

COASTAL CONSERVANCY

Staff Recommendation
September 20, 2007

**PIEDRAS BLANCAS ELEPHANT SEALS VIEWING AREA
PUBLIC ACCESS PROGRAM**

File No. 07-078
Project Manager: Steve Horn

RECOMMENDED ACTION: Authorization to disburse up to \$40,000 to Friends of the Elephant Seal for the management of public access at Piedras Blancas Elephant Seals Viewing Area, an existing shoreline boardwalk and two parking areas along State Highway 1, including the development of interpretive materials and the training and support of volunteer docents.

LOCATION: Approximately seven miles north of the town of San Simeon, San Luis Obispo County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Growth in Elephant Seal Rookery](#)

Exhibit 3: [Letters of Support](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed forty thousand dollars (\$40,000) to the Friends of the Elephant Seal for the management of public access to the Piedras Blancas Elephant Seals Viewing Area, including the training and support of volunteer docents and the development of interpretive materials, subject to the condition that prior to the disbursement of funds, the Friends of the Elephant Seal shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, and the names of any contractors it intends to employ for this project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Friends of the Elephant Seal is a private nonprofit organization, existing under the provisions of Section 501 (c)(3) of the U.S. Internal Revenue Service Code whose purposes are consistent with Division 21 of the Public Resources Code.
4. The project serves greater than local need.”

PROJECT SUMMARY:

Staff recommends that the Coastal Conservancy authorize a grant of \$40,000 to the nonprofit Friends of the Elephant Seal (FES), for the continuation and expansion of the on-going volunteer docent program which manages public access in the vicinity of the elephant seal rookery near Piedras Blancas in northern San Luis Obispo County. This is intended to be a two-year support grant. The FES volunteer docent program has been in existence for ten years, with little public support, and it provides the principal means by which public use is managed at two large public parking areas and associated public trails and boardwalks. The beaches that abut the public access boardwalks are birthing sites for a growing, year-around population of the Northern Elephant Seal, and the area affords the public an opportunity for up-close viewing of these animals. The management services provided by FES are crucial to protect the safety of both humans and seals and thereby to enable the continuation of this unique opportunity for wildlife habitat viewing.

Conservancy support for this effort is needed because public use has increased beyond the ability of the nonprofit FES to manage it from its own resources. In 2006, FES docents recorded active contact with more than 85,000 members of the public at the Piedras Blancas Elephant Seals Viewing Area, and it is estimated that the total number of people visiting the site in 2006 was well over 100,000. The FES docents are “on-duty” nearly every day of the year, with three daily shifts of volunteers providing site coverage for a total of twelve hours each day during the winter “pupping season.” Each year this site attracts an increasing number of visitors, as the size of the colony increases and public knowledge of it grows.

The federal Marine Mammal Protection Act provides that the Northern Elephant Seal shall be protected against harassment by humans. Prior to the intervention of FES in 1997, even with a much smaller seal population, there was evidence that unmanaged public access was resulting in some cases of harassment of these animals (as well as some hazards to humans). With the tremendous growth of the seal colony and greater public knowledge of the opportunity for close observation of it, it is certain that active site management is needed to protect the resource and avoid violations of law. Unless this management is provided by a group like FES, the State will need to choose between providing paid management staff or attempting to restrict public access.

The proposed management support grant will augment FES private fund-raising and enable a continued and expanded program of recruitment, training and support of the FES volunteer docents.

Friends of the Elephant Seal has demonstrated its ability to carry out the access management task at this site, and has been commended by Caltrans and State Parks for these efforts.

Site Description: The Piedras Blancas Elephant Seals Viewing Area is located approximately seven miles north of the town of San Simeon and the nearby Hearst Castle. This is an area that attracts a large number of recreational visitors throughout the year, to visit the historic Castle. The Viewing Area managed by the nonprofit Friends of the Elephant Seal (FES) includes two parking areas along the west side of State Highway 1 that were improved by Caltrans, and approximately 1,000 feet of elevated wooden boardwalk and surface trails that were improved by the California Conservation Corps. A grant to extend the wooden boardwalk has been authorized by the Conservancy and construction is expected to begin in the Spring of 2008, using the Conservation Corps under the direction of State Parks. Ownership of the site is by Caltrans (Highway 1 right-of-way) and by State Parks (through the Hearst Ranch acquisition).

The Viewing Area provides an opportunity to watch a population of Northern Elephant Seals that numbers between 100 and 1,000 at this site, from distances of 10-50 feet. Because the Viewing Area is elevated from the beach, and public use is managed by FES, the animals' behavior does not appear to be affected negatively by the near presence of humans.

The Viewing Area includes interpretive and directional signs maintained by FES, but does not contain restrooms or other recreational support facilities beyond the boardwalk. FES docents utilize portable equipment to sustain their management operation.

Project History: In 1990, the first organized count of elephant seals indicated that fewer than two dozen animals were using a small cove beach just south Point Piedras Blancas, nearly one mile north of the current Viewing Area. In January 1992 the first birth was recorded, and from that point forward the colony grew at a phenomenal rate. In 1993, about 50 pups were born. In 1995, 600 pups were born. By 1996 the number of pups born soared to almost 1000. By that time, the elephant seal colony stretched from the original area of use south past the Viewing Area, along approximately one mile of shoreline. The area used by the seals has continued to grow, and has moved north as well as south of Point Piedras Blancas. A chart describing the tremendous population growth of the seal colony is attached as Exhibit 2.

The rapid expansion of the colony in such a brief time was accompanied by growing pains. It became apparent during the 1994-97 period that a dangerous situation was developing along this stretch of the State Highway 1. Visitors parked their vehicles illegally on both sides of the narrow highway, then scrambled over fencing and made their way over private property to view the seals. The seals were subject to harassment on the beaches, and some interactions between seals and humans resulted in (fortunately minor) damage to each.

In response to this growing interaction between humans and seals, the local nonprofit organization Friends of the Elephant Seal (FES) was formed in 1997. The nonprofit provides volunteer docents at the public viewpoints, to answer questions and help visitors get the most from their viewing experience. The docents also help to assure that the viewing public respects the safety of the seals and of themselves.

The FES docents have been recruited, trained and equipped through fund-raising by the nonprofit. Caltrans has installed directional signs along Highway 1, State Park has provided some public information documents for distribution, and park rangers are available on call to

provide emergency or police services, but nearly all of the cost of direct interaction with the visiting public has been born by FES. As the number of visitors has grown, to more than 100,000 annually, more volunteers are needed.

PROJECT FINANCING:

Coastal Conservancy	<u>\$ 40,000</u>
Total Project Cost	\$ 40,000

The source of project funding is the Coastal Access Account (CAA), which is derived from the fees paid for coastal development permit applications and is appropriated annually to the Conservancy. Pursuant to Public Resources Code Section 30620(c)(2), the CAA may be used by the Conservancy for grants to nonprofit organizations for the development, maintenance and operation of new or existing facilities that provide public access to the shoreline.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The Conservancy’s proposed support for the Friends of the Elephant Seal would be provided under Chapter 9 of the Conservancy’s enabling legislation, Sections 31400-31409 of Division 21 of the Public Resources Code, regarding public access to the shoreline. Public Resources Code Section 31400 states the Legislature’s intent that the Conservancy take the principal role in the implementation of a system of public accessways to and along the shoreline. Implementation of a public access system necessarily includes managing public use so as to minimize damage and encourage public safety.

To this end, Public Resources Code Section 31400.1 authorizes the Conservancy to award grants to nonprofit organization such as FES to develop, operate and manage lands for public access purposes, where the accessway would serve greater-than- local needs. The Piedras Blancas Elephant Seals Viewing Area clearly serves greater-than-local needs.

CONSISTENCY WITH CONSERVANCY’S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

The proposed project is consistent with the Conservancy’s Strategic Plan in the following respects:

Goal 2 of the Strategic Plan focuses on development of a system of coastal public accessways along the shoreline. Objective B provides that the Conservancy will give funding priority to open closed or inaccessible areas to public use, while minimizing impacts on sensitive natural resources. While the Piedras Blancas Elephant Seals Viewing Area is currently open to public use, the need to protect sensitive wildlife habitat would be in conflict with public use in the absence of the FES program. Unless public support is provided to FES to enable the continuation of its management services, the foreseeable result would be a need to restrict or close public access at this site. Consistent with the intent of this Goal, the recommended grant will avoid that result.

Goal 5 of the Strategic Plan describes the Conservancy’s intention to protect, restore and enhance coastal biological diversity, and Strategies 6 and 7 under Objective A of that Goal

promote partnerships with local nonprofit organizations in such resource conservation projects. Support for FES will facilitate management of critical habitat of a federally-protected species, avoid foreseeable resource conflicts, and at a public cost that will be significantly reduced through the use of local volunteer services. This purpose and methodology is consistent with the intent of Strategic Plan Goal 5.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** Over 100,000 persons visited the site last year, indicating that there is strong public demand for use of the Viewing Area as it is managed by FES. Letters of support for the recommended grant are attached as Exhibit 3.
4. **Location:** The proposed project would be located along the shoreline within the coastal zone of San Luis Obispo County.
5. **Need:** There is no source of public funding other than the Conservancy to support the volunteer management effort at Piedras Blancas. Without public funds, it is unlikely that FES can maintain the current effort or meet the growing demand.
6. **Greater-than-local interest:** The Piedras Blancas Elephant Seals Viewing Area attracts national and international visitors, both because of the unique opportunity afforded for a close observation of large wildlife and because of its proximity to another popular visitor attraction at Hearst Castle. Protecting these animals is a public requirement under State and federal law, and some State funds will be needed for this purpose. Managing public use through volunteer efforts can help to reduce State expenditures.

Additional Criteria

7. **Resolution of more than one issue:** Public support for access management by FES would help to insure that wildlife habitat is protected while public access to the shoreline is also encouraged.
8. **Conflict resolution:** In the absence of a management program like that provided by FES there would be a clear conflict between public access and protection of the seals, as there was prior to the beginning of the FES program in 1997. The grant will help to avoid or minimize such conflict.
9. **Innovation:** A further successful model of private volunteer efforts in managing access to public lands would be desirable as the State continues to face budgetary limitations.

10. **Readiness:** The access management program is ready-to-go and the grantee would begin utilizing the grant funds immediately in the recruitment and training of docents for the upcoming winter season of seal pupping.
11. **Realization of prior Conservancy goals:** The recommended support grant will enable the continued volunteer management of public access improvements that have been built and will be extended pursuant to prior capital-improvement grants from the Conservancy.
12. **Cooperation:** The management effort at the Piedras Blancas Elephant Seals Viewing Area is an explicit collaboration between State agencies and a nonprofit organization.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed grant for management of the Piedras Blancas Elephant Seals Viewing Area is consistent with the San Luis Obispo County Local Coastal Program. The physical improvements at the site to provide for the subject public access use have been permitted pursuant to the California Coastal Act, and the FES will be managing public access to these facilities in an effort to minimize the likelihood of conflicts between public use and sensitive wildlife habitat.

COMPLIANCE WITH CEQA:

The recommended grant of funds for management of a public access facility is categorically exempt from review under CEQA pursuant to 14 CA Code of Regulations Section 15323 as the continued operation of an existing facility for public gatherings. The Piedras Blancas Elephant Seals Viewing Area has been in existence for ten years and the existing parking areas, trails and boardwalks have been designed to support this use. The continued volunteer management effort by FES will not require any significant physical changes in the facility and will not produce any change in current environmental conditions. Although the project site is located in a sensitive area, there is no reasonable possibility that the recommended support grant to FES will produce a significant effect on the environment.

Upon approval of the grant, staff will file a Notice of Exemption for the proposed project.