemblage of recreational opportunities and resources.” It also states that “[p]roject management decisions will be consistent with the enforceable policies of the California Coastal Act and the Big Sur Coast Land Use Plan to the maximum extent practicable.”

Importantly for purposes of San Carpoforo Beach, the Plan also directs USFS management to “[a]nalyze the potential for visitor information opportunities on the south coast,” and “[p]rovide continuing opportunities for day-use and camping, including the maintenance, upgrading or construction of visitor facilities along California State Highway 1.” [emphasis added] The Plan also includes several standards applicable to the USFS management approaches. Standard S24 states that management is to “[m]itigate impacts of on-going uses and management activities on threatened, endangered, proposed, and candidate species.” Standard S31 states: “Design new facilities or expansion of existing facilities to direct public use away from occupied habitat” of those species. Standards S34 and S35 specifically state that when those species occur in a recreational site, management is to “[u]se the least restrictive action that will effectively mitigate adverse impacts to the species and habitat,” and to “[d]iscourage camping within 100 feet of sensitive resources and habitat, including meadows and bodies of water.”

Along with referencing the Lands Management Plan, the Resolute report provides seven findings and recommendations:

- 1) For protection of endangered species, adopt regulations similar to those of the adjacent State Parks land to prohibit fires, camping, and dogs on the beach. Additionally, post signs and temporary fencing around Western snowy plover breeding areas during breeding season.
- 2) For additional protection of sensitive species, post signage to inform the public not to move or use driftwood that may provide habitat for these species.
- 3) Address the limited parking at the San Carpoforo Beach entrance on Highway 1 by requesting San Luis Obispo County to prohibit overnight parking or camping along Highway 1, as it has done in other beach parking areas.
- 4) Address the lack of toilet facilities, trash receptacles, and fire pits by prohibiting overnight camping.
- 5) Reduce wildfire hazards by prohibiting campfires and fireworks, conducting vegetation management, and posting fire prevention signage at the San Carpoforo Beach entrance.
- 6) Address the USFS limited enforcement personnel by developing a Memorandum of Agreement with State Parks to share enforcement powers on their respective areas of the beach.

- 7) Address the different land ownership requirements by establishing consistent regulations that apply to the USFS, State Parks, and private lands, using the State Parks requirements as the common standard.

However, at least two of these recommendations do not appear to be consistent with the standards provided in the Lands Management Plan. For example, the Resolute report calls for eliminating camping while the Plan supports the continuation of camping, along with applying the “least restrictive actions” needed to mitigate potential camping impacts. Similarly, the Resolute report recommends that the limited parking at the San Carpoforo Beach entrance be addressed by prohibiting overnight parking, while the Plan calls for improving visitor opportunities by upgrading facilities along Highway 1.

Although the Resolute report was not prepared by the USFS and is based on data from 2018 and earlier, the analyses in these Findings rely in part on the report’s descriptions of conditions at San Carpo. In some instances, these Findings reach different conclusions than those provided in the report, as the report generally did not consider CCMP requirements in its analyses, and as noted above, includes some inconsistencies with the Lands Management Plan. Additionally, Commission staff was able to obtain more recent data for some aspects of the analyses herein – for example, more recent survey data regarding the presence of Western snowy plovers and other sensitive species at San Carpoforo Beach.

Current management status and Visitor Use Management program

Concurrent with this proposal to temporarily prohibit camping and campfires, the USFS Monterey District is preparing a Visitor Use Management (“VUM”) program meant to address visitation issues for all its coastal properties along Big Sur, including at San Carpo. The VUM program is expected to be consistent with the Lands Management Plan and address the types of management, information, and regulation needed to improve visitor experiences throughout the District.⁴ It is expected to comprehensively address a range of issues – including providing improved interpretation for visitors of the area’s natural resources, identifying criteria needed for emergency closures and seasonal fire restrictions, developing new campsites and expanded day use areas within the District, and others. During the past year, the District held several public workshops to identify issues of concern and to consider possible changes to management and infrastructure within its Big Sur lands. The USFS expects to release an initial draft of this program in the spring of 2024.

The USFS proposal to temporarily prohibit camping and campfires is intended in part to provide a “reset” opportunity at San Carpo while the USFS considers what changes and improvements identified through the VUM program would be appropriate and feasible for improving the situation at the beach. Changes under consideration include providing trash collection, restrooms, improved signage, and other amenities, increasing the

⁴ For a more detailed description, see: <https://www.fs.usda.gov/detail/lpnf/news-events/?cid=FSEPRD1126356>

presence of USFS personnel, identifying possible sites for camping and campfires, and other improvements that would be expected to result in reduced impacts to the natural resources at the beach. The VUM is also expected to identify whether coastal camping opportunities might be made available elsewhere on USFS lands in Big Sur, including other beaches.

The Commission's conditional concurrence is intended to provide a means for the USFS to be consistent with the CCMP and to incorporate many of the management measures in these various planning documents.

C. OTHER AGENCY APPROVALS AND INVOLVEMENT

United States Fish and Wildlife Service ("USFWS")

In 2013, the USFWS issued two Biological Opinions ("BiOps") regarding the effects of Monterey Ranger District activities on several species and their habitats.⁵ The USFWS overall determined that District activities such as use and maintenance of camping and dispersed recreational sites, if implemented using a number of mitigation measures, were not likely to adversely affect the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Arroyo toad (*Anaxyrus californicus*), and the federally threatened Western snowy plover (*Charadrius nivosus nivosus*) and California red-legged frog (*Rana draytonii*). These BiOps did not specifically assess activities at San Carpoforo Beach;⁶ however, as described below in Section III.D, several of the recommended mitigation measures needed to avoid effects on these species are applicable to San Carpoforo Beach.

In 2012, the USFWS designated part of San Carpoforo Beach as critical habitat for the threatened Western snowy plover (see **Exhibit 3**).⁷ The designated area extends along the full half-mile shoreline of the beach, primarily within the shoreline, foredune, and estuary areas. This designation and its consequences are further described in Section III.D below.

National Marine Fisheries Service ("NMFS")

In 2006, NMFS designated the San Carpoforo estuary and portions of the creek as critical habitat for the federally threatened South-Central California Coast Distinct Population Segment of steelhead (*Oncorhynchus mykiss*).⁸ In 2013, NMFS issued a

⁵ See Biological Opinions 8-8-12-F-35R (August 30, 2013) and 8-8-13-F-25 (September 30, 2013).

⁶ The USFWS stated that because the USFS at that time had not designated San Carpoforo Beach as a camping area, the Biological Opinions did not specifically evaluate the effects of these activities at San Carpoforo Beach.

⁷ See June 19, 2012, Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover, U.S. Fish and Wildlife Service.

⁸ See Biological Opinion #SWR/2012/03836: BMS (August 2, 2013).

BiOp regarding the effects of various USFS activities throughout the Los Padres National Forest on steelhead. NMFS found that the recreational activities occurring at San Carpoforo Beach could result in some relatively minor impacts – e.g., temporary turbidity increases, disturbance during stream crossings, etc. – but were not likely to adversely affect the listed steelhead. In May 2023, NMFS determined that the steelhead’s continued listing as threatened was warranted due to an ongoing decline in population numbers.⁹ This review also identified the San Carpoforo Creek watershed as one of the least disturbed and best protected steelhead watersheds within the range.

California Department of Parks and Recreation (“State Parks”)

As noted above, State Parks shares management responsibilities at San Carpoforo Beach with the USFS. The USFS and State Parks both provide patrol and enforcement personnel, including an occasional combined presence at San Carpo. As noted above, the impacts and management issues at the USFS portion of San Carpo often extend into the State Parks’ portion of the beach, and the USFS is coordinating with State Parks on potential changes in beach management, in part through their membership in the Interagency Visitor Use Management Council.¹⁰

California Department of Transportation (“CalTrans”) and County of San Luis Obispo

The entrance to San Carpo consists of a small pull-out parking area along Highway 1 that is partially within the CalTrans right-of-way and is also within the jurisdiction of the County of San Luis Obispo.

Tribal Outreach and Consultation

San Carpoforo Beach is within the original homelands of the Salinan Tribe of Monterey and San Luis Obispo Counties. Although the USFS has been developing a Visitor Use Management program for San Carpoforo Beach and other coastal areas of its Big Sur lands, this program development does not appear to have included Tribal Consultation. Commission staff contacted the Tribe regarding its interest in conducting formal or informal Tribal Consultation or being otherwise involved in the Commission’s deliberations. This is described in more detail in **Section III.F** of these Findings.

⁹ See National Marine Fisheries Service, 2023 5-Year Review: Summary & Evaluation of South-Central California Coast Steelhead, May 2023, available at: <https://repository.library.noaa.gov/view/noaa/55492>

¹⁰ The Council is comprised of the National Park Service, Bureau of Land Management, U.S. Fish & Wildlife Service, United States Forest Service, U.S. Army Corps of Engineers, and the National Oceanic and Atmospheric Administration (NOAA).

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND SENSITIVE SPECIES

Section 30240 of the Coastal Act 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.

San Carpoforo Beach includes several habitat types that the Commission generally determines to be ESHA. As described below, the predominant types are central maritime chapparal, foredune, and riparian habitats. The beach also includes designated critical habitat for federally listed threatened and endangered species, which the Commission generally categorizes as ESHA.

The Coastal Act establishes a high standard for protection of areas that are identified as environmentally sensitive. As defined in Coastal Act, ESHA is "...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." This definition provides a two-part test for determining what constitutes ESHA – first, determining whether an area includes plants, animals or their habitats that are either rare or especially valuable because of their special nature or role in an ecosystem, and if so, whether such plants, animals, or habitats could be easily disturbed or degraded by human activities. Areas meeting these two tests can then be deemed ESHA. Pursuant to Coastal Act Section 30240, only resource-dependent uses, such as habitat restoration and low-impact public access, are allowed within ESHA, and all development within or adjacent to ESHA must be sited and designed to prevent significant disruption of ESHA.

Determining ESHA

In many instances when the Commission determines that a habitat qualifies as ESHA on the basis of a particular plant species, the Commission is guided in large part on whether the species is listed as a Rank 1 or Rank 2 species by the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California. The CNPS California Rare Plant Ranking system defines Rank 1B plants as "rare, threatened, or endangered in California, and elsewhere" (Rank 1A plants are those presumed extinct in California). Rank 2 plants are those that are "rare, threatened, or endangered in California, but more common elsewhere." A threat code extension following the ranking (e.g., Rank 1B.1, 1B.2, or 1B.3) further rates the species in terms of the percentage of occurrences that are "threatened" in California (with ".1" being the most threatened and ".3" being the least threatened). All plants appearing on CNPS Ranks 1 and 2 meet the definitions within the Native Plant Protection Act and the

California Endangered Species Act as species eligible for state listing as a rare, threatened, or endangered plant. In addition, pursuant to the California Environmental Quality Act (CEQA) guidelines (Cal. Code Regs., Title 14, Section 15380), the effects of a development project on species which meet the criteria for listing, even if not currently included on any list, must be fully considered during project environmental review.

Given the significance of the CNPS ranking as a threshold for determining the relative significance of potentially adverse impacts on biological resources and for setting requirements for formulating related mitigation and monitoring programs, the Commission typically finds that plant species that are listed as Rank 1B or 2 and the area in which they grow meet the CCMP definition of an ESHA as they are both: (1) “an 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 (2) “which could easily be disturbed or degraded by human activities or developments.” Species with CNPS Rank 3 are those for which more information is needed before an appropriate list ranking can be assigned (e.g., Rank 3 species may, after further review, be moved to Rank 1B or Rank 4). Rank 4 species are effectively on a “watch list,” comprising those plants which are of limited distribution or infrequent throughout a broader area in California. Plants in Ranks 3 or 4 may, in some instances, meet the criteria for listing and may, in some instances, meet the CCMP definition of ESHA.

Identifying ESHA on federal land

As stated in the federal consistency regulations at title 15 CFR Section §930.34(a)(1), “Federal agencies shall provide State agencies with consistency determinations for all Federal agency activities affecting any coastal use or resource.” Federal agencies are to determine which activities affect coastal uses or resources by “...looking at reasonably foreseeable direct and indirect effects on any coastal use or resource” [title 15 CFR §930.33(a)(1)]. This is known as “the effects test,” which is also applicable to projects outside of the coastal zone [title 15 CFR §930.33(c)]. Results of this effects analysis are a determining factor in assessing the need for a consistency determination. For this proposed federal project, the Commission finds that the proposed project clearly has reasonably foreseeable effects on coastal uses or resources. The sensitive animal species at San Carpoforo Beach are present and move both within and beyond the federal land holdings to the adjacent state and non-federal lands and waters within the coastal zone. Similarly, the vegetation communities and individual plant species that would be adversely affected by the proposed USFS actions extend within and beyond the federally owned area of San Carlo, which creates a situation in which the viability of those vegetation populations are affected by activities within the federally owned lands.

Site characteristics

San Carpoforo Beach is a site with dynamic interactions between riparian, estuarine, coastal dune, and marine habitat types, several of which are considered ESHA due to their support of endangered or threatened species, the composition of their vegetative communities, or a combination of those characteristics.

Listed species of concern: Species known to exist or that have the potential to exist at San Carpoforo Beach include:

- **Western snowy plover** (*Charadrius nivosus nivosus*): In 2012, the U.S. Fish and Wildlife Service designated portions of San Carpoforo Beach as critical habitat for the federally threatened Western snowy plover. The critical habitat designation covers about 24 acres of San Carpoforo Beach's foredune and shoreline area, along with an area extending inland along the south side of the beach's estuary (see **Exhibit 3**). The 2012 designation noted that San Carpo consistently supported about 40 to 50 overwintering plovers and, if properly managed, was expected to be capable of supporting 10 breeding pairs of WSP. The Resolute report provided additional plover survey data collected by State Parks from 2006 through 2018. During the 13-year survey period, a total of seven nests (zero to two per year) were observed, with three of the nests having successful fledging and the other four experiencing depredation by coyotes or unknown predators. The surveys also identified an average wintering presence of about a dozen plovers (ranging from 0 to 82 during different counts). In addition to those survey data, Commission staff obtained from State Parks two additional years of data for 2019 and 2020. Surveys during those years found no active nests at San Carpoforo, though they also showed the presence of small numbers of plovers (averaging up to several dozen) at all eight beaches within the San Simeon State Parks District, which includes San Carpo. State Parks ended its survey program in 2020.¹¹
- **Steelhead** (*Onchorhynchus mykiss*): Portions of San Carpoforo Creek, including the estuary within San Carpoforo Beach, are designated as critical habitat for the federally threatened south-central California coast steelhead. Steelhead are sometimes present within the lower mile of the creek below a natural obstruction that prevents passage further inland. The lower estuary sometimes provides refugia for steelhead in the summer when a build-up of sand at the beach blocks the creek from entering the ocean.
- **California red-legged frog ("CRLF")** (*Rana draytonii*): There are historical records available through the California Natural Diversity Data Base showing the presence of the federally threatened CRLF in the area between 1943 and 1990. The Resolute report notes that the CRLF is currently unlikely to be present in the open waters of the lower San Carpoforo Beach estuary but is more likely to be found in areas of the creek slightly inland where thick riparian vegetation and abundant poison oak make disturbance from human activities unlikely. This area includes the inland portion of San Carpoforo Beach just shoreward of Highway 1.

Along with these three species, there are historic records of the presence of the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*) and its host plants, seacliff buckwheat (*Eriogonum parvifolium*) and coast buckwheat (*Eriogonum*

¹¹ December 26, 2023 personal communication via email with State Parks biologist.

latifolium), though recent surveys as of 2019 did not detect the host plants at San Carpo. The beach is also considered a likely haulout for marine mammal species such as elephant seals, sea lions, and harbor seals that inhabit or transit this section of the coast. While there are no agency records of this use, local residents have provided accounts of occasional visits by lone elephant seals.

Predominant habitat types: San Carpoforo Beach includes several types of habitat that are important to the above-listed species and that the Commission generally considers to be ESHA. Although the USFS did not provide vegetation maps with its submittal, the Resolute report includes descriptions of several habitat types present at San Carpoforo Beach. The predominant types are:

- **Central maritime chaparral:** Several types of maritime chaparral habitats occur along the California coast between San Diego and Sonoma County. There are three primary types – southern, central, and northern – with the composition of the plant communities varying with latitude. Maritime chaparral habitat is overall characterized by having well-drained, nutrient poor soils, locations within the coastal fog zone, and the presence of a suite of evergreen shrubs. Within the three main geographic categories are several smaller and more specialized categories that are relatively rare due to their limited expanse and the particular mix of vegetative species within them.

San Carpo's central maritime chaparral includes various species of ceanothus (*Ceanothus* spp.) and manzanita (*Arctostaphylos* spp). While some of these species are considered rare or are designated as species of special concern, the USFS submittal did not provide a specific plant list or map showing the presence of listed species. Nonetheless, many of the various species are limited to small geographic areas or exist in combination with other specific species in just a few locations, making the individual specimens or communities relatively rare. Often, these rare communities also provide habitat for other rare species that are also characterized by very limited distribution or limited association with particular *Ceanothus* and/or manzanita species.

Importantly, areas of central maritime chaparral along the coast have been substantially reduced due to disturbance and removal due to human activities and development. Large areas of California's central coast were formerly occupied by marine chaparral, but this type of habitat today is largely limited to isolated and relatively small fragments of those former communities.¹² For these reasons, the California Department of Fish and Game's (DFG) Natural Diversity Database (CNDDDB, 2007) lists central maritime chaparral (also described therein as woollyleaf manzanita chaparral) as a rare habitat type.

¹² Cooper, W.S. 1992. The broad-sclerophyll vegetation of California: an ecological study of the chaparral and its related communities. Carnegie Institution of Washington, Publication Number 319, Washington, D.C.

- **Foredune:** San Carpoforo Beach's foredune area is relatively unvegetated, due in part to the narrow open beach, high wave uprush, and the continually shifting mouth and estuary of San Carpoforo Creek. The area is largely open sand, with occasionally abundant deposits of driftwood. The foredune area is an important habitat due to its proximity and linkage to the adjacent areas of central maritime chaparral and because the entire foredune area at San Carpo has been designated as critical habitat for the WSP. As noted above, the plovers use this area of the beach for overwintering habitat and occasionally for breeding/nesting, with the driftwood often providing cover. The Resolute report identifies the primary impacts of human activities in the foredune area are those that disturb plovers due to people or unleashed dogs on the beach and from visitors collecting driftwood for fires or to construct beach shelters.
- **Riparian:** The Resolute report notes that the San Carpoforo Beach estuary is relatively open but includes an area of riparian vegetation, primarily in the form of a dense stand of willow and poison oak, just inland of the open estuary that provides potential habitat for the CRLF. The report notes that human activities at San Carpoforo Beach, other than possible human-caused wildfires, are not likely to adversely affect this area due to the thick, impenetrable nature of the vegetation.

Impacts

As noted above, the USFS has raised concerns about certain human activities adversely affecting the above species and habitats at San Carpoforo Beach. As detailed in the Resolute report, the primary ongoing impacts include the trampling of vegetation, scattering of uncollected trash and debris, the lack of restroom facilities and the resulting presence of human waste, and collecting driftwood or downed wood for fires. While many of these activities are currently prohibited under various statutes and regulations, the limited presence of enforcement and management personnel in the area and limited resources such as trash receptacles and restrooms likely contribute to their apparent proliferation.

The USFS raised additional specific concerns about western snowy plovers being disturbed by off-leash dogs, the presence of people on the beach in the plovers' overwintering areas and their potential breeding/nesting areas, the presence of trash on the beach possibly attracting predators, and beach fires driving birds from nest areas. The Resolute report states that the "lack of control over recreational activities [at San Carpoforo Beach] almost certainly has affected the snowy plover." The USFS also raised specific concerns about potential impacts to steelhead resulting from disturbance from wading, pollution from trash or human waste, and possibly illegal fishing. It notes that these impacts are exacerbated during the occasional overcrowding of the beach, particularly on holiday weekends that sometimes include large numbers of campers and other visitors.

The USFS also raises concerns about two more overarching potential impacts – first, that any or all of these human activities could result in “take” of the various listed species, and second, that the currently unregulated campfires on the beach could result in wildfires. While there is no documentation of either occurring, the current situation of San Carpo having limited amenities and few management measures in place helps increase the potential for these impacts to occur.

At San Carpo, and particularly for the areas of central maritime chaparral, the primary impacts of concern are those related to potential wildfire. This is a fire-adapted habitat, in that the various species making up central maritime chaparral have evolved to experience naturally occurring fires every few decades. Fires within chaparral stands can be high intensity and can spread quickly due in part to the characteristics of the dominant plant species and due to the buildup of dead plant matter between fires. While this habitat type has evolved to accommodate this impact, these types of fires at this location can create a substantial safety hazard to other nearby habitats and, importantly, to nearby infrastructure, housing, and other human amenities.

According to the Resolute report, the hills above San Carpoforo Beach have not experienced a major fire in more than 100 years and the area is designated by the region’s fire protection agencies as having a Very High Fire Hazard.¹³ As described in the report, having campfires within or adjacent to areas of chaparral, when combined with the commonly occurring onshore breeze or high winds and the steeply-rising, west-facing, and heavily vegetated slopes immediately inland of the beach create a substantial fire hazard. Further contributing to the hazard is the buildup of dead woody debris due to the absence of a major fire during the past several decades. These fire hazards are further exacerbated by the distance between San Carpo and the nearest fire response station. The closest to the south is about 15 miles away in San Simeon and the nearest stations to the north are often unable to respond to this area due to the ongoing and sometimes long-term closures of intervening sections of Highway 1 through Big Sur.

Analysis

As noted above, the USFS is proposing to address these impacts by issuance of a Forest Order that would prohibit camping and campfires for a two-year period. While this prohibition would likely result in avoidance and reduction of some of the identified impacts, it will likely not be adequately effective in and of itself without being accompanied by increased USFS presence and enforcement at the beach, implementation of already available management tools, improved outreach through additional signage and informational interactions with beach users, and other similar efforts. This is particularly the case since many of the ongoing activities of concern for USFS – such as littering, human waste and disturbance to protected wildlife species – are already prohibited under existing regulations and statutes, so simply imposing just a

¹³ The area’s fire protection agencies include USFS, CAL Fire, State Parks, and San Luis Obispo County Fire.

two-year ban may not lead to a significantly greater level of resource protection. The Commission finds that there are other available and practicable management measures that, in conjunction with the proposed Order and the ongoing VUM process, would allow for improved avoidance and reduction of these impacts while developing continued and improved public access to San Carpo as required by the CCMP. Some of these measures are included within various land management documents, as detailed below.

- **Los Padres National Forest Land Management Plan:** As noted above in Section III.B of these Findings, this Plan includes a number of management and mitigation measures the USFS implements when conducting various activities and practices throughout the Los Padres National Forest. As described above, several of these appear to be applicable to San Carpoforo Beach but have not yet been implemented or have been implemented to just a limited degree.
- **2012 Critical Habitat Designation for Western snowy plover:** This 2012 critical habitat designation identified a number of management measures meant to assist recovery of the WSP, many of which are relevant to the impacts occurring at San Carpo and are part of the USFS's expected approach to improve conditions at the beach. These include:
 - Protect and maintain natural coastal processes that perpetuate high-quality breeding habitat;
 - Ensure beach areas are clean of litter and contaminants;
 - Improve signage mandating dogs be leashed at all times;
 - Develop and maintain a feral animal predator management program;
 - Discourage human foot traffic from suitable nesting areas with fencing and educational signage;
 - Actively communicate management strategies to local community;
 - Maintain native plant coverage on dunes and control invasive weeds on dunes and beach; and,
 - Regularly monitor dune and beach area and identify conflicts for immediate actions and long-term projects.
- **2012 Biological Opinions:** in 2012, both the USFWS and NMFS issued Biological Opinions ("BiOps") regarding USFS activities throughout the Monterey Ranger District. While these Biological Opinions apply to activities beyond San Carpoforo Beach, they also provide guidance for appropriate mitigation and management measures relevant to San Carpo.¹⁴ The three BiOps all concluded that with these measures, the reviewed activities on USFS lands, including dispersed recreation such as that that occurs at SCB, were unlikely to adversely affect the several listed species present, including Western snowy plover, steelhead, and California red-legged frog.

¹⁴ At the time of the BiOp reviews, the USFS had not included San Carpoforo Beach as a designated campground. The BiOps therefore did not specifically apply the mitigation measures recommended for USFS campsites to San Carpoforo Beach; however, most of those measures could be implemented and would be effective at San Carpoforo.

These BiOps overall acknowledge the special nature of the area – for example, the BiOp for Smith’s blue butterfly references the USFS’s Land Management Plan statement regarding the fragility of the landscape and cites the Plan’s desired conditions, such as “[p]rovide continuing opportunities for day-use and camping, including the maintenance, upgrading or construction of visitor facilities along California State Highway 1,” and “[p]roject management decisions will be consistent with the enforceable policies of the California Coastal Act and the Big Sur Coast Land Use Plan to the maximum extent practicable.” The BiOps also include specific measures to be implemented as part of USFS activities, primarily those related to maintenance, to protect the listed species, though they also address activities relevant to the dispersed recreational activities occurring at SCB – for example, they recommend that the USFS discourage camping within 100 or 200 feet of sensitive resources and habitats, including bodies of water.

The 2013 BiOp for several riparian species at SCB provides an evaluation of potential impacts to Western snowy plovers and states that the dispersed recreational activities occurring at the beach are unlikely to affect the plovers’ foraging, sheltering, or nesting behaviors. However, that 2013 evaluation was based on several site characteristics and management measures that are no longer in place at SCB – for example, it is based on the then relatively low number of visitors, ongoing surveys being conducted by State Parks, and the use of symbolic fencing and informational signs near the nesting areas.¹⁵ The BiOp concludes that “[t]hese measures should be effective in reducing or avoiding direct effects of visitor use and USFS maintenance activities...” on the plovers.

This BiOp also identifies various management measures to avoid or reduce impacts to California red-legged frogs, including conducting surveys of suitable habitat before conducting any maintenance activities, scheduling those activities at less sensitive times of the year, minimizing the removal of riparian vegetation, using non-mechanized equipment near riparian habitat areas, and using fencing to direct visitors away from sensitive areas.

The concerns by USFS about both the known and potential impacts to ESHA and sensitive species above are legitimate and concerning; however, the Commission finds that implementing many of these available and practicable mitigation measures, in conjunction with the proposed two-year prohibition on camping and campfires, could avoid or reduce these impacts while allowing for future access and recreation, including camping and campfires, and also provide the necessary ESHA protection. In many ways, the situation faced by the USFS at San Carpo is similar to those at numerous

¹⁵ “Symbolic fencing” refers to a type of minimally intrusive barrier consisting of a single strand of rope or cable held up by short wood or metal posts with signs attached that alert visitors to the possible presence of nesting shorebirds.

other beaches along the California coast that include sensitive habitat but nonetheless accommodate public access and recreation amenities. Even San Carpo's situation of having different adjoining landowners, while less common, is not unusual.

In acknowledgement of the availability of the measures listed above and for many, their expected effectiveness and practicality, the Commission is including several conditions in its concurrence. [Condition 1](#) has the USFS submitting a map to the Executive Director that identifies areas of sensitive habitat and approximate locations of sensitive species at San Carpo, which will help inform upcoming management changes at the beach. [Condition 2](#) has the USFS immediately implement measures to protect the Western snowy plover, including installation and maintenance of symbolic fencing around key plover breeding/nesting areas, with appropriate informational signage. [Condition 3](#) would have the USFS consider, implement, and then report on all the measures it evaluates during the next two years of its VUM process, with the goal of identifying the measures needed to adequately protect ESHA while allowing for continued public access and no net loss of coastal camping opportunities. [Condition 3](#) also ensures that the USFS will submit, prior to the end of that two-year period, a consistency determination regarding any proposed longer-term development and management changes considered for San Carpo.

Conclusion

As conditioned, the Commission finds that the project would be consistent with the species and habitat protection policies in Section 30240 of the CCMP.

E. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act 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.

Section 30212 of the Coastal Act states, in relevant part:

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

Section 30213 of the Coastal Act states, in relevant part:

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

Section 30214 of the Coastal Act states, in relevant part:

(a) 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...

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30210 requires the provision of maximum public access and recreation. Sections 30211, 30213 and 30221 require new development to not interfere with existing public access and recreation opportunities, including those that are lower cost. Section 30213 specifically requires that lower cost visitor and recreational facilities be protected and encouraged. Sections 30212 and 30214, recognize the need to consider public safety, topography, site geography, natural resources, and adjacent residential uses when providing public access.

The Commission, through various permitting and planning actions, has consistently characterized camping facilities as being lower cost visitor-serving accommodations subject to protection under section 30213.¹⁶ As noted above, San Carpoforo Beach is the only location along the entire 90 miles of Big Sur shoreline – and likely one of the only places outside of northern California - that provides free hike-in beach camping. It therefore represents a rare and unique lower cost visitor and recreational facility, particularly along this spectacular part of the California coast. The uniqueness of this recreational opportunity appears to be further exemplified by the last several years of increased visitation. Pursuant to Coastal Act Section 30213, these types of lower cost visitor and recreational facilities, especially those that are public such as this, are to be protected.

However, there are only sparse data available characterizing visitation at San Carpo. As noted above in Section III.B, the USFS does not have management systems in place to count visitors or to distinguish between day users and campers. As noted in the Resolute report, some of the only access controls at the beach are 1) a damaged entry gate along Highway 1 at the trailhead to the beach and 2) an educational sign that alerts visitors to the possible presence of Western snowy plovers. Visitation may be limited due to there being no more than about a dozen parking spaces available within the pullout areas along Highway 1, but as also noted above, the number of vehicles parked nearby, but illegally, sometimes far exceeds the number of available safe parking spots.

Impacts

As described above in Sections III.A&B, the USFS describes San Carpo as experiencing increased visitation and increased impacts, such as trash and waste being left by visitors, trampling or cutting of vegetation, unregulated campfires, and others. With the limited data and controls in place, most of the concerns expressed about impacts arising from high numbers of visitors are anecdotal or are accounts provided by nearby residents and regular users of the beach. Notably, though, the recent annual reports required pursuant to the Los Padres National Forest Land Use Management Plan describing whether desired conditions are being met do not describe any problems

¹⁶ See, generally, Commission Public Workshop Report on Lower cost Visitor Serving Accommodations, <https://documents.coastal.ca.gov/reports/2014/12/W3-12-2014.pdf>.

or issues at San Carpo.¹⁷ Nonetheless, the Resolute report states that the number of visits and overnight camping stays at San Carpoforo Beach appear to have increased substantially starting in 2017-18 during a closure of Highway 1 that made the beach one of the last coastal access points available to northbound travelers. Apparently, this higher visitation rate subsequently continued and increased – first, during the period of COVID-19 restrictions when people were more eager to access outdoor and natural settings, with San Carpo serving as a respite for people getting out of urban settings. The USFS also believes there has been increased visitation at the beach as a result of increased social media exposure describing the opportunities for beach access, including the free camping opportunities and the relative lack of regulatory or management presence. The resulting increased use has taken the form of higher numbers of campers and campfires as compared to accounts of the beach from five years ago or earlier, when it was often described as a remote and more rarely visited coastal access point that supported lower numbers of “leave no trace” type hike-in campers that were less likely create natural resource disturbance or damage. Accompanying this increase in visitation are higher levels of the impacts noted above – more trash and debris, more potential impacts to sensitive habitats and species, and greater fire hazards.

Analysis

To fully evaluate the USFS proposal for a temporary two-year prohibition on overnight camping and campfires at San Carpo Beach and to help determine whether it would be consistent with the CCMP, Commission staff requested that the USFS provide additional data and information regarding visitor use, known impacts, and any management options considered other than the proposed prohibitions on camping and campfires.

As stated previously, the USFS has little data on visitor use, though it and several commenters provided accounts of the perceived significant increases in visitation, camping, and parking along Highway 1 (see examples in the Correspondence packet). As noted above, however, the USFS was able to provide additional documentation about other management measures that have either been considered or implemented within the Monterey District in the past.

Importantly, the USFS also provided information about two current and ongoing initiatives that, in conjunction with the proposed two-year camping and campfire prohibition, are expected to allow for substantial improvements in both environmental protection and visitor experiences at San Carpoforo Beach. The first is that the Monterey District has recently hired a number of new personnel, several of which will have work duties that include planning and management activities for San Carpoforo.

¹⁷ The Plan requires the USFS to provide ongoing monitoring and evaluation reports that identify whether the Plan’s desired conditions are being met, describe challenges faced in management, and other aspects of implementing the Plan.

This is expected to help alleviate some of the long-standing problems arising from the District's limited ability to provide an ongoing presence at the beach. For example, many of the identified impacts are from activities that are currently illegal – leaving trash on the beach, having unsafe campfires, removing vegetation, etc. - and an increased presence of USFS personnel providing information or enforcement is likely to alleviate many of these types of impacts to some degree.

The second recent initiative is the District's initiation of a comprehensive Visitor Use Management ("VUM") effort covering much of the District, including the San Carpoforo Beach area. The USFS states that this effort is meant to provide an adaptive process for managing visitor use to achieve desired resource conditions and visitor experiences on the District's lands. The District started the VUM effort in 2021 and has held several public meetings and meetings with interagency partners¹⁸ to describe and update existing conditions and desired conditions over many of the USFS lands in the District. The District expects to publish a draft VUM plan during the first half of 2024.

The currently available VUM description states that the USFS will look for opportunities to increase facilities, camping, and parking within the District's South Coastal planning zone, which includes federal and non-federal land and stretches from San Carpoforo Beach to Nacimiento-Ferguson Road, about 20 miles north. The draft VUM describes the "desired conditions" for San Carpoforo Beach as:

"Visitors can enjoy day use activities such as sightseeing and relaxing in an undeveloped beach environment, close to the highway yet with a wild and remote feel once people leave the road. Snowy plovers and salmon thrive in a largely undisturbed ecosystem, with clean water and healthy, native vegetation that is not impacted by visitor use. Dogs are controlled during visits and do not present hazards to wildlife."¹⁹

Importantly, the current VUM description does not commit to re-opening or replacing the camping opportunities that would be lost due to the proposed two-year prohibition. These desired conditions, in and of themselves, and if implemented as part of a final VUM, would not be consistent with CCMP Section 30213's requirement that lower cost visitor and recreational facilities be protected. Section 30213 also establishes a preference for development of public recreational opportunities, which may not occur if the current camping opportunities at San Carpoforo Beach are later provided by another entity in this area. These desired conditions additionally do not appear fully consistent with the Land Management Plan, which establishes that existing recreational opportunities be maintained.

¹⁸ The USFS is part of an Interagency Visitor Use Management Council comprised of representatives from the National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the National Oceanic and Atmospheric Administration.

¹⁹ The document additionally notes that: "[t]here may be times when demand exceeds the parking availability for this location."

However, in discussions with Commission staff, USFS personnel have described the intent to expand camping opportunities at San Carpoforo and/or at other beaches and coastal locations within the planning area. The USFS also points out that a number of management strategies likely to be considered in the VUM include several that would be appropriate to implement at San Carpoforo Beach and would obviate the need to completely eliminate camping and campfires. These could include, for example:

- Policies and procedures for emergency closures
- Seasonal or year-round fire restrictions for high-risk areas and seasonal post-fire recovery closures
- Accessible facilities
- Increased law enforcement and field staff presence/increased collaboration with other agency law enforcement
- Increased fines for illegal campfires
- Information, interpretation, and sign plan for area
- Implementing a reservation system for campers and/or designating a limited number of camp sites at the beach
- Guided tour opportunities

As noted above, another main concern expressed by the USFS relates to the threat of wildfires from campfires at the beach. Several of the management measures above could not only reduce the impacts associated with camping and visitor use but could substantially reduce the wildfire threat. These could include, for example, policies for emergency fire restrictions during periods of high fire danger, limitations on the types and locations of allowable campfires (e.g., only in designated fire rings, no collecting driftwood, no use of fuel or accelerants, etc.), increased presence of field staff and increased enforcement, additional signage, requiring a campfire permit such as the one required elsewhere in the Los Padres National Forest, and others. Another alternative that may be available would be to allow camping while also establishing a limit or prohibition on campfires.

The Commission recognizes the adverse effects occurring at San Carpoforo to the beach's sensitive environmental resources and to the experiences the beach provides for visitors enjoying the shoreline public access it provides. The Commission also recognizes that USFS efforts to reduce these adverse impacts must be consistent with the CCMP policies above, including Section 30213's requirement to protect existing low-cost visitor resources such as the camping provided at the beach. The Commission additionally recognizes the many management measures available to the USFS that will be considered during this currently occurring VUM process. With the need to "reset" the conditions at the beach for both visitors and for the natural resources, and with number of measures available for improving the visitor experience and the beach's resources, the Commission believes that implementing some combination of those measures during the proposed Forest Order's temporary limits on camping and campfires can result in reasonable longer-term protection of this low-cost amenity and conform to Section 30213. Importantly, visitors will continue to be able to access the beach during this period and enjoy many of the other benefits of public shoreline access. The

Commission further concludes that the USFS can implement a number of measures fairly early during the proposed two-year prohibition that would effectively reduce many of the identified impacts – for example, initiating an increased presence of USFS personnel, installing trash containers and arranging for trash collection, etc.

Condition 3 would therefore allow for USFS issuance of the proposed Forest Order while ensuring that the USFS report regularly (i.e., every six months during the two-year period) on the progress made through the VUM process, including identification of all measures implemented, considered, or rejected to address both environmental protection and improved visitor experiences. The reports are to also identify what measures are being implemented during the two-year period and describe the effectiveness of their implementation. The measures to be considered during this process include those from the planning documents described above, and the goal of this planning effort is to ensure “no net loss” of coastal camping opportunities within the Monterey District. **Condition 3** also provides that prior to the Order’s expiration the USFS submit a consistency determination regarding any proposed longer-term management changes or measures to be implemented meant to improve resource conditions and visitor use at San Carpoforo Beach.

Conclusion

As conditioned, the Commission finds that the project would be consistent with the access and recreation provisions of the CCMP, including Sections 30210, 30211, 30212, 30213, 30214, and 30221.

F. 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.

Coastal Act Section 30244 states that reasonable mitigation measures shall be required where development would adversely impact identified archaeological resources. These resources may be sacred lands, traditional cultural places and resources, and archaeological sites that the Commission is tasked with protecting pursuant to the Coastal Act.

The Commission acknowledges Tribal sovereignty and understands that California's Tribes have long served as stewards of important coastal resources. The Tribes possess unique and valuable knowledge and practices for conserving and managing these resources in a sustainable manner, and in a manner consistent with the spirit and intent of the Coastal Act. The Commission's Tribal Consultation Policy recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes. It establishes a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement.

San Carpoforo Beach is within the ancestral and current homelands of the Salinan Tribe of Monterey and San Luis Obispo Counties, which stretch from San Luis Obispo County to the south and along most of Big Sur to the north and inland to the Temblor Mountains on the east side of the Salinas Valley. Some of the early European contact was at the several villages near or along San Carpoforo Creek, which is where the 1769 Portola expedition turned inland from its journey north along the coast.

In consultation with the California Native American Heritage Commission (NAHC), Commission staff contacted the Tribe to offer formal or informal Tribal Consultation and to request any comments or concerns the Tribe might have about the USFS proposal.²⁰

To date, staff has received no request; however, through discussions with the USFS, staff developed [Condition 4](#), through which the USFS will invite the Tribe and any other interested Tribes to participate in development of the above-referenced Visitor Use Management program. Although the Salinan Tribe is not federally recognized, its

²⁰ See, for example, Milliken and Johnson, *An Ethnogeography of Salinan and Northern Chumash Communities – 1769 to 1810*, March 2025.

identification with the Big Sur region and SCB allow it to provide the USFS a valuable perspective on what activities and management practices would be consistent with the site's Tribal values and resources.

Conclusion

With implementation of the measures identified above the proposed project would avoid potential adverse impacts to archaeological or paleontological resources. The Commission therefore finds that the proposed project consistent with Section 30244 of the CCMP.

IV. APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

U.S. Forest Service, submittal of September 13, 2023 Consistency Determination and associated documents.