

Developer Destroys Endangered Plants near Pismo Beach



Massacre on Oak Park Blvd. Bulldozers solved the problem of one of the world's rarest plants getting in the way of luxury homes, shops, and a vineyard in Pismo.

On November 19, 2021, California Department of Fish and Wildlife (CDFW) staff paid a visit to the Los Robles del Mar project site near Pismo Beach. They discovered that Central Coast Development had violated its grading permit for the planned vineyard and residential and commercial development, and in the process had decimated a stand of Pismo clarkia. This is one of the rarest plants in the world, found only in a few highly restricted locations in southern San Luis Obispo County.



Regulators call that “unlawful take.” Compounding the egregious nature of the violation, CDFW noted, “this property was identified as one of the largest of the 14 extant populations listed in the United States Fish and Wildlife Service Recovery Plan for this species.”

On December 17, the Department sent the developer a Notice of Violation of the Native Plant Protection Act, Fish and Game Code section 1908. On Dec. 22, the US Fish and Wildlife Service also let Central Coast Development know how it felt about the developer greatly exceeding the scope of its permit for grading and ground clearance at the expense of the federally endangered Pismo clarkia, “which is an annual plant species facing a high risk of extinction. The disturbance activities may have resulted in the destruction or degradation of some or all of the Pismo clarkia population and/or its habitat previously documented onsite.”

Both agencies noted that a survey commissioned for the grading permit last May had “documented approximately 550 Pismo clarkia individual plants within the Survey Area,” a 1995 survey had documented approximately 3,000 of the plants throughout the area, and the 1996 Environmental Impact Report for the Los Robles del Mar Specific Plan duly noted that “Pismo clarkia occurred in the northern half of this subject property along the edge of the oak woodland, through the chaparral, and out into the grassland near the oak trees.” This information was also included in a 2011 addendum to the Certified Final Environmental Impact Report for the annexation of the property. The 2011 report also noted that “the City-approved Project as conditioned set aside 38.6 acres of open space for an Oak Woodland and Pismo Clarkia Preserve. This area will be fenced and signed as a preserve area to protect against public intrusion. This and other conditions of approval now included in the project ensure that impacts to this species would be less than what had previously been examined in the certified FEIR and Addendum.”

It would have been nice to think so.

California Fish and Wildlife told the developer to cease all development activities, schedule a meeting with CDFW staff, and prepare to submit “a detailed Project description, an analysis and quantification of the take which occurred and any potential for future take incidental to the Project as well as plans to fully mitigate for that take.”

But: “CDFW may not be able to authorize incidental take for the Project under its current level of environmental review as required under the California Environmental Quality Act.”

For its part, US Fish and Wildlife told Central Coast Development to “immediately halt any further ground-disturbing activities that may violate of the Endangered Species Act within potentially suitable habitat for Pismo clarkia” and schedule a meeting with *their* staff to address compliance with the Endangered Species Act.

But: “If the potential federal violations cannot be addressed through recovery and mitigation activities by Central Coast Development, the Service will refer the case to our Office of Law Enforcement for investigation.”

A Troubled History

(From “They Can Run but They Can’t Hide,” Santa Lucian, Oct. 2014)

On Los Robles del Mar, determined residents, with help from the Sierra Club, halted the ten-year march of the proposed development in 2008 when the project’s severe

underestimation of water usage was exposed. Residents showed that many more parcels over the basin would be developed over the coming years than were contemplated in the Environmental Impact Report, that their water use was grossly underestimated, future agricultural uses had not been considered, and local Meadow Creek wetlands were already being impacted by pumping for existing water needs, without the addition of the proposed 312-unit development. LAFCO concluded that the developer and the city could not show that they had a water supply that was adequate, reliable and sustainable.

Three years later, the City tried again. As local resident Laura Sprague observed in these pages (“Los Robles del Mar: Who’s Got the Water?” Sept. 2011), the city attorney “grossly oversimplified the critically important water element of the development agreement” and “essentially recommended that an ignorant City Council blindly assume that substituting unlimited well water with a potentially inadequate state water allocation would not create any problems.” Of the city’s assurance of reduced water need, “we are not convinced that the manner in which the lesser amount of water was calculated was based on proven methods, as opposed to assumptions and conjecture.”