

OCEANO DUNES ACCESS ALLIANCE

November 14, 2019

APCD Hearing Board
SLOAPCD District Office
3433 Roberto Court
San Luis Obispo, CA 93401
ATTN: Ms. Alyssa R. Roslan
Email: aroslan@co.slo.ca.us

RE: November 18 APCD Hearing Board Petition Related to the Existing Stipulated Order of Abatement 17-01

Dear APCD Hearing Board:

The Oceano Dunes Access Alliance (ODAA) is petitioning the APCD Hearing Board to suspend or withdraw from the Stipulated Order of Abatement (SOA) with the California Department of Parks and Recreation (DPR). ODAA is a grassroots network of organizations and stakeholders who support responsible OHV recreation at the Oceano Dunes State Vehicular Recreation Area (SVRA).

ODAA believes written comments and testimony presented at the November 8, 2019 California Off-Highway Motor Vehicle Recreation Commission (OHMVR) meeting highlight fatal flaws in the SOA and related mitigation measures.

The rationale for this petition is listed below:

- In a March 29, 2017 letter to State Parks, the Central Coast District Director, Dan Carl, clearly expressed his concern regarding crystalline silica. He cited a letter he received just two days before from Larry Allen, then the executive director of the SLO APCD. Per Mr. Carl's letter, Larry Allen wrote, "Public exposure to unacceptably high levels of particulate matter, much of which occurs in the form of highly toxic crystalline silica, have continued to impact downwind residents." Later in his letter, Mr. Carl offered on his own, "The dust emissions are largely comprised of crystalline silica, which is known to be highly toxic."
- Several years ago, State Parks took it upon itself to find the truth. They had an expert review analytical data of Nipomo Mesa air samples collected in April, May, June and November of 2017, and March 2018.
- The expert's conclusion was as follows: "The presented and reviewed data provide no evidence of a realistic pulmonary (inhalation) risk with respect to respirable crystalline silica."
- At a March 21, 2018 meeting of the SLO APCD's Hearing Board, the SLO APCD's Larry Allen was confronted with this information, and despite his previous crystalline silica claims, he was forced

to concede publicly that crystalline silica in dust on the Nipomo Mesa was not an issue. He stated, "Well, you know it's a red herring...it has no bearing whatsoever."

- Current and proposed foredune manipulation projects, installing of wind fences, and enclosure are not supported by a peer reviewed scientific model. No documentation has been presented to the public that shows how modeling was verified and validated.
- There has been no data collection and analysis from non-OHV emitters such as industry, non-SVRA lands, agricultural operations, and other emitters in the 15-20K acre greater dune region.
- All regulatory agencies have irrationally focused data collection and mitigation measures solely on a 1,000 acre section of a 3,000 acre state park unit where OHV recreation has been authorized.
- There have been no environmental studies on the impacts of constructing man-made foredune structures which, over time, grow to create dense vegetation mats and deflation plains. Deflation plains are created directly behind the man-made foredunes. These relatively flat regions are blocked from receiving any new sand. As a result, the strong sea breezes scour its surface, eroding it down to the water table and creating a sprawling wetland. At the Oregon Dunes National Recreation Area where legal OHV use occurs, the wetlands in deflation plains have grown substantially, the result of many invasive plant species moving in and creating higher than normal foredunes. Currently, the Forest Service, OHV groups, and conservation organizations are removing some of these foredunes to abate proliferation of vegetation mats in the deflation plain.



Man-Made Deflation Plain in SVRA OHV Area

- The economic impacts and loss of jobs due to SOA-mandated mitigation measures have not been considered and included in any analysis.
- It is a gross misuse of OHV Trust Fund monies to pay for non-peer reviewed current and proposed dune manipulation measures based on flawed or non-existent science.

CONCLUSION

ODAA requests the APCD Hearing Board orders suspension of the SOA and take immediate steps to begin region-wide air monitoring to better understand the relationship between wind events and the dust plume. This should be done by an independent 3rd party.

Secondly, the APCD should analyze new information collected to study the correlation between the days where the air standards are exceeded and what the wind levels on those days. Unless and until DPR and the SLO APCD better understand the nature of the dust issue and pinpoint the causes, they will continue to take steps that only reduce public access while not doing anything to deal with the cause of the wind-blown dust particles that leave the dune system.

Respectfully submitted,

Oceano Dunes Access Alliance

/s/ Don Amador

CC: California Governor Gavin Newsom
 California Natural Resources Agency
 California Department of Parks and Recreation
 California Off-Highway Motor Vehicle Commission
 California Coastal Commission
 San Luis Obispo County Board of Supervisors

ODAA Members: American Motorcyclist Association, District 36, American Motorcyclist Association, District 37, California Four Wheel Drive Association, American Motorcyclist Association, Point Mugu 4x4 Club, Orchard City RV, American Sand Association, California Off Road Vehicle Association, Freedom Ropes, Off Roaders United, Jerk Pirates Off Road Group, Tehachapi Four Wheelers, The Bakersfield Trailblazers 4x4 Club, Red Rock Crawlers, California Dual Sport Riders, Clovis Independent 4 Wheelers, Southern California Overland Trail Association, Ditch Bank Off-Roaders 4x4, Pismo Freeride, Pismo Dunes Property Owners Association, Joaquin Jeepers, Rugged Radios, Johnboy's Towing, Kautz Chevron, Clawson Motorsports

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