



## 1.0 INTRODUCTION

### 1.1 Volume 1 Organization

This Public Works Plan (PWP) is organized into three volumes. Volume 1 is the plan portion of the PWP, providing the vision and direction for future operations. It consists of an introduction, purpose statement, legal authorities, descriptions and preliminary designs for proposed Development Projects, programs and plans for future management, information on the PWP review, approval, implementation process, and a consistency analysis of Local Coastal Plans and related appendices. Refer to Volume 2 for existing conditions in the planning area and Volume 3 for the Draft Environmental Impact Report and associated appendices.

### 1.2 Local and Regional Setting

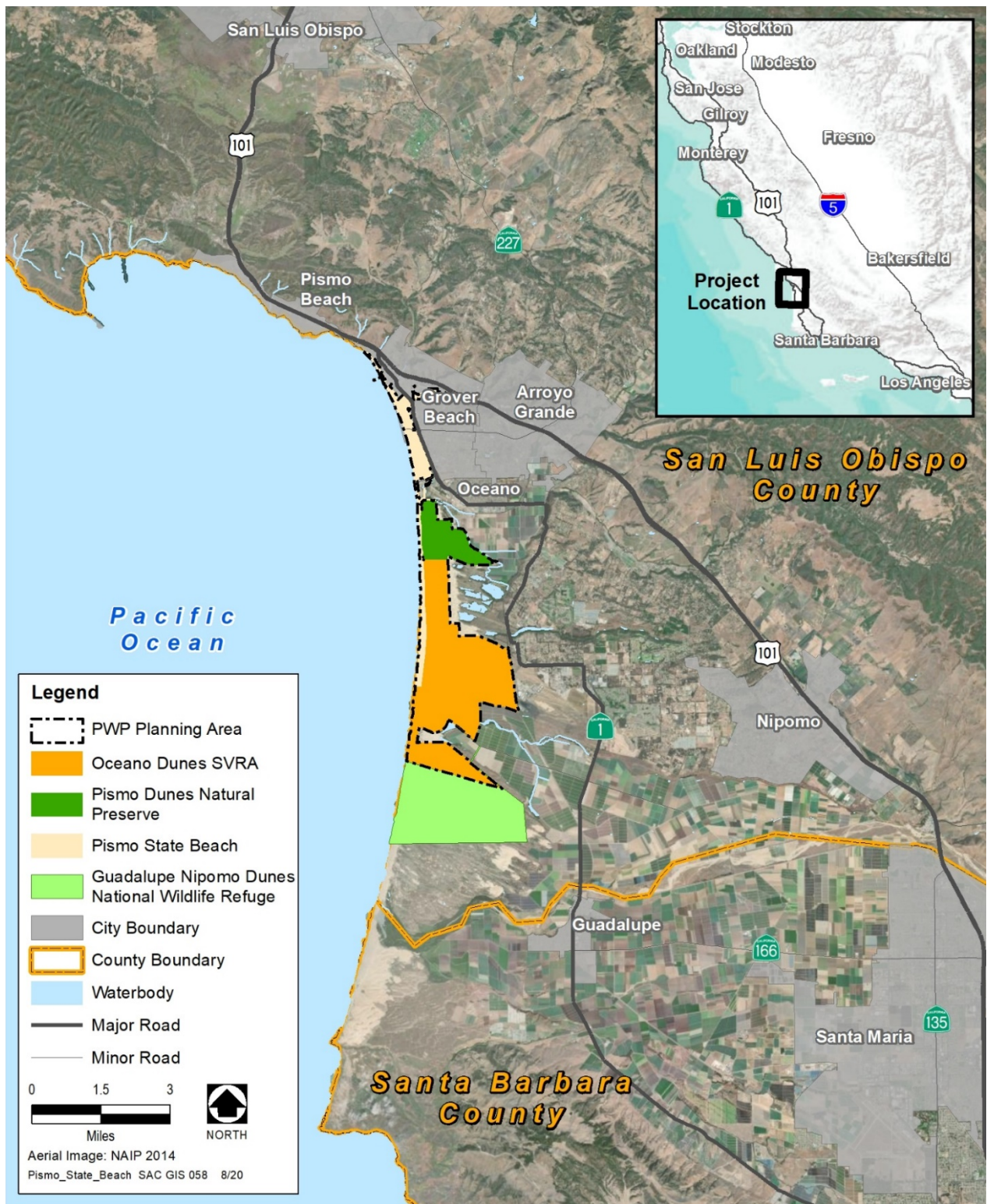
Pismo State Beach and Oceano Dunes State Vehicle Recreation Area (SVRA) are park units owned and managed by the California Department of Parks and Recreation (also referred to herein as “State Parks” or “the Department”). They are located on the Central California coast in southern San Luis Obispo County. The City of Pismo Beach is to the north and the City of Grover Beach and the unincorporated community of Oceano are to the east. Oceano Dunes SVRA borders Pismo State Beach to the south. The Phillips 66 refinery and privately-owned agricultural land are to the east of Oceano Dunes SVRA, and the Guadalupe-Nipomo Dunes National Wildlife Refuge is to the south. Regional routes to Pismo State Beach and Oceano Dunes SVRA are U.S. Highway (U.S.) 101 and State Route 1 (SR 1, Highway 1, or Hwy 1). Local street access to the parks is from Grand Avenue, Pier Avenue, and Oso Flaco Lake Road off SR 1 (See Figure 1-1, Regional Location Map).

State Parks’ Oceano Dunes District (District) manages the lands that make up Pismo State Beach and Oceano Dunes SVRA, except for a mile-long portion of Pismo State Beach north of Addie Street (north of the North Beach Campground). This portion of the beach and pier is under an operating agreement with the City of Pismo Beach that has been in place since 1951. The PWP planning area includes Pismo State Beach and Oceano Dunes SVRA, except for Pismo Lake. Any development at Pismo Lake will be addressed in future planning efforts.

### 1.3 Pismo State Beach

Pismo State Beach, established in 1934, comprises approximately 1,515 acres, which includes the beach, campgrounds (North Beach and Oceano), Pismo Dunes Natural Preserve (Dunes Preserve), and the freshwater Oceano Lagoon and Pismo Lake. The park also contains a concessionaire-operated golf course and restaurant, the Pismo State Beach Monarch Butterfly Grove Day Use Area, 4.6 miles of non-motorized trails, and approximately 2 miles of beach accessible to street-legal vehicles south of Grand and Pier Avenues, which also provides access to the adjacent Oceano Dunes SVRA. Pismo State Beach also houses the corporation (maintenance) yard, which includes a ranger station, operations and maintenance facilities, and a staff residence area (See Figure 1-2, Existing Park Land Use and Facilities).





**Figure 1-1. Regional Location Map**



The City of Pismo Beach manages a mile-long portion of Pismo State Beach (north of the North Beach Campground) that includes a municipal pier, parking lot and restrooms. The City of Pismo Beach also contracts with concessionaires on the pier. Although the City operates this portion of the park, State Parks staff provide lifeguard assistance when needed and State Parks environmental scientists conduct natural resource work in this area.

Pismo State Beach offers visitors diverse activities, including beach play, camping, surfing, swimming, fishing, equestrian riding, nature viewing, and free educational programs. There are also walking trails along the coastal dune habitat and around Oceano Lagoon.

## **1.4 Oceano Dunes State Vehicular Recreation Area**

People have been enjoying motorized recreation in the area that is Oceano Dunes SVRA since the 1910s. In 1974, the State of California acquired its initial 847-acre parcel from Pacific Gas and Electric as an area for off-highway vehicle (OHV) recreation. It was the first SVRA established in the State Parks System. The SVRA now comprises 3,490 acres, including 584 acres leased from the County of San Luis Obispo known as the Le Grande Tract, which is operated by the Department under an Operating Agreement with the county. It also includes 371 acres owned by Union Oil and Phillips 66, which has been leased to the Department and operated as part of the SVRA since 1981. One hundred nine acres of Department-owned land near Oso Flaco Lake is currently leased to local agricultural operators for interim use (See Figure 1-2, Existing Park Land Use and Facilities).

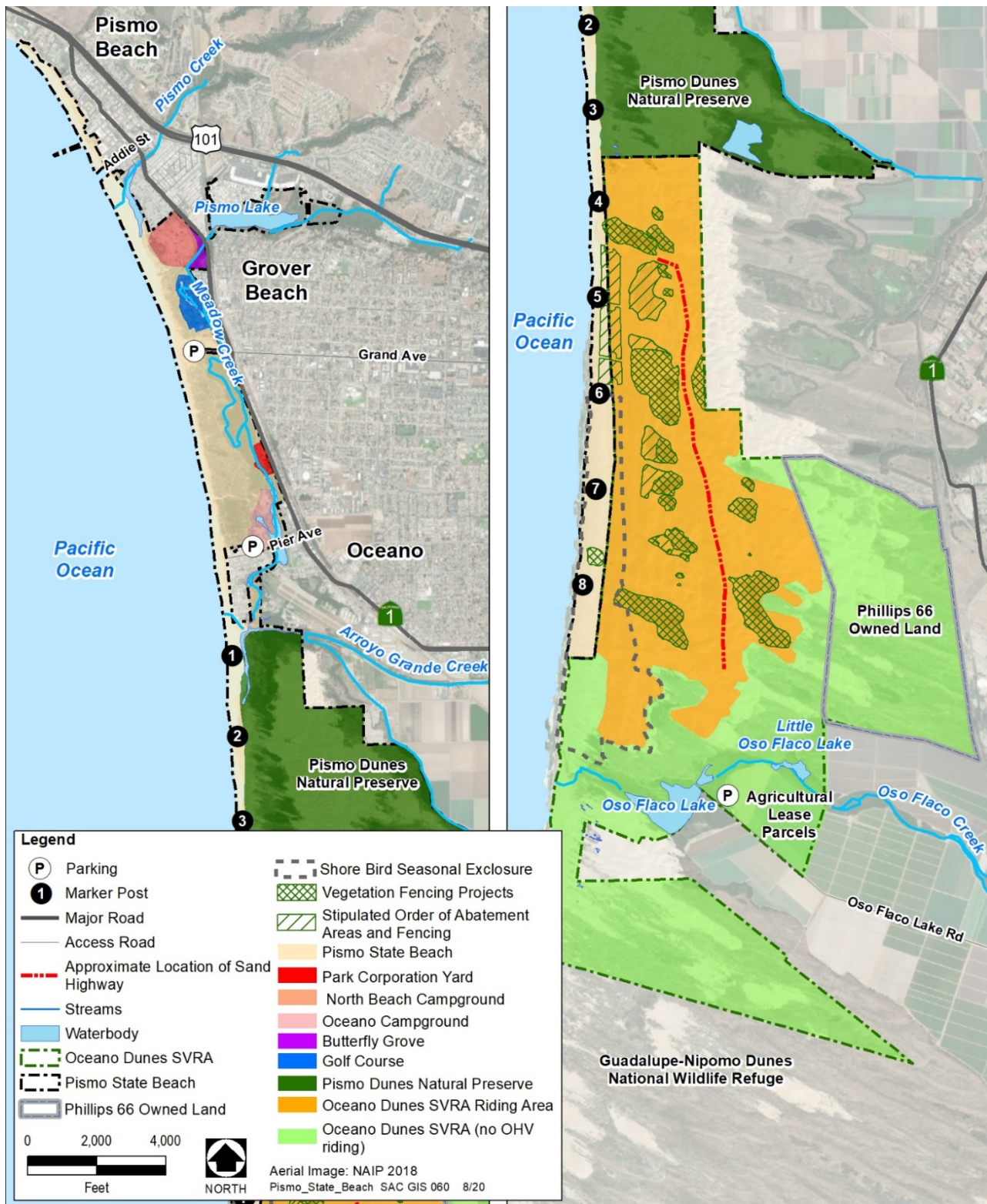
Oceano Dunes SVRA offers a variety of recreational activities, including dispersed beach camping, beach play, nature exploration, fishing, horseback riding, ocean sports, and a wide range of educational and safety programs. OHV riding is allowed within the designated open riding area. Both OHVs and street-legal vehicles are allowed in the open riding area consisting of roughly 3.5 miles of beach and approximately 1,350 acres of dunes. An all-terrain vehicle (ATV) safety-training center is in the open riding area east of the Search and Rescue base, along the “sand highway” (a common name for the path of travel from marker “posts” 5-8 through the dunes). Nearly 2,100 acres or almost two-thirds of the SVRA outside the open riding area are restricted from OHV use for resource protection.

Pismo State Beach shares two permanent entrances with Oceano Dunes SVRA at Grand Avenue (City of Grover Beach) and Pier Avenue (in the unincorporated community of Oceano). Street-legal vehicles, including motorhomes and other camping vehicles and vehicles towing trailers, can access the SVRA via sand ramps at the end of Grand Avenue and Pier Avenue. Street-legal vehicles drive south on the beach to the open riding area, which begins approximately one mile south of Pier Avenue at marker Post 2. OHVs must be transported to this point via street-legal vehicles before unloading in the OHV staging area at Post 2.

Oso Flaco Lake is a pedestrian-only area located south and southeast of the open riding area. It is a popular destination for fishing, bird watching, nature viewing, and beach play. It has a day use area with parking, sheltered picnic tables, interpretive panels, restrooms, walking paths, and a boardwalk that crosses a portion of the lake and dunes to overlook points.







**Figure 1-2. Existing Park Land Use and Facilities**



## 1.5 California State Parks Management and Authority

State Parks operates and manages units of the State Park System by establishing and providing allowable recreation consistent with State law, Department policy, and a park's general plan. State Parks also preserves biological diversity, preserves and protects natural and cultural resources, and provides education and interpretation of those resources.

The following excerpts from the Public Resources Code (PRC) define the Department's authority with respect to OHV recreation.

### 1.5.1 The Department of Parks and Recreation

PRC Section (§) 5001 states:

- a) The Legislature finds and declares all the following:
  - 1) California's state parks are a true reflection of our state's collective history, natural and cultural heritage, and ideals. The state parks can be models of healthy, natural, and sustainable ecosystems and they can also commemorate important cultural traditions or historic events. To remain relevant now and into the future, state parks must protect California's heritage and be welcoming in order that visitors may understand and appreciate these special places that have been set aside for their inspiration and enjoyment.
  - 2) The state parks and other nature, recreation, and historic areas deserve to be preserved and managed for the benefit and inspiration of all state residents and visitors to the state parks. It is the intent of the Legislature to clarify the priorities and responsibilities of state agencies with respect to the management and administration of the state park system.
  - 3) Individual units of the state park system derive increased importance and recognition through their inclusion in a unified state park system that is preserved and managed for the benefit and inspiration of all Californians and visitors to the state.
- b) The Department of Parks and Recreation has control of the state park system.

Regarding the powers and duties of State Parks, PRC § 5003 states:

The Department shall administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public. Except as provided in Section 18930 of the Health and Safety Code, the Department may establish rules and regulations not inconsistent with law for the government and the property's administration under its jurisdiction. The Department may expend all department monies from whatever source derived for the care, protection, supervision, extension, and improvement and development of the property under its jurisdiction.



## 1.5.2 California State Parks Mission

The PRC § 5019.91(b) states that:

The mission of the California State Park system is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. State parks are set aside to protect their natural, historical, cultural, and recreational values in perpetuity for the people of the state.

## 1.5.3 Off-Highway Motor Vehicle Recreation Authority and Program

### 1.5.3.1 OHV Act

In the 1971 Chappie-Z'berg Off-Highway Motor Vehicle Law, the California State Legislature (Legislature) addressed the growing use of motorized vehicles off-highway by adopting the registration requirements and operation of these vehicles. It also provided funding for the administration of an off-highway motor vehicle recreation (OHMVR) program along with facilities for OHV recreation (California Vehicle Code (CVC) §38000 et seq.). This law was founded on the principle that “effectively managed areas and adequate facilities for the use of OHVs and conservation and enforcement are essential for ecologically balanced recreation.”

In 1982, the Legislature enacted the Off-Highway Motor Vehicle Act (Chapter 994, Statutes of 1982), which was subsequently amended. In 2003, the Legislature passed the Off-Highway Motor Vehicle Recreation Act of 2003 (OHV Act), PRC §5090.01 et seq. Original versions of the OHV Act commencing with the 1982 OHV Act contained references to specific SVRAs, such as Pismo Dunes SVRA, which was renamed to Oceano Dunes SVRA in 1994. The current OHV Act, commencing with the OHV Act as amended in 1991, deleted references to specific units in favor of more inclusive language relating to the regulation of OHVs. In 2017, the OHV Act was amended to eliminate the program's “sunset” provision, which would have ended the program. It also added soil conservation standards, increased protections for natural, cultural, and archeological resources, and added new provisions related to monitoring and adaptive management (PRC §5090.35).

### 1.5.3.2 OHMVR Program

The OHV Act requires State Parks to manage and operate SVRAs to the fullest appropriate public use of vehicular recreational opportunities present consistent with the OHV Act while providing for the conservation of cultural resources and protection and improvement of natural resources.

The OHMVR program has two main components. The first is a grants program that provides financial assistance to local, state, federal agencies, Native American tribes, nonprofits, and educational institutions. This assistance enables these organizations to implement sustainable, environmentally responsible OHV recreational opportunities. Funds are also available to counties and local communities affected by OHV use to manage impacts that require regulatory action, education, or law enforcement.



The second component of the OHMVR program is the current system of nine SVRAs that provide motorized recreational opportunities on 145,000 acres of State Parks' owned and managed lands. In most locations, SVRAs have trails, tracks, and other OHV recreation, camping, interpretive and educational programs, and resource management programs designed to sustain OHV opportunities and protect and enhance natural and cultural resources.

### **1.5.3.3 OHMVR Division**

State Parks, through its OHMVR Division, administers the OHMVR program and regulates activities of SVRAs under the OHV Act. State Parks uses a wide range of management tools in running the SVRAs, including planning, resource protection, maintenance, and law enforcement. The duties of the OHMVR Division are primarily laid out in PRC §5090.32:

The division has the following duties and responsibilities:

- a) Planning, acquisition, development, conservation, and restoration of lands in the state vehicular recreation areas.
- b) Management, maintenance, administration, and operation of lands in the state vehicular recreation areas.
- c) Provide for law enforcement and appropriate public safety activities.
- d) Implementation of all aspects of the program.
- e) Ensure program compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) in state vehicular recreation areas.
- f) Provide staff assistance to the commission.
- g) Prepare and implement management and wildlife habitat protection plans for lands in, or proposed to be included in, state vehicular recreation areas, including new state vehicular recreation areas. These plans shall be developed in consideration of statutorily required state and regional conservation objectives. However, a plan shall not be prepared in any instance specified in subdivision (c) of Section 5002.2. 2 Trails may only be added or included as components of existing trail systems when developing or updating plans in state vehicular recreation areas, upon completion of full environmental review.
- h) Conduct, or cause to be conducted, surveys, and prepare, or cause to be prepared, studies that are necessary or desirable for implementing the program.
- i) Recruit and utilize volunteers to further the objectives of the program.
- j) Prepare and coordinate safety and education programs.
- k) Provide for the enforcement of Division 16.5 (commencing with Section 38000) of the Vehicle Code and other laws regulating the use or equipment of off-highway motor vehicles in all areas acquired, maintained, or operated by funds from the





fund; however, the Department of the California Highway Patrol shall have responsibility for enforcement on highways.

- l) Provide for the conservation of natural and cultural resources, including appropriate mitigation.
- m) Post on the Department's Internet Web site all plans, reports, and studies related to off-highway vehicle recreation developed by the division.
- n) Report on any closure implemented pursuant to Section 5090.35 at the next commission meeting following the closure.
- o) Complete other duties as determined by the Director.

State Parks must ensure that OHV activity is not negatively impacting wildlife or causing accelerated soil erosion. To that end, State Parks maintains an inventory of wildlife populations and habitats and implements wildlife protection programs as necessary. PRC §5090.35 states as follows:

- a) The protection of public safety, the appropriate utilization of lands, and the conservation of natural and cultural resources are of the highest priority in the management of the state vehicular recreation areas. Additionally, the division shall promptly repair and continuously maintain areas and trails, and anticipate and prevent accelerated and unnatural erosion and other off highway vehicle impacts to the extent possible. The division shall take steps necessary to prevent damage to significant natural and cultural resources within state vehicular recreation areas.
- b1) The division, in consultation with the United States Natural Resource Conservation Service, the United States Geological Survey, the United States Forest Service, the United States Bureau of Land Management, the Department of Fish and Wildlife, and the Department of Conservation shall, by December 31, 2020, review, and if deemed necessary, update the 2008 Soil Conservation Standard and Guidelines to establish a generic and measurable soil conservation standard. The division shall subsequently review and update the standard when deemed necessary by the Department.
- 2) If the division determines that the soil conservation standards and habitat protection plans are not being met in any portion of any state vehicular recreation area, the division shall temporarily close the noncompliant portion to repair and prevent accelerated erosion, until the soil conservation standards are met.
- 3) If the division determines that the soil conservation standards cannot be met in any portion of any state vehicular recreation area, the division shall close and restore the noncompliant portion pursuant to Section 5090.11.
- c1) The division shall compile and, when determined by the Department to be necessary, periodically review and update an inventory of wildlife populations and prepare a wildlife habitat protection plan that conserves and improves wildlife habitats for each state vehicular recreation area. By December 31, 2030, the division shall compile





an inventory of native plant communities in each state vehicular recreation area to inform future updates.

- 2) If the division determines that the wildlife habitat protection plan is not being met in any portion of any state vehicular recreation area, the division shall close the noncompliant portion temporarily until the wildlife habitat protection plan is met.
- 3) If the division determines that the wildlife habitat protection plan cannot be met in any portion of any state vehicular recreation area, the division shall close and restore the noncompliant portion pursuant to Section 5090.11.
- d) The division shall monitor annually in each state vehicular recreation area to determine whether soil conservation standards are being met and the objectives of wildlife habitat protection plans are being met.
- e) The division shall not fund trail construction unless the trail can comply with the conservation specifications prescribed in this section. The division shall not fund trail construction where conservation is not feasible. The division shall not fund the maintenance of a trail unless that trail is a component of a state vehicular recreation area road and trail system.
- f) The division shall protect natural, cultural, and archaeological resources within the state vehicular recreation areas.

#### **1.5.4 Park Commissions**

##### **1.5.4.1 California State Park and Recreation Commission**

The State Parks Commission was established in 1927 and merged with the State Recreation Commission into the State Park and Recreation Commission in 1960. The State Park and Recreation Commission has specific authorities and responsibilities that are defined in PRC §5002.2. These authorities include the approval of general plans for units of the State Park System, classifying units, establishing policies for the Director's guidance, and recommending to the Director a comprehensive recreation policy for the state.

##### **1.5.4.2 Off-Highway Motor Vehicle Recreation Commission**

The 1982 OHV Act created an OHMVR Commission. Membership, duties, and responsibilities of the OHMVR Commission are contained in PRC §5090 et. seq. Specific responsibilities include meeting at least four times per year at various locations throughout the state to receive comments on the OHMVR program, classify SVRA units, and approve SVRA general plans.

#### **1.5.5 State Park Classifications**

The classification of a park unit guides its management, operation, and development. PRC §5019.56 - 5019.68 and 5090.43 establish the State Parks classification system and provide unit and subunit designation requirements. Pismo State Beach has a unit-wide classification as a "state beach," with Pismo Dunes Natural Preserve designated as a subunit. Oceano Dunes SVRA is classified as a "state vehicular recreation area."



### **1.5.5.1 State Beaches**

State beaches are a subset of state recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. When planning improvements within state recreation units, the Department should consider the compatibility of the design with the surrounding scenic and environmental characteristics. State beaches consist of areas with frontage on the ocean or bays and that can provide swimming, boating, fishing, and other beach-oriented recreational activities (PRC §5019.56).

### **1.5.5.2 Natural Preserves**

Natural preserves are subunits that consist of distinct non-marine areas of outstanding natural or scientific significance and that are established within the boundaries of a unit of the State Park System. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a functional management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations that constitute the basis for establishing the natural preserve (PRC §5019.71).

### **1.5.5.3 State Vehicular Recreation Areas**

SVRAs consist of areas selected, developed, and operated to provide OHV recreation opportunities. SVRAs must be designed and managed to give the fullest appropriate public use of the vehicular recreational opportunities present while conserving cultural resources and protecting and improving natural resources over time (PRC § 5090.43(a)).

## **1.5.6 State Park Management Structure**

State Parks is headquartered in Sacramento and divides park units into geographically-related districts for management purposes. At the park level, a District Superintendent oversees District operations and staff, including staff in the core programs of public safety, park administration, education and outreach, natural and cultural resource management, and facility maintenance.

## **1.5.7 Superintendent's Orders**

The PRC requires State Parks to protect all units within the State Park System from damage (PRC §5008 (a)). To that end, Districts may establish rules and regulations specific to individual units (PRC §5003, 14 California Code of Regulations [CCR] § 4326 (a)). Such practices are referred to as Superintendent's Orders. Superintendent's Orders must be posted in a location convenient for public review at District headquarters and the affected unit (14 CCR § 4301 (i)). Violating State Parks rules and regulations, including a properly posted Superintendent's Order, is a misdemeanor (PRC § 5008 (d)). State Parks rangers are authorized to enforce rules and regulations statewide (PRC § 5008 (b)).

The District Superintendent can issue Superintendent Orders<sup>1</sup> that address specific park management actions, including:

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<sup>1</sup> Superintendent's Orders can be updated or added due to new or changed circumstances as part of the adaptive management process.



- Temporary closure of a beach or other area needed to protect wildlife resources;
- The regulation of dogs in a park, on a trail, or off-leash, equestrian use off-trail, and restrictions to motor vehicle access and use;
- Permanent closure of portions of units, including trails or beaches.

See Volume 2 for more information about Superintendent's Orders at Oceano Dunes District.

### 1.5.8 State Park Funding

The California State Legislature created the State Parks and Recreation Fund (SPRF) in 1979 (Chapter 1065, Statutes of 1979, Public Resources Code 5010). All money earned by the Department is deposited into the SPRF and "are available for expenditure for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature" (PRC § 5010 (f)).

### 1.5.9 OHMVR Program Funding

Vehicle Code § 38225 creates the Off-Highway Vehicle Trust Fund ("OHV Trust Fund"). A tax imposed on each gallon of motor vehicle fuel sold in California is placed in the Motor Vehicle Fuel Fund. Based on criteria described in Revenue and Tax Code § 8352.6, a portion of that money is transferred to the OHV Trust Fund. According to Vehicle Code § 38225, specified registration fees of off-highway motor vehicles are deposited into the OHV Trust Fund. According to PRC § 5090.61, all monies deposited into the OHV Trust Fund are available for the OHMVR Division's support to implement the OHV program upon appropriation of the Legislature. Specifically, PRC § 5090.61 states:

Monies in the Fund shall be available, upon appropriation by the Legislature, as follows:

- a) An amount not to exceed 50 percent of the fund's annual revenues shall be available for grants and cooperative agreements under Article 5 (commencing with Section 5090.50).
- b1) The remainder of the annual revenues to the fund shall be available for the support of the division in implementing the off-highway motor vehicle recreation program and for the planning, acquisition, development, mitigation, construction, maintenance, administration, operation, restoration, and conservation of land in the system.
- 2) As used in this subdivision, "support of the division" includes functions performed outside of the division by others on behalf of the division, including a prorated share of the Department's common overhead and other costs incurred on behalf of the division for personnel management and training, accounting, and fiscal analysis, records, purchasing, public information activities, consultation of professional scientists and reclamation experts for Section 5090.35, and legal services.





The OHV program receives no direct support from the State's General Fund, as all funding comes from the OHV Trust Fund.

### **1.5.10 State Park Planning**

#### **1.5.10.1 State Park General Plans**

Specifically, following classification or reclassification of a unit as an SVRA, State Parks shall prepare a general plan for the SVRA for approval by the OHV Commission (PRC §5002.2 and §5090.15 (d).) General plans evaluate and define the proposed land uses, facilities, concessions, operations, and natural and cultural resources management of a park; identify potential environmental impacts associated with general plan implementation; and provide guidance for the future development, management, and operation of the unit (PRC § 5002.2 (a)(2).) To ensure long-term usefulness, a general plan provides program management guidelines but not specific project details. General plans serve as the basis for developing focused management plans, detailed project plans, and other management actions. This includes CEQA compliance necessary to implement the goals of a general plan.

The parks' general plan (the Pismo State Beach and [Oceano] Dunes SVRA General Development Plan and Resource Management Plan) was approved in 1975 and amended in 1982 and 1994. Since the parks are contiguous and share permanent entrances and other resources, one general plan was developed for both units. On February 27, 1975, the California Coastal Zone Conservation Commission, South Central Coast Region, held a public hearing and approved the general plan. As required by the PRC, the State Park and Recreation Commission approved the general plan in April 1975.

#### **1.5.10.2 Management Plans**

A management plan defines the objectives and methodologies for managing goals identified in the general plan. A management plan is typically focused on specific management topics, goals, or issues and is developed on an as-needed basis. Depending on its focus, the plan can apply to all or part of a unit. Examples include resource management plans, operation plans, interpretation master plans, concession plans, facility development plans, roads, and trails management plans. Management plans are consistent with systemwide plans and policies and with the unit's general plan. They act as a bridge between the desired conditions stated in the park's general plan and implementation. State Parks may update management plans to adapt to changing management needs. For example, to comply with state and federal laws, resource management protocols may be updated, or a plan may be modified to account for new park facilities or changes in visitor use patterns. These plans are subject to state and federal environmental review processes addressing visitor use changes, trail systems, and park facilities.

There are several management plans for both Pismo State Beach and Oceano Dune SVRA. Table 1-1 lists significant management plans for the parks, and Section 1.7 below describes selected plans in more detail.



**Table 1-1 Oceano Dunes District Management Plans**

<b>Plan Name</b>	<b>Date</b>	<b>Type of Plan</b>
Pismo Dunes State Vehicular Recreation Area Access Corridor Project: Final Environmental Impact Report	1991	Access EIR
Pismo State Beach and Pismo Dunes SVRA Land Acquisition and Development: Final Environmental Impact Report	1978	Acquisition and Development EIR
Pismo State Beach and Pismo Dunes SVRA General Development Plan and Resource Management Plan	1975	General Plan
Pismo State Beach and Oceano Dunes SVRA General Plan Amendment	1982	General Plan
Pismo State Beach and Oceano Dunes SVRA General Plan Amendment	1994	General Plan
Pismo Dunes State Vehicular Recreation Area, Oso Flaco Lake Vicinity Dune Revegetation and Stabilization Project	1983	Management Plan
Inventory, Wildlife Habitat Protection Program and Monitoring Program for Pismo Dunes SVRA California	1991	Management Plan
Vegetation Study Plan for the Pismo Dunes State Vehicular Recreation Area, San Luis Obispo County, California	1991	Management Plan
Oceano Dunes SVRA Habitat Management Plan for the Western Snowy Plover and the California Least Tern, Draft	1997	Management Plan
Oceano Dunes SVRA Soil Conservation Plan	2010	Management Plan
Oceano Dunes District Stormwater Management Plan	2019	Management Plan
Draft Wildlife Habitat Protection Plan	2020	Management Plan
Draft Oceano Dunes District Interpretation Master Plan	2021	Management Plan
Draft Particulate Matter Reduction Plan	2020	Management Plan
Draft Habitat Conservation Plan	2020	Management Plan, Federal
Pismo Dunes Stabilization Study	1989	Report/Study
Pismo Dunes Revegetation Project, Final Report	1991	Report/Study
Pismo Dunes Erosion Control Study	1992	Report/Study
Oceano Dunes State Vehicular Recreation Area Off-Highway Vehicle Day-Use Carrying Capacity Study Final Draft	1998	Report/Study
Alternative Access Study, Oceano Dunes State Vehicular Recreation Area	2006	Report/Study
Habitat Monitoring System Annual Report (most recent)	2016	Report/Study
Western Snowy Plover and California Least Tern Nesting Report Annual Report	since 2000	Report/Study



## 1.6 Other Regulatory Authorities

Public works plan development involves consultation with or permits administered by other state and federal agencies such as the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board (RWQCB). The USACE has an interest in any development on sites that contain wetlands under its jurisdiction. The USFWS and the CDFW oversee projects where listed, endangered, or threatened species may occur. CDFW also holds the natural resources of the state in its trust. The RWQCB is responsible for regulating non-point source pollution, wastewater discharge and treatment capacity, and the care and use of wetlands.

The San Luis Obispo County Air Pollution Control District (APCD) implements rules and regulations related to local implementation of the federal Clean Air Act and statewide guidance related to air quality and greenhouse gas emissions.

Development of public works plans also involves coordination and cooperation with local land use jurisdictions and others with rights-of-way and properties in the planning area.

## 1.7 Concurrent Planning Efforts

The Department has three compliance-planning efforts concurrent with the PWP. Per a Stipulated Order of Abatement (SOA) with the San Luis Obispo County APCD, the Department is also implementing treatments associated with the Particulate Matter Reduction Plan (PRMP) address air quality issues. A Habitat Conservation Plan (HCP) is also being developed for compliance with the federal Endangered Species Act in coordination with the USFWS. In addition, State Parks partnered with CDFW to analyze and address the State's natural resource mandates and management standards through development of a Biodiversity Management Plan (BDMP).

### 1.7.1 Particulate Matter Reduction Plan

In May 2018, State Parks entered into an SOA (Abatement Order; filed May 4, 2018, amended November 2019) with the San Luis Obispo County APCD. Under the SOA, State Parks agreed to implement numerous dust control measures, including the closure of sections of the open riding area to motorized recreation and camping, installation of devices at the Grand Avenue and Pier Avenue entrances to prevent track-out of sand onto paved, public roadways, and preparation of a Particulate Matter Reduction Plan (PMRP). The SOA was amended on November 18, 2019, and expires on December 1, 2023. The PRMP is further discussed in Volume 2, Dust Control Management and Maintenance.

### 1.7.2 Habitat Conservation Plan

State Parks has prepared an HCP for the Oceano Dunes District. The HCP is intended to cover federally listed species at both parks, including the western snowy plover (SNPL; *Charadrius nivosus nivosus*), California least tern (CLTE; *Sternula antillarum browni*), California red-legged frog (CRLF; *Rana draytonii*), and tidewater goby (*Eucyclogobius newberryi*). The four federally listed plant species include Marsh sandwort (*Arenaria paludicola*), La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*), Nipomo Mesa lupine (*Lupinus nipomensis*), and Gambel's watercress (*Nasturtium [Rorippa] gambelii*). Several of the covered species are also listed under the California Endangered Species Act (CESA). The HCP's





primary purpose is to ensure that management, maintenance, and development activities protect these threatened and endangered plant and animal species consistent with the federal Endangered Species Act (FESA).

The draft HCP was released for public review in spring 2020. It provides the basis for issuing an incidental take permit (ITP) by the USFWS under Section 10 of FESA, as amended. The HCP establishes acceptable levels of incidental take<sup>2</sup> of the covered species that may occur as an unintended result of otherwise lawful activities of park visitors or State Parks staff and describes measures to minimize and mitigate the incidental take to the maximum extent practicable. The conservation element of the HCP also supports issuance of a FESA Section 10(a)(1)(A) Recovery Permit, which authorizes take that occurs while implementing measures to enhance the propagation or survival of a listed species.

Separately, State Parks will also be applying for “take” authorization from the CDFW for species listed under CESA according to California Fish and Game Code Sections 2081 and 2800 et seq., including Section 2835.

### 1.7.3 Biodiversity Management Plan

State Parks has engaged with CDFW on the development of a Biodiversity Management Plan (BDMP). The BDMP is intended to describe the unique biological diversity of Oceano Dunes SVRA, the management goals and objectives required to conserve this biodiversity, and the needed actions to achieve these goals. It also provides guidance on the process and procedures for short and long-term management actions. Planning and management will address potential impacts of park uses on vegetation and plant communities, sensitive and protected habitat areas, and wildlife species.

An example of some of the more complex issues to be addressed within the BDMP include:

- Arroyo Creek crossing management
- Endangered shorebird nesting exclosures
- Assessment of nighttime vehicle activity

The BDMP brings together the expertise and knowledge of the two mission-based resource management agencies to ensure that natural resource management efforts at the District meet all necessary professional standards and best management practices.

BDMP recommendations will include short-term actions and long-term management efforts including regular agency consultation and collaboration, scientific studies, restoration projects or more formal agreements such as a Natural Communities Conservation Plan (NCCP).

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<sup>2</sup> Take, as defined by FESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct.” Harm is defined as “an act which actually kills or injures wildlife,” including “significant habitat modification or degradation when it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.” Take, as defined under CESA, is any action or attempt to “hunt, pursue, catch, capture, or kill.”



## 1.8 California Environmental Quality Act

Like a general plan and many management plans, the PWP is considered a “project” under CEQA and therefore is subject to environmental review under CEQA. Possible actions resulting from adopting and implementing the PWP have been anticipated, and the potential impacts of these actions have been analyzed in an Environmental Impact Report (EIR). The EIR addresses all the elements required by CEQA Guidelines: existing setting, impact analysis, alternatives analysis, and cumulative impacts.

The PWP builds upon a foundation of park planning documents that required CEQA analysis. These documents include but are not limited to the general plan and amendments, Wildlife Habitat Protection Plans, the 2006 Oceano Dunes SVRA Alternative Access Study, the 1998 Off-Highway Vehicle Day-Use Carrying Capacity Study, the 2020 draft HCP, and 2020 draft Particulate Matter Reduction Plan. A draft EIR is an accompanying volume to this PWP (see Volume 3).

The EIR evaluates the goals, guidelines, types of uses, and facilities described in this PWP for their potential physical environment effects. It is State Park’s policy to design projects from the beginning to minimize or avoid impacts on sensitive resources. Therefore, the CEQA analysis detailed in this EIR will be adequate for future projects if implemented in a manner consistent with the goals and guidelines of this PWP.

Some projects and management actions described in the PWP may require further CEQA analysis, such as site-specific surveys, before implementation. This analysis would be conducted once the project details are sufficiently known to support site-specific analysis and before project implementation. The EIR states which projects proposed in the PWP will require further environmental documentation and analysis before implementation. According to Section 15168 of the CEQA Guidelines, State Parks may refer to this EIR as a starting point for a “tiered” CEQA analysis when implementing future projects that require additional environmental review.

The CEQA Guidelines also include the following provisions that apply to the development of future facilities envisioned in the PWP:

- **Section 15146(b).** An EIR on a project such as adopting a general plan should focus on the secondary effects expected to follow from the adoption. Still, the EIR need not be as detailed as an EIR on the specific construction projects that might follow.
- **Section 15152(b).** Agencies are encouraged to tier the environmental analyses to prepare for separate but related projects, including general plans. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail in a first-tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.
- **Section 15168(c)(5).** Program EIRs are most helpful if effects are dealt with as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found within the project’s scope described in the Program EIR. No further environmental documents would be required.



## 1.9 California Coastal Act

The 1960s and 1970s saw a growing interest and concern for the environment and public input into the design and implementation of development projects. Several new laws intended to foster and maintain a viable living environment for all Americans, along with requirements for public input for associated land-use decisions, were passed with overwhelming public support, including the National Environmental Policy Act (1969), California Environmental Quality Act (1970), California Endangered Species Act (1970), the Federal Coastal Zone Management Act (CZMA) (1972), and the Federal Endangered Species Act (1973). These laws recognized the roles that the various elements of our environment, including culture and history, play in our everyday lives, and the importance of providing opportunities for citizens, institutions, and communities to provide input to decision-makers.

In 1972, the United States Congress passed the CZMA with the overall goal to “preserve, protect, develop, and where possible, restore or enhance the resources of the nation’s coastal zone.” Around the same time, California citizens were also concerned about private developments on the coast that blocked public access. As a result, in 1972, voters passed Proposition 20 to establish the Coastal Commission. In 1976, the California Legislature adopted the California Coastal Act (Coastal Act) to implement the CZMA. The Coastal Act is the foundation of the California Coastal Management Program, which includes the basic policies for managing and balancing the use of resources for state and national interests in California’s Coastal Zone. Development activities require a coastal development permit (CDP) in the Coastal Zone and are regulated by the Coastal Commission and local governments where a Local Coastal Plan has been adopted.

During the 1970s, the land that the state established as Oceano Dunes SVRA was recognized for its environmental resources. In 1974, the Guadalupe-Nipomo Dune Complex (which includes Oceano Dunes SVRA) was listed as a National Natural Landmark. The USFWS ranked the dune complex number one of 49 important California habitats worthy of preservation.

### 1.9.1 California Coastal Zone

On land, the California Coastal Zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas. Offshore, the coastal zone extends three miles out from the land. The State Legislature specifically mapped the Coastal Zone, and its boundaries have been amended over the years. Both Pismo State Beach and Oceano Dunes SVRA are located within the Coastal Zone.

### 1.9.2 California Coastal Commission

The Coastal Commission plans and regulates the use and development of land and water in the Coastal Zone. Local governments may develop a Local Coastal Program (LCP) for approval by the Coastal Commission, under which they may assume some of the permitting authority of the Coastal Commission. Development activities, which the Coastal Act defines, include the construction of buildings, division of land, and special events that change the intensity of use of land or public access to coastal waters. Generally, these activities require a CDP from either the Coastal Commission or the local jurisdiction’s LCP. Sections of Pismo State Beach are within the LCP boundaries of the Cities of Pismo and Grover Beach and San Luis Obispo County. Oceano





Dunes SVRA is within the LCP boundaries of San Luis Obispo County and the Coastal Commission (see Figure 4-1 in Chapter 4).

While it is the Coastal Commission's responsibility to implement the Coastal Act, all state agencies must carry out their duties and responsibilities in conformity with it. (Public Resources Code § 30402). Except as specifically provided in the Coastal Act, the Coastal Act does not "increase, decrease, duplicate or supersede the authority of any existing state agency." (Public Resources Code § 30401). The Coastal Commission has the authority to regulate development in the coastal zone. However, it "shall not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency under specific statutory requirements or authorization." (Public Resources Code § 30401).

### 1.9.3 Local Coastal Programs

LCPs are basic planning tools used by local governments to guide development in the Coastal Zone, under the Coastal Commission's authority. The Coastal Act of 1976 mandated that local governments prepare a land-use plan and schedule of implementing actions to carry out the Coastal Act's policies. These policies address public shoreline access, visitor-serving facilities, coastal-dependent industrial and energy-related facilities and activities, protection of sensitive habitats, and protection and preservation of visual and scenic resources.

LCPs contain the ground rules for future development and protection of coastal resources. They specify the appropriate location, type, and scale of new or changed land and water uses. Each LCP includes a land-use plan and measures to implement it (such as zoning ordinances). Prepared by local government, these plans govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects individual coastal communities' unique characteristics, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, the LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements. Many of the 76 coastal counties and incorporated cities have elected to divide their Coastal Zone jurisdictions into separate geographic segments, resulting in some 126 distinct LCPs.

After an LCP has been approved, the Coastal Commission's coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing applications for proposed new developments. The Coastal Commission retains permanent jurisdiction over development proposed on tidelands, submerged lands, and public trust lands, and also acts on appeals from certain local government permit decisions. The Coastal Commission reviews and approves amendments to previously certified LCPs.

As part of the PWP planning process, the planning team conducted a detailed consistency review of the applicable LCPs (See Chapter 4, "Consistency with Local Coastal Programs and the Coastal Act).



### **1.9.3.1 San Luis Obispo County Local Coastal Program**

The San Luis Obispo County General Plan Land Use Element for the Coastal Zone is the land use plan (LUP) of their LCP. Together with the San Luis Obispo County Coastal Zone Land Use Ordinance (CZLUO) and related maps, the LUP comprises the County's LCP. The Coastal Commission certified the LCP in 1986.

The County's LUP is divided into four planning areas; however, only two of those areas occur within the PWP area: the San Luis Bay Area and the South County Planning Area. The San Luis Bay Planning Area encompasses the south-central coastal portion of the county, and the South County Planning Area includes the southwestern part of the county.

The County's LCP also includes a Coastal Policies Plan applied in conjunction with the LUP and CZLUO. The Coastal Policies Plan states the county's commitment to implementing the Coastal Act mandates and is applicable throughout the County's Coastal Zone.

Also, the Oceano Specific Plan was certified by the Coastal Commission in April 2004. It provided an overall framework for translating community values and expectations into specific strategies for enhancing the community's quality of life. The Oceano Specific Plan is intended to be applied in conjunction with the San Luis Bay Coastal Area Plan.

The plans collectively describe County land-use policies for these planning areas, including Pismo State Beach and Oceano Dunes SVRA.

### **1.9.3.2 City of Grover Beach Local Coastal Program**

Known as Grover City, when its LCP was originally adopted, the City changed its name to Grover Beach in 1992. The City of Grover Beach is the coastal permitting authority over most new development in the City's portion of the Coastal Zone, which spans approximately 4,100 feet of coastline and extends inland 3,000 to 6,500 feet. The Grand Avenue entrance at Oceano Dunes SVRA is within the City of Grover Beach. The PWP meets the requirements of the City's LCP. See Chapter 4 for a detailed analysis of the PWP's consistency with applicable LCPs.

### **1.9.3.3 City of Pismo Beach General Plan and Local Coastal Program**

Two-thirds of the City of Pismo Beach lies in the Coastal Zone. The 1983 zoning code governs development within the City for areas that are also within the Coastal Zone. The Coastal Commission adopted the City of Pismo Beach General Plan and LCP in 1993. The Pismo State Beach North Beach Campground and Butterfly Grove Day Use Area are within the City of Pismo Beach. The PWP meets the requirements of the City's LCP. See Chapter 4 for a detailed analysis of the PWP's consistency with applicable LCPs.

## **1.9.4 Oceano Dunes District Coastal Development Permit History**

Oceano Dunes SVRA is primarily located in unincorporated San Luis Obispo County, although portions of the park are located in the City of Grover Beach. San Luis Obispo County and the City of Grover Beach have certified LCPs with policies that apply to Oceano Dunes SVRA. Other portions of Oceano Dunes SVRA are within the original jurisdiction of the Coastal Commission. The formal review for development in the Coastal Commission's foremost authority, or when the Commission acts on a consolidated coastal development permit, is found within the Coastal Act, Public Resources Code §§ 30200-30265.5.



The Coastal Commission approved a General Plan for Pismo State Beach and Oceano Dunes SVRA in 1974, and the State Park and Recreation Commission (SPRC) approved it later that same year. In 1982, State Parks began to implement some of the development projects from the general plan, including kiosks at the vehicle entrances on Grand Avenue and Pier Avenue, an OHV staging area, perimeter fencing, sensitive resources fencing, and setting camping and day-use limits in the SVRA. The Coastal Commission approved CDP 4-82-300 for these projects in June 1982.

Since then, there have been five amendments to the CDP. These amendments included changes to the OHV staging area, installation of fencing, an increase in beach camping limits, elimination of equestrian access in the Oso Flaco Lake area, and adjustments to the interim use limits both street legal and OHV. During this time, a technical review team (TRT) was created to review specific CDP requirements and the progress made on the requirements have been reported annually to the Coastal Commission. From 2001 to 2018, State Parks provided updates to the Coastal Commission as required, and the TRT submitted annual reports.

Considering long-standing issues resulting from interpretation of CDP 4-82-300, State Parks initiated a public works plan in 2018 based on similar public works plans by the California Department of Transportation (Caltrans) and University of California. The intent was to provide a comprehensive development plan and obtain one approval from the Coastal Commission to avoid multiple CDP applications and clarify, and/or hopefully resolve long-standing issues for Coastal Act compliance at Oceano Dunes SVRA. State Parks filed the notice of preparation of the EIR and started public and stakeholder outreach.

### **1.10 Purpose of the Public Works Plan**

A public works plan is a vehicle for planning and regulation under Section 30605 of the Coastal Act. It allows certain public agencies (including State Parks) to propose a specific set of projects and other development types occurring in the Coastal Zone that the Coastal Commission certifies as consistent with the Coastal Act. Following such certification, the public agency can implement the identified public works projects without submitting multiple CDP applications, provided the development actions are consistent with the plan. In other words, the PWP can significantly streamline activities that could otherwise require multiple CDPs. A PWP must be developed in consultation with local governments and be consistent with any LCPs of associated jurisdictions.

The Pismo State Beach and Oceano Dunes SVRA PWP provides a more comprehensive and efficient approval process for Coastal Act compliance of public works and other development projects within Pismo State Beach and Oceano Dunes SVRA. The PWP is intended to include long-term management needs, specific improvement projects, and future Development Projects that will result from the need to update or replace existing facilities at the parks and to build additional facilities.

This PWP provides a comprehensive and efficient process for future Coastal Act compliance. It addresses long-term management concerns, capital improvement projects (e.g., new facilities and visitor amenities), and development projects that will result from the need to update or replace existing facilities at the parks. It is a management plan under the Department's planning structure and builds on the goals and guidelines of the





parks' general plan and amendments. It will provide State Parks with management direction for considering and incorporating operational authorities not related to the Coastal Act as well as regulatory mandates such as those for natural resource protection and air quality standards. The PWP does not affect or remove the Department's vested rights as a State agency per PRC 30401 or that were codified in CDP 4-82-300 relating to park use, or other State laws and codes.

## **1.11 Public Works Plan Process**

Sections 30605 and 30607 of the Coastal Act establish that the standard of review for specific public works projects approved by the Coastal Commission as part of a public works plan is that such projects are consistent with the approved PWP. Sections 30605 and 30607 also state that the Coastal Commission's subsequent review of projects submitted under a certified PWP is limited to imposing conditions intended to ensure the projects are carried out consistent with the certified PWP. These projects do not require additional CDPs. Chapter 5 of this PWP describes in more detail the Notice of Impending Development (NOID), including submittal requirements, regulatory thresholds, and review procedures for project implementation, as well as the PWP amendment process.

Additionally, this PWP incorporates an administrative process for operational projects or activities that do not require a NOID or PWP amendment but may constitute development under the Coastal Act. The regulatory process is intended to facilitate the approval of projects or activities that are considered "minor." Chapter 5 addresses the types of activities covered by this administrative process. It describes those activities that must include notice and opportunity to comment by the Coastal Commission and those that require notice only and may be implemented without discretionary Coastal Commission review.

### **1.11.1 The Pismo State Beach and Oceano Dunes SVRA Public Works Plan Project Overview**

This PWP documents existing conditions (see Volume 2), proposes improvement projects and programs to improve access for motorized and non-motorized recreation opportunities and establishes policies and guidelines. These projects are described in detail in Chapter 3 of this PWP and include the following:

- Oso Flaco Improvement Project (Initial and Future)
- Park Corporation Yard Improvement Project
- Oceano Campground Infrastructure Improvement Project
- Pier and Grand Avenue Entrances and Lifeguard Towers Project
- North Beach Campground Facility Improvements Project
- Butterfly Grove Public Access Project



- Pismo State Beach Boardwalk Project
- Phillips 66/Southern Entrance Project (Conceptual)
- Small Development Projects

Where applicable, concept, or preliminary design drawings for these projects are included in Appendix A.

