



July 17, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom,

Over the past year, we have been writing to ask you to exercise your leadership to resolve a fundamental management impasse -- one that has been in place for nearly 40 years -- between the state's coastal protection policies and the perceived mission of the California Department of Parks and Recreation and its OHMVR Division at the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

Specifically, DPR has managed the critical habitat of the Oceano Dunes with the interests of motorized recreation as a clear and constant priority over the protection of state coastal resources, environmentally sensitive habitat area (ESHA), and protected species. Despite four decades of reports, meetings, negotiations, and pledges of cooperation with resource agencies, it is giving every indication that it intends to continue doing so. The most recent evidence of this is the discovery of official DPR protocols for the harassment of federally listed Western snowy plovers to discourage expansion of their nesting habitat during the temporary shutdown of the ODSVRA. Fortunately, the Coastal Commission issued a Cease and Desist Order to temporarily halt this activity on July 9.

The purported solution to all the underling conflicts is DPR's preparation of a Habitat Conservation Plan (HCP) to address federal Endangered Species Act issues, and a Public Works Plan (PWP) pursuant to the Coastal Act.

After decades of delay, it now appears that DPR is finally poised to submit its long-anticipated HCP for approval to the Trump Administration, via the same U.S. Fish and Wildlife Service that was ready to sign off on DPR's protocols for the harassment of snowy plovers and destruction of their nests before the Coastal Commission intervened.

Several organizations besides our Alliance have noted that the Draft HCP and its Draft EIR do not read like a Habitat Conservation Plan, but like an off-roading protection plan. The HCP promotes expanding off-highway vehicle (OHV) use in habitat for listed species, and the DEIR takes as its baseline condition an ecosystem damaged by many years of motor vehicle use, thereby guaranteeing a wholly deficient Environmental Impact Report. When approved, and the

dunes reopen to off-road vehicles, the HCP will essentially put DPR on a collision course with the plovers' expanded habitat.

On July 9, State Parks provided an update on the status of the PWP. A final draft of the plan was originally scheduled for Coastal Commission review in August, then September, now October. DPR's Public Works Plan for Oceano Dunes is moving forward in tandem with the HCP that operates from the premise of "no net loss" of OHV riding area, and the presumption that the purpose of the HCP is to avoid "impacts on recreation" at the expense of listed species and habitat. The Coastal Commission's directive to conduct additional outreach means that the USFWS will likely act on the HCP prior to the Commission's review of the PWP. This will undoubtedly result in federal authorization for activities that could not be found consistent with the Coastal Act. With legal dispensation to harm and harass endangered species, DPR will have even less incentive to submit a meaningful PWP to the Commission.

In a May 29 letter to the U.S. Fish and Wildlife Service commenting on the Draft Habitat Conservation Plan, the Coastal Commission noted that it had "required State Parks to address 15 management measures as part of its current Public Works Plan efforts," and that these measures were "designed to protect sensitive habitat values pursuant to the Coastal Act".

The Coastal Commission concluded its analysis of the Draft HCP as follows:

"Our primary concern with the DHCP is that although the HCP is intended to 'provide habitat-level protection and management and minimize human-related impacts to key threatened or endangered wildlife,' the DHCP instead outlines management protocols that would **actually decrease** existing protection for such species, even though **existing management has already resulted in significant take of species such as the western snowy plover**. Thus, by allowing even more take than is currently experienced at the Park, the DHCP does not appear to meet the requirement to minimize the impacts of the covered activities."
[Emphasis added.]

The Commission recommended:

"Rather than completing the HCP at this time, State Parks and USFWS could wait to further consider the HCP and its associated EIR until after the Coastal Commission takes action on State Parks' PWP. The content of the PWP would then be available to inform the range of alternatives and management measures that could need to be considered in the HCP and EIR. Although this would delay the HCP and EIR process, having that process commence after the Commission acts on the PWP would provide greater certainty to the agencies involved, and USFWS, State Parks, and the Coastal Commission would have the benefit of the information developed through the completion of the PWP."

The danger that the Trump Administration will approve a wholly inadequate HCP in the context of an unapproved Public Works Plan and an expiring Cease and Desist Order represents perhaps the single greatest threat to listed species on the coast of California. We implore you to direct State Parks to sequence the preparation of these two critical planning documents in the manner

that will ensure California's landmark Coastal Act is shaping the long-term outcomes at ODSVRA, as opposed to a weakened and diminished federal Endangered Species Act that has already been co-opted by the most destructive president in US history.

The purpose of the Endangered Species Act is to protect and recover imperiled species and the ecosystems upon which they depend. History and current events make it clear that the intervention of your office will be required to ensure that this happens at the Oceano Dunes, and time is of the essence.

Thank you for your attention to these issues.

Sincerely,

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American Woodland Conservancy

Brad Snook, Chair
Surfrider San Luis Obispo

Ilona Shakibnia, Representative
Friends of Oso Flaco Lake

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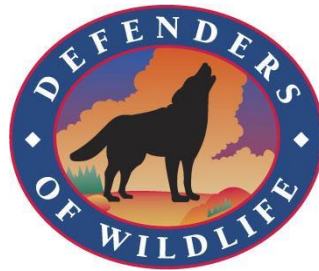
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cc Wade Crowfoot

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