

30 September 2021
Scott Creek Beach Signage

Dear Commissioners ~

As you know, we have been concerned about **Scott Creek Beach**, where **dogs** have been **prohibited** for at least two decades. We have consistently tried to bring this to the attention of the Parks Commission and Parks Director (see chronology below). For over two years, at every turn we have been met with uninformed disagreement by both the Commission and the Director about the prohibition of dogs at Scott Creek Beach, whether leashed or not.

Therefore, imagine our **pleasant surprise** over a week ago, while checking out the newly updated Parks website. We found two -- count 'em, two -- Parks web pages that confirm what we have been saying all along. Right there. Online. In public.

The first is found by going to **Explore our Parks and Beaches**

-- <https://www.scparks.com/Home/ExploreOurParksBeaches.aspx> and then clicking on **Dogs at County Parks**

<https://www.scparks.com/Home/ExploreOurParksBeaches/DogsatCountyParks.aspx>

There one finds the following (and please note below that the bolding is not ours; it it Parks):

What about other County Parks?

"Leashed dogs are allowed in all county parks and beaches, **except for Quail Hollow Ranch County Park and Scott Creek County Beach**. These areas have sensitive habitats and dogs are prohibited. To prevent children from coming into contact with feces and urine, **dogs are not allowed in playground areas or athletic fields**. Thank you for keeping our parks healthy & safe for all!

The same message of absolute prohibition of dogs at Scott Creek Beach is repeated at <https://www.scparks.com/Portals/12/pdfs/Dog%20park%20rules%20brochure.pdf> (linked from the same Parks web page):

"Leashed dogs are allowed in all county parks and beaches, **except** for Quail Hollow Ranch and Scott Creek Beach. These areas have sensitive habitats and dogs are prohibited."

We have waited patiently since February 3, 2020, when Director Gaffney stated (quoted from approved minutes): *"Regarding Scott Creek, I did communicate with the deputy director of Fish & Wildlife, Alex Pitts. We had a long conversation about the biological opinion and its connection to construction projects. I'm going to have another conversation with our attorney. It's all quite convoluted, but I am following up and trying to get it straightened out."*

We wonder if perhaps Director Gaffney did learn (at some point post February 3, 2020) from County Counsel or from another government agency or department that indeed, dogs are

prohibited at Scott Creek Beach, and that the County therefore has an obligation to fix the improper signage so it no longer contradicts with the policy so clearly spelled out on the Department of Parks, Open Spaces and Cultural Services official web site.

In any case, there is nothing that has to be done to change the incorrect signage at Scott Creek Beach ... other than to just do it, to comply with existing policy. Since The Parks Commission is one of ten County "decision-making commissions," if the Parks Department does not so act, we ask that the Parks Commission once again place this matter of proper signage at Scott Creek Beach on the earliest possible Commission agenda, with a motion to require the Director to provide for the installation of proper signage at Scott Creek Beach that no longer conflicts with this policy.

Sincerely,
Jean Brocklebank
Michael Lewis

CHRONOLGY:

5/3/19 -- Commission meeting - We spoke at Oral communications: "*We found no signage prohibiting pets from the beach, as required by the 1996 Biological Opinion agreement with the USFWS.*" We asked for this matter to be on the agenda for the August meeting.

8/5/19 -- Commission meeting - Since the matter was not on the agenda, we spoke at Oral Communications saying:

On November 5, 2015 Parks applied to the County Fish and Wildlife Advisory Commission for a \$2,000 grant for an Informational & Interpretive Kiosk at the access point at the beach. We have a copy of that application. While well-meaning, as seen in the application's description of signage "*to provide visually compelling and easily understood information about species protection, and in particular how dogs (especially off leash dogs) are harmful to the resident Snowy Plovers,*" unfortunately the application was apparently drafted without knowledge of the BO. Also apparently without knowledge of the collaborative ***Where Can I Take My Dog*** County brochure available online that includes Scott Creek Beach as a place where Dogs Are Not Allowed. Period.

The result is there is **no** signage at Scott Creek Beach that says Dogs Are Not Allowed. In fact, it is even worse that that. The Plover informational sign installed there (with the grant funds) **contradicts** the prohibition. One sentence reads "*Disturbance from people and dogs has significantly reduced the number of Snowy Plover at this beach*" and the very next sentence states "***Please be considerate and keep your dog on a leash at all times.***"

9/19/19 -- meeting with Director Gaffney: "*We had a very good meeting with Jeff about Scott Creek Beach, so he is clear about our goal for proper management. Interestingly, at the end of*

our hour together, he finally understood about the need for Parks to have a line item in its budget for resource management of open spaces. He rued the fact that Parks has no resource planner but is responsible for resource management. We suggested making a case to the BOS for next springs budget hearings - for a budget for Scott Creek Beach responsibilities (Critical Habitat for the Western Snowy Plover) since the County is on the hook to do proper management. We said we would help him. I also gave him the County Fish & Wildlife Fall 2019 grants program information, with its due date of October 24th, so Parks could propose a grant for better signage there."

10/7/19 -- Commission meeting agenda item VII b. Scott Creek beach habitat management discussion

Although the draft motion was for Parks Director work with **interested agencies** to develop strategy for management of Snowy Plover habitat at Scott Creek Beach the final motion passed (Rapoza/Minott 5/0): Parks Director work with **appropriate stakeholders** to develop strategy for management of Snowy Plover habitat at Scott Creek Beach, thus taking the teeth from the intended action

10/8/19 -- our post-meeting email to Parks Commission that included: Director Gaffney said he would have to have Board of Supervisors approval (as well as meet with stakeholders) in order to replace signage at Scott Creek Beach. This is not true.

The existing signage at Scott Creek Beach, which currently asks dog owners to keep their dogs leashed, contradicts the Dogs Prohibited policy of record for this County Beach. It also contradicts State and Federal Endangered Species Acts - policies that require best management practices for federally listed "critical habitat" of the endangered Western Snowy Plover, re-iterated in the Federal Register in 2012.

1/30/20 -- email from Director Gaffney regarding reasons to not put Scott Creek Beach signage on the February 3, 2020 agenda [Note our bolding]:

"Scott Creek has been addressed at 4 recent Parks Commission meetings and the department is working on a long term plan on how to best manage the natural resources at Scott Creek. **The Biological Opinion was created for a project that was never completed** or adopted by the county. The signs that are currently in place at Scott Creek require dogs to be on leash. Those signs have been in place at Scott Creek for over a decade. It would not be appropriate to make such a sweeping policy change without consultation with county counsel, regulatory agencies and providing public notice/meetings to discuss it."

Note: The **project completed** was the access, parking spaces, and viewing platform. At the January 11, 2000 Board of Supervisors meeting, the Board approved Parks Director Samuels' request for a \$40,000 contract for the beginnings of the dune restoration work, required by the

Biological Opinion for the construction of access infrastructure. See here:

http://sccounty01.co.santa-cruz.ca.us/BDS/Govstream2/Bdsvdata/non_legacy_2.0/agendas/2000/20000111-95/pdf/060.pdf and here: https://sccounty01.co.santa-cruz.ca.us/bds/Govstream2/ASP/Display/SCCB_NonLegacyDisplayWeb.asp?MeetingDate=1/11/2000&filename=m20000111.htm (see agenda item 60).

2/3/20 -- Commission meeting/Directors Report: *"Regarding Scott Creek, I did communicate with the deputy director of Fish & Wildlife, Alex Pitts. We had a long conversation about the biological opinion and its connection to construction projects. I'm going to have another conversation with our attorney. It's all quite convoluted, but I am following up and trying to get it straightened out."*