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CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

July 18, 2018

BY U.S. MAIL

California Department of Parks and Recreation
 Attn: Katie Metraux, Acting OHMVR Planning Manager
 1725 23rd Street, Suite 200
 Sacramento, CA 95816

Re: Response to Notice of Preparation of an Environmental Impact Report – Pismo State Beach and Oceano Dunes State Vehicular Recreation Area Public Works Plan

Dear Ms. Metraux:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) on Pismo Beach and Oceano Dunes Public Works Plan (PWP).

As you know, the County has been involved in the Oceano Dunes State Vehicular Recreational Area for decades. Starting in 1944 when we picked up 4,399 parcels in the 584 acre La Grande Tract for \$500, to playing a part in the 1982 Coastal Commission permit and being an active member of the Technical Review Team since its inception in 2001. In that time, we have attempted to work with State Parks to ensure maximum coastal access without negatively impacting the residents of Oceano. We recognize that the preparation of the PWP and its accompanying EIR represent an opportunity to describe and correct a number of longstanding problems associated with the continuing operation of the park.

Project Description

The project description in the Notice of Preparation for the PWP refers to several components of the project, including but not limited to: the Oso Flaco Campground and Public Access Project, the Park Corporation Yard Improvement Project, the Pier and Grand Avenue Entrances and Pier Avenue Lifeguard Tower Project, the Butterfly Grove Public Access Project, and the Pismo State Beach Boardwalk Project. This list of potential PWP components is long, but the County would like to see State Parks further broaden the EIR project description. Both of our agencies have acknowledged the need for a new Operating Agreement for those County-owned parcels within the La Grande Tract. We have also entertained serious discussions of the terms of a possible sale of the La Grande Tract parcels. Either of these activities, if undertaken, would likely require CEQA review. Including them in the project description for this EIR will allow the identification of impacts, mitigation measures and alternatives.

Katie Metraux, Acting OHMVR Planning Manager

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1982 Coastal Development Permit Conditions

In 1982, the Coastal Commission approved Permit 4-82-300. This permit allowed two entrance kiosks – at Pier Avenue and Grand Avenues (another was proposed at Oso Flaco Lake but was not approved) and 35,000 linear feet of fencing. This permit was amended five times (1982, 1983, 1984, 1991, and 2001). The amendment in 2001 created the Technical Review Team to protect environmentally sensitive habitat, find the appropriate carrying capacity of the park, and identify ways to lessen impacts to the residents of Oceano.

Some conditions were changed with the amendments (e.g., increasing the maximum number of camping sites from 500 to 1500 in 1983), but many of the original conditions remain in effect. For example, Condition 1B requires a “permanent staging area” site be selected within 18 months of the County’s LUP certification, and construction begin at that staging area within 3 years remains unchanged. The County’s LUP was certified in 1984, yet no permanent staging area has been identified, and no construction has begun. More importantly, no proposal for a permanent staging area has been submitted to, or approved by, the Coastal Commission.

State Parks has completed at least two access studies, with the most thorough study being completed in 2006 (Condor). In the Condor study, State Parks evaluated eight access alternatives – including the two existing points at Pier and Grand Avenues. State Parks concluded that the two access points (Pier and Grand) were the most feasible and environmentally preferable access locations. It is reasonable and appropriate for State Parks to come such a conclusion regarding a “permanent staging area”, however, what is not reasonable and appropriate is for State Parks to stop there. Applicants (i.e., permittees) are supposed to submit condition compliance information or permit amendments to the permitting agency – in this case, the Coastal Commission – then the permitting agency makes the condition compliance determination. The permittee is never charged with determining permit condition compliance – that is the responsibility of the permit issuing agency. Further, we believe the County has more authority to determine permit compliance with Permit 4-82-300 than State Parks.

The permit amendment in 1983 increased the number of camping “units” from 500 to 1500 at the ODSVRA. Language was added to this condition including the County as part of the condition compliance determination. Specifically, the language stated: “If, after an annual (or any other) review it is found that the ORV use within the SVRA is not occurring in a manner that protects environmentally sensitive habitats and community values consistent with the conditions of this permit and County’s Local Coastal Plan, the OHV access and the number of camp units allowed may be further limited by the Executive Director with concurrence by resolution of the Board of Supervisors of San Luis Obispo County.” This language was added because it was becoming clear to the Coastal Commission that, although they issued the permit (and processed amendments), the local agency was answering complaints and dealing with significant issues related to the ODSVRA. It only made sense that the County should have some say as to whether conditions on the permit were being satisfied or not.

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As part of the PWP, or separately as part of a permit amendment, State Parks should submit a condition compliance report to the Coastal Commission and the County of San Luis Obispo for review and approval for all conditions listed in the 1982 coastal development permit (as amended).

Figure 4 of the LCP

Figure 4 (page 8-11) of the South County – Coastal Area Plan shows the La Grande Tract as a buffer area. "Buffer" in this case meaning an area between the riding area to the west and the native habitat to the east. This means no riding should occur there.

However, Standard #9 on the previous page states: "ORV use of the county held portion (generally lying between the sandy beach and Dune Lakes) shall be limited to the Sand Highway west to the sandy beach" indicating that some OHV riding is allowed. The Sand Highway runs north to south and a quick calculation would suggest that approximately 75% of the La Grande Tract is open for OHV use and 25% of the La Grande Tract is not (according to Standard #9). However, Figure 4 is clear and it shows that all the La Grande Tract is off-limits to OHV riding and is, instead, designated as a buffer area. There is a conflict between Figure 4 and Standard #9.

Figure 4 and Standard #9 need to be updated to be consistent with the Coastal Commission permit. The project description for the PWP EIR needs to be broad enough to address the potential impacts associated with such an amendment to the County Local Coastal Plan. State Parks should submit and receive approval for that Local Coastal Plan amendment prior to approving the PWP.

Impacts to Oceano Residents

Oceano residents are impacted by the operation of the ODSVRA. The two million annual visitors to the park are impacting the residents of Oceano as they come and go using Pier Avenue (the primary access point to the park). Residents must deal with sand tracked out of the park on vehicle tires and blown off their trailers as they depart Oceano. Residents must also deal with an increased crime rate, additional trash and periods of significant noise. In addition, local first responders and hospitals are impacted as a result of the operation of the ODSVRA.

The EIR for the PWP should thoroughly describe these offsite impacts and any potential changes that would result from implementation of the PWP. As part of the findings and/or conditions on the PWP, the State should mitigate the known and existing impacts to the residents of Oceano and surrounding areas by compensating the agencies that are responsible for dealing with these impacts (e.g., the County, APCD, Oceano Community Services District, the City of Grover Beach, etc.). The amounts paid to each agency should be negotiated between the State and each agency and these amounts should be codified prior to the approval of the PWP.

Katie Metraux, Acting OHMVR Planning Manager

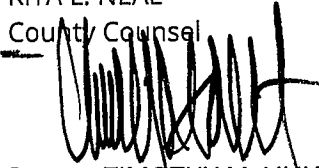
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We appreciate the opportunity to comment on the preparation of an EIR for the proposed Public Works Plan. We hope State Parks agrees with us that the preparation of the PWP and its EIR will allow the investigation and resolution of many issues that have long concerned the County and its residents and visitors. Let us know if you have any questions.

Respectfully submitted,

RITA L. NEAL
County Counsel



By: TIMOTHY McNULTY
Assistant County Counsel

TM:lr

cc: John Peschong, Chair, San Luis Obispo County Board of Supervisors
Dan Carl, Deputy Director, California Coastal Commission
Gary Willey, Executive Director, Air Pollution Control District
Marvin Rose, San Luis Obispo County Interim Planning Director
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