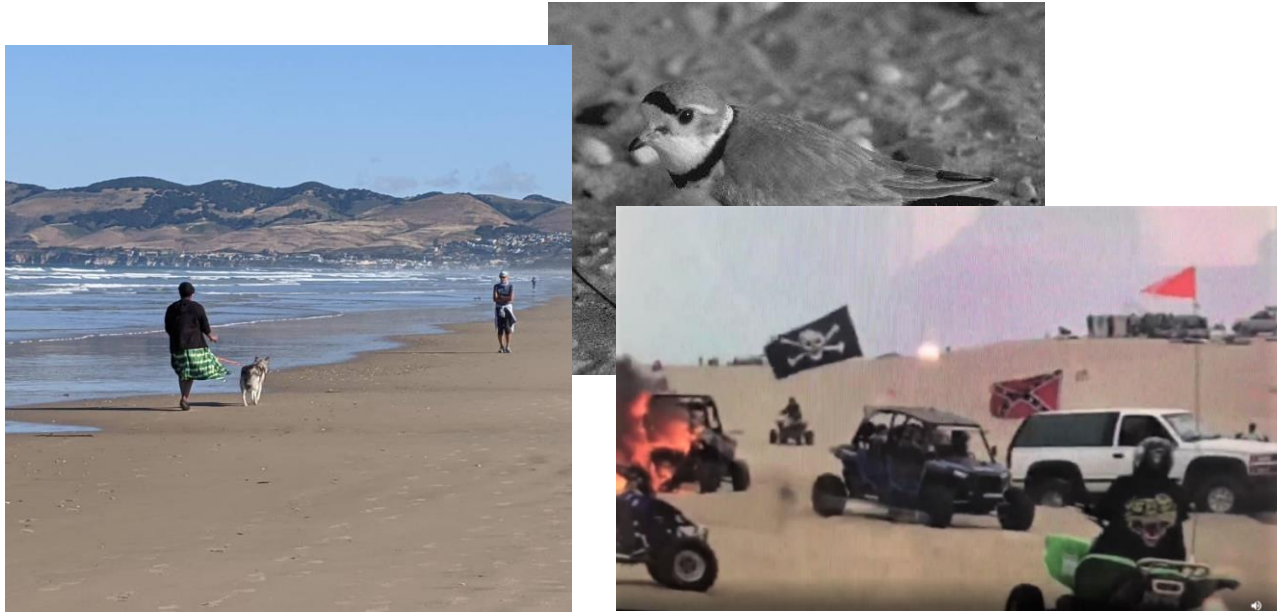


Oceano Dunes: Why We Fight

On March 18, we all need to support the California Coastal Commission



Compare and contrast The Oceano Dunes in the first months of the Covid-19 pandemic, when off-road vehicle traffic was suspended (left), and the usual scene (right).

It would be funny if it weren't tragic.

38 years ago, the California Dept. of Parks and Recreation was issued a Coastal Development Permit for the Oceano Dunes State Vehicular Recreation Area, as approved by the California Coastal Commission. It was a permit for an *interim* entrance and vehicle staging area, issued on the condition that CDPR locate a more environmentally suitable entrance/staging area within 18 months of issuance of the permit. 38 years later, the Commission is still waiting.

San Luis Obispo County's Local Coastal Plan, certified by the Coastal Commission 32 years ago, required the designation of 580 acres of County-owned land (aka the La Grande Tract) within the ODSVRA as a buffer between the riding area and the Dunes Preserve. The Commission is still waiting.

Interim vehicle limits were set 19 years ago. CDPR was supposed to conduct a carrying capacity study to determine how many vehicles the dunes ecosystem can withstand without long-term environmental damage and adjust those limits accordingly. The Commission is still waiting.

For 17 years, the scientific subcommittee of CDPR's Technical Review Team and the Coastal Commission have urged the study of the potential benefits of year-round closure to vehicle

traffic of the ODSVRA's snowy plover nesting area, which is currently closed only during nesting season and flattened by off-highway vehicles the rest of the year. The Commission is still waiting.

For 11 years and counting, CDPR has disputed the findings of a peer-reviewed study commissioned by the San Luis Obispo County Air Pollution Control District, which found that dust plumes blowing off the dunes, largely the result of OHV activity, are the reason why this area of the county is frequently the site of the worst air quality in the nation. While CDPR has dragged its feet on implementing agreed-upon dust control measures, it has eagerly devoted funding and energy to disputing the study's findings. In the words of Larry Allen, former Air Pollution Control Officer for San Luis Obispo County: *"I've never dealt with a more recalcitrant or unscrupulous organization than State Parks' OHV Division. Their corporate culture is simply not conducive to solving any issue that's not beneficial to their core mission: To enhance and expand OHV parks."*

In short, the litany of management failures at the Oceano Dunes State Vehicular Recreation Area is four decades long.

Now, State Parks has released a draft Habitat Conservation Plan predicated on the idea that an HCP must "balance" the requirement to conserve habitat against the desire to perpetuate and expand activities which adversely impact that habitat. The HCP proposes not to increase protections for dune habitat and listed species to ensure their recovery, but to *expand* riding areas, opening up currently protected areas to increased off-road activity -- contrary to the requirement of the Endangered Species Act to assure the protection and recovery of listed species, the fundamental purpose of a Habitat Conservation Plan.

In conjunction with the release of a draft Habitat Conservation Plan that does not protect habitat, Parks has issued a draft [Public Works Plan](#) for the future management of the ODSVRA and Pismo State Beach. The draft plan ignores hundreds of public comments submitted over the last few years urging conservation of the park's Oso Flaco Lake Natural Area. Instead, State Parks has drafted a plan that would aggressively develop and transform this natural area with an "Improvement Project" that would convert 120 acres of prime agricultural and dune land in designated ESHA, adding 200 RV campsites with 12 restroom/shower buildings; 100 drive in tent sites with 8 restroom/shower buildings; 20 cabins; 40 parking spaces for large vehicles, including RVs, buses, and trailers; 45 parking spaces for fleet and emergency response vehicles including ATVs, trailers, and watercraft; 95 parking spaces for year-round staff parking; and many other structures and facilities, including three new dump stations, a half-acre multi-purpose area, concession buildings with a camper convenience store, amphitheater, office buildings, staff residences, maintenance and storage equipment and facilities, and single and multi-family residences and 30 parking spaces for year-round and seasonal staff. A new vehicle trail would connect the Oso Flaco Lake development to a new southern entrance -- carved out of dunes ESHA -- to the Oceano Dunes off-highway vehicle area.

Under the California Coastal Act, high-impact OHV recreation is not a resource-dependent activity -- an activity that must be located in a coastal area in order to occur. The Coastal Act also designates the vast majority of the Oceano Dunes as ESHA. For these reasons, conversion

from OHV use to low-impact coastal recreation must be part of State Parks' future management plan for the area in order for it to comply with the Coastal Act.

There is also the matter of the Coastal Commission's [Environmental Justice Policy](#), which notes that "generations of injustices towards California's Native American communities, people of color, and other marginalized populations through forms of discriminatory land use policies, desecration of sacred lands and cultural resources, and concentration of environmental pollution has resulted in inequitable distribution of environmental benefits and burdens that still disproportionately burden these communities today."

Therefore: "The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities."

State Parks claims that ongoing off-road vehicle activity at Oceano Dunes is mandated and wholly bound by the state's OHV statute, PRC 5090, a claim rebutted by the Coastal Commission in its staff report of July 11, 2019, which clarifies that the state's OHV law:

"...allows for closing off OHV use where it is causing the types of problems it is causing at ODSVRA. In addition, and perhaps just as compelling, PRC Section 5090 does not somehow preempt other State laws, including the Coastal Act (and by extension the LCP). On the contrary, as with other laws affecting the same resources, it is important to harmonize the laws as much as possible. On that point, here, proper application of both laws based upon facts on the ground would appear to suggest the same outcome: namely that OHV use at this location is not sustainable, and the time has come to transition to other appropriate recreational uses."

In the short term, Coastal Commission staff are also recommending increased enforcement of vehicle use limits, additional fencing of sensitive coastal resource areas, prohibiting nighttime vehicular activity, prohibiting vehicle crossing of Arroyo Grande Creek when it flows to the ocean, and permanent closure of seasonal endangered species exclosure areas, among other measures.

The Commission originally directed State Parks to act on those recommendations in July 2019 by incorporating them into its draft Public Works Plan. Eighteen months later, the Commission is still waiting.

Coastal staff is now recommending the immediate amendment of State Parks' Coastal Development Permit to require implementation of these measures, along with a five-year phase-out of off-highway vehicles at the dunes.

If Coastal Commissioners are going to vote to make that happen, that vote will happen at their March 18 meeting.

At that meeting, SLO County residents need to let the commissioners know: *We support your staff recommendation, but five years is a long time to wait for the phase-out of an*

environmentally destructive activity that you acknowledge is a hazard to protected habitat and human health. And we're done waiting.

TAKE ACTION



Now hear this Representatives from the People for the Dunes Campaign and Sierra Club's Santa Lucia Chapter conducted an online workshop on environmental justice and the Oceano Dunes at the 19th annual Change the Status Quo Social Justice & Leadership conference, presented by Cal Poly's Center for Service in Action on Feb. 27.

Make your feelings known to the Coastal Commission ASAP. Send to:
OceanoDunesReview@coastal.ca.gov

or

California Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060.

Speak to the Coastal Commissioners at the hearing on March 18, 2021 using your telephone, computer or tablet. Instructions on [the Commission's webpage](#).

Before the 18th, to get more information and find out about actions you can take to help the Coastal Commission do the right thing, check out the Dunes Alliance [on Facebook](#) or go to www.peopleforthedunes.org.

[#30DaysofDunes](#)