



OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION

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March 10, 2021

Jack Ainsworth, Executive Director, California Coastal Commission  
Steve Padilla, Chair of the California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA. 94105

Re: Oceano Dunes State Vehicular Recreation Area

Dear Executive Director Jack Ainsworth and Coastal Commission Chair Steve Padilla,

The Off-Highway Motor Vehicular Recreation (OHMVR) Commission would like to go on record to strongly oppose the California Coastal Commission (CCC) staff proposed phase out of off-highway motor vehicular use at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) and to correct the record relative to the park's overall compliance with the California Coastal Act mandate to protect beach public access, recreational opportunities and marine and land resources.

The Department of Parks and Recreation (DPR) and the Off-Highway Motor Vehicular Recreation Division (OHMVRD) have detrimentally relied on fifty six (56) plus years of California Coastal Commission approvals, spent millions of dollars on natural resource protection, species conservation and park operations with off-highway vehicle (OHV) trust funds, gas tax and gate fees in good faith and in compliance with the many park approvals in the General Plan, San Luis Obispo Local Coastal Plan (LCP), the ODSVRA Coastal Development Permit, the five associated amendments and the various requirements from resource agencies, approved conservation and dust mitigation plans to create and manage a world class park. Is it perfect? No. Do we have work do to? Yes.

Successful collaboration with the agencies having jurisdiction over ODSVRA has created a highly successful multi-use, multi-benefit OHV recreational park with many natural resource conservation programs. We submit that CCC staff have not demonstrated the necessary damage or justification to propose the arbitrary removal of OHV use from the park. On the contrary DPR and the OHMVRD were directed by the Coastal Commission to initiate the Public Works Plan, the Habitat Conservation Plan, and a Biodiversity Management Plan, to continue working with the San Luis Obispo Air Pollution Control District (APCD) and to comply with all dust mitigations at considerable costs.

This proposal is similar to an arbitrary change without substance, is contrary to what has been implied by numerous approvals and the outcome of the settled court case *Court of Appeal Decision: Sierra Club v. Department of Parks & Recreation (2012) 202 Cal.App.4th 735*. In this case the court disagreed and dismissed the allegation that the use of OHVs and RVs within the Oceano Dunes complex violated the Coastal Act, and were in conflict with ESHA.

Further, the CCC suggestion to phase out OHV use is not consistent and contradicts the law, authority, and existing approvals provided through the California Coastal Commission and Coastal Act. Executive Director Jack Ainsworth went on record September 14, 2017 stating that "The vehicular park is allowed under statute." The Coastal Commission does not have the authority to phase out the legislatively designated off-highway vehicular park."

Two sibling State agencies at war is unfortunate and shocking, and ultimately falls short of serving California residents who rely on our respective public institutions to serve all our interests, even if at times some of our interests may be at odds. Our two Commissions carry a similar goal to provide access, recreational opportunities and simultaneously balance conservation and restoration of our beautiful coastal environment. Somehow the messaging to the Coastal Commission has been distorted and does not reflect accurately what the ODSVRA really provides to the residents of California and visitors from all over the world. It is in times like these that we need to work together to strike the right balance to preserve and enhance the much-loved multi-use ODSVRA.

The ODSVRA Park is a unique location and provides important recreational experiences at the local and county level. ODSVRA is the only state managed public lands in California with OHV and camping allowed on the beach. No county parks, open space areas, or other recreation land in the Central Coast provide this valuable, unique recreational experience and access to the great outdoors for over 2 million visitors annually to both Pismo State Beach and ODSVRA.

These recreational users have the same rights protected by the legislation that created this motorized off-highway park, and through the mandates found in the California Coastal Act and approved repeatedly by the California Coastal Commission over the last 56 plus years.

The California Coastal Act and California Coastal Commission mandate is to protect public access, recreational opportunities, and marine and land resources. The ODSVRA meets the California Coastal Act mandate by providing public access, incredible recreational opportunities while funding and managing world class conservation efforts.

The suggestion to remove OHV use is contrary to the Coastal Act mandate, discriminates against California's diverse OHV recreational enthusiasts, denies OHV access to the beach, denies recreation enthusiasts who use their OHV vehicles for their accessibility to the beach, and fails to acknowledge, value or balance the OHV trust funded successful natural resource and species conservation programs.

The 3,490-acre ODSVRA Park provides recreational enthusiasts access to swimming, surfing, beach play, fishing, ocean sports, horseback riding, nature walks, bird watching and more throughout the park. The dispersed camping and off highway vehicle riding is confined to 1,350 acres, which is further reduced by approximately 300 acres for high wind fencing and protected species nesting season exclosures on average eight (8) months out of the year (March to October). The result is that the OHV park use area is no more than 1/3 of the entire Oceano Dunes land holding.

The ODSVRA is in compliance with the California Coastal Commission approved San Luis Obispo Local Coastal Plan (LCP). The park installed the required fencing and sensitive habitat area buffers and continues to follow the guidelines to restrict and manage OHV use in certain prescribed areas in accordance with the LCP.

The Coastal Commission recently asserted that the entire ODSVRA is considered an Environmentally Sensitive Habitat Area (ESHA). This is in conflict with the previous 56 years of Coastal Commission approvals for the park, including the Coastal Commission approved County LCP. The adopted LCP defined the ESHA protected areas as the vegetated dune areas and detailed in great length the areas for OHV use and associated management practices required.

The LCP made the finding that the ODSVRA met the Coastal Act goal of maximizing recreational opportunities and was consistent with protection of coastal resources. Here are just a few key quotes from the Coastal Commission approved LCP:

- *Passive recreational uses and nature study uses should be provided for in the sensitive vegetated areas restricted from OHV use. (LCP).*
- *Providing a wide variety of recreation opportunities, the parks are famous for clamming and driving on the beach and recreational vehicle use within the Dunes.*
- *The entire dunes are recommended for ultimate use for recreation and conservation.*
- **Two thousand acres of sand dunes for off-highway vehicle recreation.**
- *Inland camping area for off-highway vehicle users.*
- *Vehicle association center with administration facilities for off-highway vehicle recreation.*
- *Concession-operated facilities for dune vehicle service, rental, and storage and food service.*
- **ORV Use Area.** *ORV use shall be permitted only in identified unfenced vehicular use area. These areas are identified in Figure 4. No recreational ORV use will be allowed in the designated natural areas. These buffer areas reflect areas required for habitat protection and generally recognize the established lease agreement with Union Oil for the areas adjacent to the eastern portion of the park. ORV is prohibited in all vegetated areas. (LCP)*

- *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. This will minimize conflicts with the Dune Lake Properties to the east and the State Department of Parks and Recreation Dune Preserve to the north. The map of ORV use areas indicates a buffer area along these critical interface areas.*

While Coastal Commission staff have led many to believe that motorized off-highway vehicle recreation dominates the ODSVRA Park, they are ignoring the comprehensive successful natural resource and species conservation efforts throughout the park. The ODSVRA spends 40% of their annual budget on resource conservation, habitat restoration and dust mitigation while the OHV use is limited to 1/3 of the park area.

These important conservation efforts have covered more than 400 acres of protected and restored dune park area since the 1990s. Leading conservation examples include the Oso Flaco Lake riparian habitat area. Off-highway riding and camping was allowed in the Oso Flaco area from 1910-1982. This area was restored and enhanced during the 1990s and is now a shining jewel and a literal oasis in the dune preserved for non-motorized passive recreation including bird watching, nature walks and picnicking. The management of the Oso Flaco Lake is in full compliance with the County LCP - all funded by OHV trust fund, gas tax and gate fees.

Other phenomenal conservation efforts include the highly successful, highly regulated species conservation, predator management and management of the threatened Western snowy plover and the endangered California least tern nesting programs whose general population decline can be attributed to development, recreation and other human pressures in their habitat range.

ODSVRA biological and resource staff have increased the snowy plover breeding adult population six times since 2002, when the Snowy Plover and Least Tern Management Program began with approximately 30 breeding adults. Between 2018-2020 the snowy plover population increased to 200 breeding birds. In addition to the snowy plover program, the least tern program has increased the number that reach fledgling age by 2-3 times that of the average for all nesting sites in the state of California since 2004.

On an annual basis, the Wildlife Habitat Protection Plan costs the Oceano Dunes (OD) District over \$2 Million in staff costs, contracts, equipment, materials, etc. The natural resource and species conservation activities are implemented throughout the 5,000 acres that make up the Oceano Dunes District (Pismo State Beach and Oceano Dunes SVRA). Most of the more intense management activities are focused in the ODSVRA, including the 300 acres that make up the seasonal snowy plover and least tern breeding enclosure, native vegetation and foredune restoration of nearly 230 acres, additional dust mitigation fencing projects and ongoing annual restoration of 12-15 acres per year throughout the park.

The snowy plover and least tern programs are successful due to the intensive management, population inventory, monitoring, predator management and habitat restoration which has resulted in increases in breeding success for both species. Most species return to the same breeding sites especially when they have had successful fledglings.

The adjacent Guadalupe Nipomo Dunes Wildlife Refuge in contrast does not have the same level of financial or resource support and thus has far fewer protected species success (Preliminary 2020 Snowy Plover survey results: 31 Breeding adults; 39 nests; Hatched Nests-unknown chicks produced; 52 Fledge).

The success of these two species conservation programs demonstrates OHV compatibility with proximity to the protected species and counters the allegations that the off-highway motorized use is degrading the habitat area.

The OHMVRD has been working with the APCD since 2011 to research, test and implement approved dust mitigation measures. These efforts have been implemented in over 200 acres of the park and were funded with 14 million in OHV trust funds.

Imagery from 1930, predating modern OHV recreation, shows much less dune vegetation in the north dunes near Pismo Dune Preserve, and in the south dunes near Oso Flaco Lake. Aerial images taken from 2010 show an overall gain in dune vegetation within the Pismo State Beach and ODSVRA of approximately 650 acres. In addition, park resource specialists continue to enhance native vegetation by planting vegetative islands within the OHV riding area of over 200 acres.

The ODSVRA funds include a large budget for the law enforcement arm of the division who not only respond to OHV related needs, but officers respond to aquatic emergencies in the ODSVRA. They provide two Lifeguard Peace Officers as well as a staff of seasonal lifeguards who manage Lifeguard towers in the summer and provide roving aquatic and medical capabilities. Our lifeguards provide emergency vehicle response and maintain a fleet of three Rescue Water Crafts. OD Lifeguards made 8 life-saving aquatic rescues in 2019.

OD Officers and Lifeguards also participate in a variety of public education programs including the Sand Sports Super Show, Cops and Kids Day and numerous programs in the park. This outreach helps teach valuable OHV safety and engenders a positive relationship with the public. Several OD officers are ATV Safety Institute and Recreational Off highway Vehicle Association certified instructors who teach employees and outside agencies in safe OHV operation.

Pismo State Beach and ODSVRA is a leading partner in conservation while providing world class access for all to the beach and multi-use, multi-benefit recreational opportunities. The California State Parks OHMVRD mission is to effectively and sustainably manage OHV recreation consistent with good environmental stewardship.

Mr. Jack Ainsworth

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There is more work that needs to be done to develop a collaborative partnership between California State Parks, OHMVRD and the California Coastal Commission to allow both agencies to meet their long-term protection, public access and sustainable OHV recreation goals. The OHMVR Commission looks forward to working in earnest with the California Coastal Commission and other resource agencies to create the best possible sustainably managed off-highway park in the State of California.

Respectfully,



Patricia G. Ureña, Chair  
OHMVR Commission

cc: Gavin Newsom, Governor  
Wade Crowfoot, Secretary for Natural Resources Agency  
Armando Quintero, Director DPR  
Sarah Miggins, Deputy Director OHMVR Division  
OHMVR Commissioners  
Coastal Commissioners