

Esteemed Hearing Board Members,

We appreciate the heavy responsibility before you at the November 18 session of the Hearing Board. You are in the unique position of having to enforce the Stipulated Order of Abatement of a nuisance that you signed in good faith, but that State Parks has failed to honor faithfully. Most importantly, you have the power to finally force State Parks to live up to the legal obligation it agreed to 18 months ago by ordering direct and immediate abatement action.

It is clear from State Parks' actions that it is time to consider the first action mentioned under the Stipulated Order of Abatement, to "cease and desist from violating California Health & Safety Code section 41700 and District Rule 402." The health issue and public nuisance have not decreased as evidenced by the complaints received and documented on page 5 of the Petition. It is time to in fact, abate the nuisance.

Let us recap the sad history of State Parks failures since the SOA became effective on April 30, 2018.

- 1) State Parks fails to provide an adequate Particulate Matter Reduction Plan by the designated deadline of February 1, 2019 - a full 9 months. It is given additional time.
- 2) The second PMRP is likewise rejected as insufficient.
- 3) A "conditional" PMRP is approved, citing specific deficiencies. Those deficiencies are never corrected, yet the process continues.
- 4) The first annual work plan is submitted - it is unacceptable; the Scientific Advisory Group is left out of the process and its recommendations ignored.
- 5) The second annual work plan is submitted - it is unacceptable.
- 6) Third annual work plan is submitted and is once again, "conditionally" approved, citing six exceptions. State Parks was asked to address these by October 31, which it did not.
- 7) The SAG remains concerned about the lack of ongoing consultation among the OHV Division, APCD and the SAG and chides State Parks for ignoring its mandatory role in the process.
- 8) The work plan does not include time for Coastal Commission approval.
- 9) Because of the delays, the implementation of the work plan is in danger of missing the prime planting season from November through March.

Neither the conditionally approved PMRP nor the third version of the Annual Report and Work Plan are sufficient to achieve the 50% reduction requirement. The use of "temporary or seasonal" wind fencing demonstrates that ODSVRA management is still trying to avoid a permanent solution. The majority of the mitigation to date, was ordered by this body in 2018. Installing "up to" 48 additional acres of fore dunes in 2020 and seasonal wind fencing is woefully inadequate. We therefore request an order to take immediate and substantive action to abate the nuisance. Said action could entail any of the following in addition to the 48 acre fore dune restoration project:

- 1) Ordering that a minimum number of acres be fenced and restored each year, as was done in 2018. A minimum of 100 acres per year beginning with 2019 and 2020 are recommended. The 2019 requirement should be added to the 2020 requirement during the Hearing Board enforcement.
- 2) Based on the California Air Resource Board modeling, close and fence all of the most emissive acres now and allow them to self-restore while State Parks, the Scientific Advisory Group and APCD finalize a PMRP, Annual Reports and Work Plans that demonstrate a reduction of particulate matter by 50 percent by the end of 2023, as required by the SOA.
- 3) Discontinue motorized recreation on the La Grande Tract for a minimum of 12 months, beginning January 1, 2020. This would allow time for the dunes to self-restore and for the development of an acceptable PMRP and Annual Reports and Work Plans to be finalized. Limited camping in front of the foredunes project areas can be allowed.

Presented with the choice of the numerous, confusing and convoluted steps in this proposed modification to the SOA, we think starting over with a new Stipulated Order of Abatement is the better course of action. We hope the Hearing Board will have the strength to carry out its task and protect the health of the residents of the South County. Act NOW.

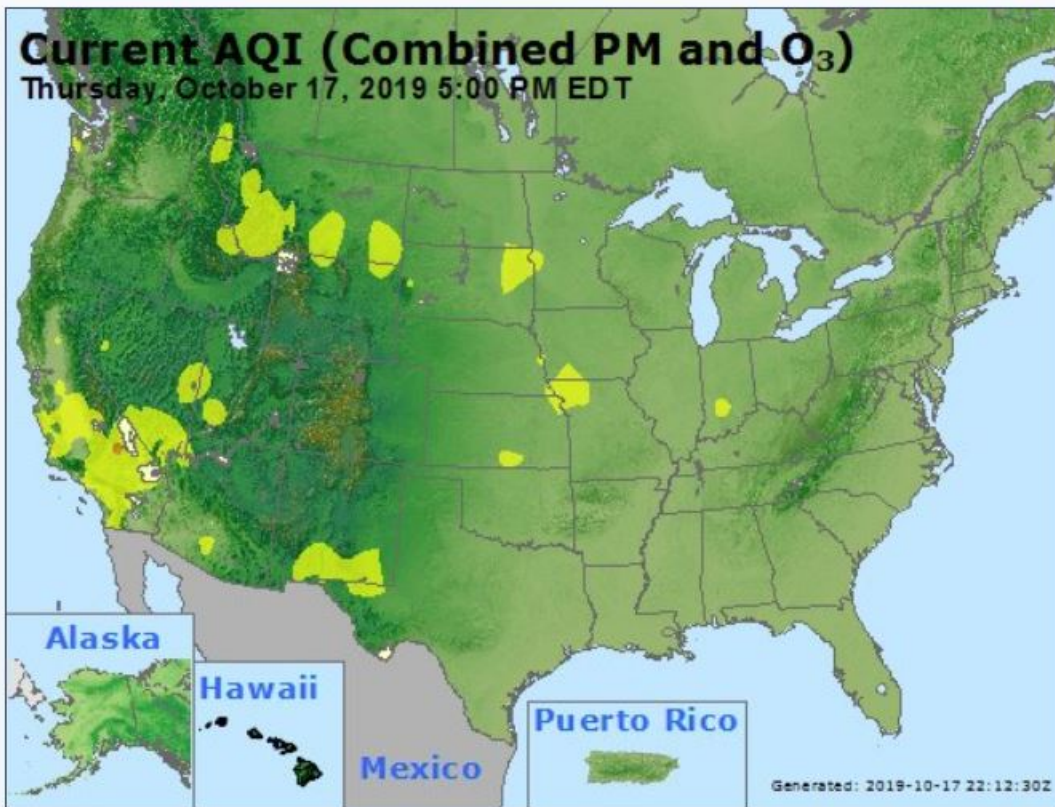
Sincerely,

Arlene Versaw and Rachelle Toti, Co-founders
Concerned Citizens for Clean Air

[Current AQI](#)[Forecast](#)[AQI Loop](#)[More Maps](#)

Current AQI (Combined PM and O₃)

Thursday, October 17, 2019 5:00 PM EDT

**Good****Moderate****USG****Unhealthy****Very Unhealthy****Hazardous**

Action Day

Highest 5:

[About the Highest 5](#)

Current AQI**Today's Forecasts****Tomorrow's Forecasts**[Nipomo, CA](#)**243**[E San Bernardino, CA](#)**115**[Trona, CA](#)**96**[Barstow, CA](#)**90**[Dona Ana County, NM](#)**90**

Note: Values above 500 are considered Beyond the AQI. Follow recommendations for the Hazardous category. Additional information on [reducing exposure to extremely high levels of particle pollution is](#)