



Air Pollution Control District
San Luis Obispo County

March 16, 2021

California State Parks
Strategic Planning and Recreation Services Division
1725 23rd Street, Suite 200
Sacramento, CA 95816
(OceanoDunes.PWP.EIR@parks.ca.gov)

SUBJECT: **San Luis Obispo County Air Pollution Control District Comments on the Public Works Plan and associated Draft Environmental Impact Report for Pismo State Beach and the Oceano Dunes State Vehicular Recreation Area (SCH Number: 2018051017)**

Dear California State Parks Strategic Planning and Recreation Services Division:

The San Luis Obispo County Air Pollution Control District has reviewed the Pismo State Beach and Oceano Dunes State Vehicular Recreation Area Draft Public Works Plan and Draft Environmental Impact Report, which were released December 31, 2020. As currently written, the documents need more air quality analysis to ensure consistency with air quality requirements.

The District is concerned that some of the projects are likely to increase dust emissions and thus further degrade downwind air quality, but the Draft Environmental Impact Report fails to evaluate such impacts. The documents should propose measures that ensure the proposed projects do not interfere with meeting the terms of the Stipulated Order of Abatement in Case No. 17-01, District Rule 1001, and the California Coastal Commission's requirements for air quality measures.

Please do not hesitate to contact me with any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Karl A. Tupper", with a long horizontal flourish extending to the right.

Karl A. Tupper
Senior Air Quality Scientist
San Luis Obispo County Air Pollution Control District
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Enclosures

Attachment: San Luis Obispo County Air Pollution Control District Comments on Draft PWP and EIR (SCH Number 2018051017)

Introduction

On December 31, 2020, California State Parks (“Parks”) published a “Notice of Availability of Draft Environmental Impact Report (EIR) for the California State Parks Pismo State Beach and Oceano Dunes State Vehicular Recreation Area (SVRA) Public Works Plan (PWP).”¹ The San Luis Obispo County Air Pollution Control District (“District”, “APCD”, or “SLOAPCD”) appreciates the opportunity to provide these comments. The District also appreciates the extension of the comment deadline from March 2 to March 18, 2021, which was announced on about February 27, 2021.² While the notice solicited comments specifically on the Draft EIR, the following comments apply to both the draft PWP and the draft EIR (“DEIR”), and they should be considered formal comments on both documents.

Background

Windblown dust from the Oceano Dunes State Vehicular Recreation Area (“ODSVRA”) remains the predominant air quality challenge affecting southern San Luis Obispo County. Every year it causes dozens of exceedances of the state PM₁₀ standard on the Nipomo Mesa downwind of the ODSVRA.³ Several times a year the area’s NowCast Air Quality Index—a short-term measure of air quality reported on the EPA’s official AirNow.gov website⁴—is among the worst in the Nation; a recent example is shown in Figure 1, below.

The vicinity of the ODSVRA is prone to strong onshore winds, particularly in the spring and fall. Because of the long history and continued use of motor vehicles within the present-day ODSVRA, the open sand sheets within the park are much more emissive of PM₁₀ under these conditions than they would be otherwise. This has been extensively documented in studies by the District and others.⁵

¹ “Draft Public Works Plan and Draft Environmental Impact Report,” available online at <https://www.oceanodunespwp.com/en/documents/draft-eir>.

² Memorandum from Scott Morgan Re: SCH # 2018051017, Pismo State Beach and Oceano Dunes State Vehicular Recreation Area Public Works Plan and Draft EIR. Available online at <https://ceqanet.opr.ca.gov/2018051017/2>.

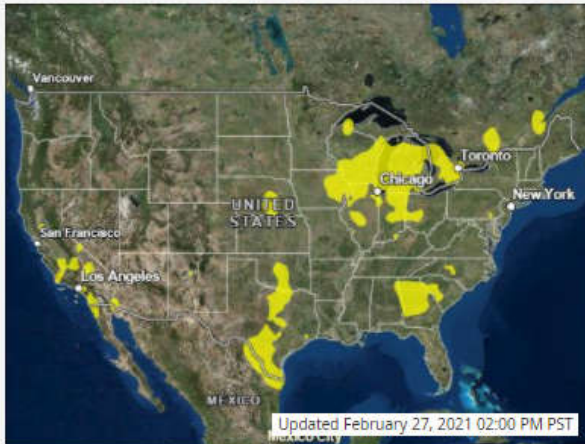
³ “Annual Air Quality Report for 2019,” SLOAPCD, November 2020. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2019aqrt-FINAL.pdf>.

⁴ “National Maps | AirNow.Gov,” EPA and partners. Available online at <https://www.airnow.gov/national-maps/>.

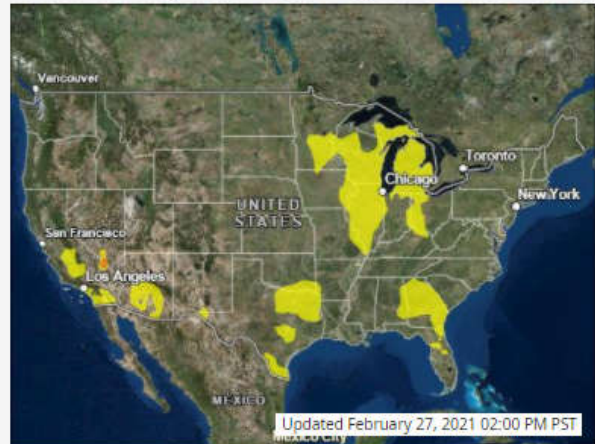
⁵ See for example: (a) “Particulates Air Pollution in the Oceano Dunes – Nipomo Mesa Area: What Have We Learned,” SLOAPCD, September 2016. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/ODSVRA%20Air%20Quality%20Studies%20-%20APCD%20Summary%20>

National Maps

Current Air Quality



Today's Air Quality Forecast



More Current Map Options:

- [Current by Monitors](#)
- [Contours Loop](#)
- [Monitors Loop](#)

More Forecast Map Options:

- [Tomorrow's Forecast](#)
- [Today's Forecast by City](#)
- [Tomorrow's Forecast by City](#)

Highest NowCast AQI Locations

The list below shows the areas with the highest **NowCast AQI** for the current hour. The AirNow system automatically generates this list every hour, based on the areas with the highest NowCast AQI for ozone or particle pollution. Because air quality can change during the day, the areas on this list may change throughout the day, too. Note: This list is not used for regulatory purposes, and it does not indicate an area's status in meeting National Ambient Air Quality Standards.

| | | | |
|--|-----|---|----|
| Nipomo, CA | 137 | Laredo, TX | 73 |
| Santa Rosa Rancheria, CA | 90 | Rockford, IL | 72 |
| Brownsville-McAllen, TX | 84 | Aiken-Augusta - SC/GA, SC | 71 |
| Chicago, IL | 74 | Dallas-Fort Worth, TX | 71 |
| South & West Suburbs (Chicago), IL | 74 | Grand Rapids, MI | 68 |

Figure 1: Screenshot of www.airnow.gov from 3 pm Pacific Time on February 27, 2021, showing Nipomo, CA, with the highest AQI in the Nation.

For more than a decade, the District has been engaged with Parks in efforts to resolve the issue and improve the region's air quality; these actions are chronicled on the District's website.⁶ In 2011 the District Board enacted Local Rule 1001, which required Parks to implement dust control measures within the ODSVRA with the goal of reducing PM₁₀ levels downwind of the park's riding area to levels approaching concentrations downwind of non-riding areas.⁷

In late 2017, the District petitioned the Hearing Board of the San Luis Obispo County Air Pollution Control District ("Hearing Board") for an order of abatement requiring Parks to implement certain measures to reduce PM₁₀ emissions from the park. Parks ultimately agreed to implement initial dust control measures (including revegetating nearly 100 acres of the riding area), to prepare a Particulate Matter Reduction Plan ("PMRP"), and to commit to a 5-year process to eliminate the excess dust emissions attributed to vehicular recreation in the park. The Hearing Board approved the resulting Stipulated Order of Abatement ("SOA") in April 2018.⁸ In late 2019, the District and Parks agreed to certain modifications of the SOA.⁹

The California Coastal Commission ("CCC") has also been involved in addressing the ongoing dust issue, since certain types of dust control projects constitute development in the Coastal Zone and therefore require its authorization prior to being implemented. At its July 2019 meeting, the CCC considered 15 special conditions that its staff recommended be imposed immediately as amendments to the ODSVRA's underlining coastal development permit (CDP 4-82-300).¹⁰ Special Condition 13, which pertained specifically to dust controls within the ODSVRA, stated:

13. Authorize Dust Control Areas. This CDP authorizes State Parks to implement specified airborne particulate matter emission ("dust") control and related monitoring measures at ODSVRA in order to reduce and control dust generated at ODSVRA consistent with the requirements of San Luis Obispo County Air Pollution Control District (APCD) and the California Air Resources Board (CARB) subject to all of the following:

⁶ (a) "Oceano Dunes Particulate Emissions Reduction Efforts," SLOAPCD, undated. Available online at <https://www.slocleanair.org/air-quality/oceano-dunes-efforts.php>. (b) "Oceano Dunes Particulate Matter Reduction Efforts Flowchart and Timeline," SLOAPCD, undated. https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2021March_DUNES_PAGE1and2.pdf.

⁷ "Agenda Item B-1: Request for Adoption of New Rule 1000, Coastal Dunes Dust Requirements," SLOAPCD, November 16, 2001. Available online at: https://slocounty.granicus.com/MetaViewer.php?view_id=7&clip_id=1189&meta_id=233161.

⁸ "Case No. 17-01, Stipulated Order of Abatement," SLOAPCD Hearing Board, filed May 4, 2018, signed April 30, 2018. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Filed%20%26%20Approved%20SOA%20Case%2017-01%20Apr-30-18.pdf>.

⁹ "Case No. 17-01, Order to Modify Existing Stipulated Order of Abatement," SLOAPCD Hearing Board, filed December 9, 2019, signed November 19, 2019. Available online at https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/AMENDED%20Order%20of%20Abatement%2011-18-19_FILED_12.pdf.

¹⁰ "Agenda Item Th12a: Oceano Dunes State Vehicular Recreation Area Coastal Development Permit 4-82-300 Review," CCC, prepared June 21, 2019 for July 11, 2019, hearing. Available online at: <https://documents.coastal.ca.gov/reports/2019/7/Th12a/Th12a-7-2019-report.pdf>.

a. Dust Control Measures. Approved dust control measures include planting native dune vegetation, installing wind fencing, installing porous roughness elements, installing perimeter fencing (around emissive 'hot spots'), installing 'track out' devices at the Pier Avenue and West Grand Avenue entrances to ODSVRA, and installing native trees inland of ODSVRA. Soil stabilizers and straw bales shall only be utilized when the ODSVRA Review Executive Director determines that the proposed soil stabilizers and/or straw bales will be utilized in an amount, configuration, and composition that will not significantly disrupt dune habitat values (no significant degradation of dune habitats and/or vegetation; use to be kept to the minimum amount necessary to abate dust).

b. Monitoring Measures. Air quality monitoring stations consistent with APCD and/or CARB requirements that are sited and designed to limit any associated coastal resource impacts as much as possible.

c. Dust Control and Monitoring Area. Approved dust control and monitoring measures are to be located in the areas specified (by APCD and/or CARB) as necessary to meet APCD and/or CARB requirements, subject to concurrence by the Executive Director. In addition, track out devices are to be located at Pier and West Grand Avenues, but shall only be allowed within the existing paved street areas and shall not be allowed on the beach sand. Further, native trees shall only be planted where the Permittee has provided property owner consent for same, and where the Executive Director determines that the proposed native trees will be planted in an amount, configuration, and species type that will not have significant adverse effects on coastal resources (no obstruction of any public coastal views; no significant degradation of dune vegetation and habitat; no loss of prime agricultural lands or lands used for agricultural production).

d. Dust Control Measures Coverage. Dust control measures approved pursuant to this CDP are expected to result in planting/maintaining approximately 350 acres. Authority for State Parks to implement the approved dust control and related monitoring measures at any given location is subject to the requirement that State Parks has landowner approval to undertake development on that property.

e. APCD and CARB Requirements. Notwithstanding subsections (a) through (d) above, any dust control measures implemented under this CDP shall be consistent with any applicable requirements of APCD and CARB related to dust control at ODSVRA.

The District supported this condition, and in oral and written comments we urged the CCC to adopt it, noting that implementation of the SOA would be "greatly facilitated by the streamlined Coastal

approval process that is proposed in Special Condition 13.”¹¹ After a lengthy hearing, the CCC opted not to impose the 15 conditions immediately, but instead directed Parks to address each of them in the PWP, which was already under development at that time.

The District recognizes that Parks has made substantial progress in addressing the dust issue. Pursuant to the SOA, hundreds of acres of dust control projects have been deployed within the ODSVRA, and these have resulted in real, measurable improvements in air quality on the Nipomo Mesa.³ As noted in a Frequently Asked Questions (“FAQ”) document issued by the District in June 2020:¹²

Q3: What effect have the dust mitigations had on downwind air quality?

A3: The short answer is that we have seen real, significant improvements in air quality, especially at CDF [the most impacted downwind monitoring station], and especially after taking meteorology (wind) into account. This improvement is not due to the temporary cessation of [off highway vehicle]-activity ... but rather to the large mitigation projects installed prior to the ODSVRA's closure to vehicles.

Preliminary analysis of the full air quality dataset for 2020 indicates that PM₁₀ levels downwind of the riding area were reduced by 29% (95% CI: 14 – 41%) relative to pre-SOA levels, after accounting for meteorology. To demonstrate these improvements, the FAQ also included the Figures 2 and 3, below.¹³ Figure 2 shows that prior to the SOA, the number of exceedances of the state PM₁₀ standard closely tracked the number of wind event days, but after the SOA the “gap” between wind events and exceedances widens. Figure 3 shows that the number of hours of peak PM₁₀ (greater than 300 µg/m³) has declined since the SOA. Despite this success, much more work remains to be done to resolve the dust issue: As shown in Figure 2, dozens of standard exceedances still occurred in 2020, and as shown in Figure 1, Nipomo air quality can still sometimes be the worst in the Nation.

¹¹ “SLO County APCD Comments on CDP 4-82-300 Review,” SLOAPCD, July 5, 2019. Available online at <https://documents.coastal.ca.gov/reports/2019/7/Th12a/Th12a-7-2019-corresp2.pdf>.

¹² “Frequently Asked Questions: Air Quality and the Temporary Closure of Oceano Dunes,” SLOAPCD, June 30, 2020. Available online at: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/June2020FAQ-42.pdf>.

¹³ As the FAQ was published on June 30, 2020, only data from January 1 through June 28 of each year is summarized in these figures.

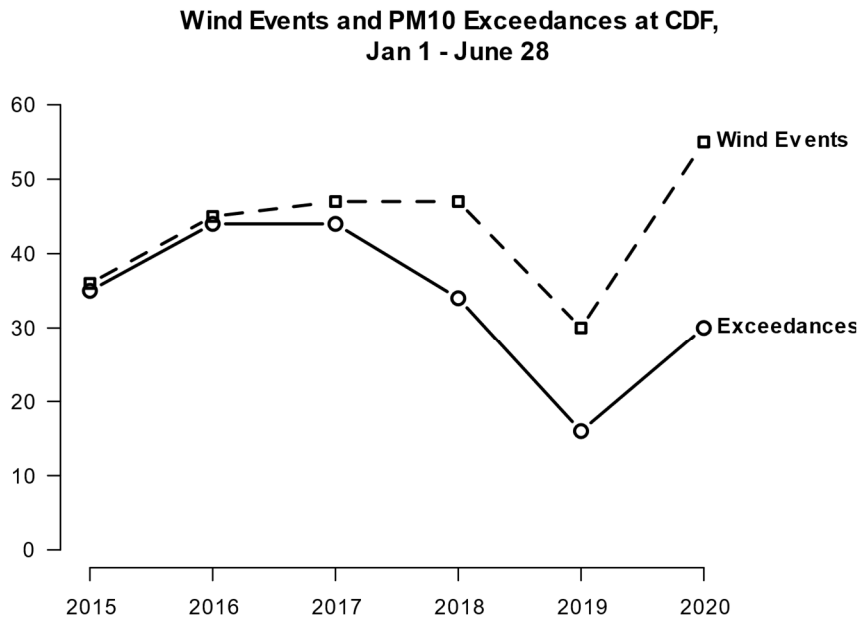


Figure 2: Wind Events and Exceedances of the PM10 Standard downwind of the ODSVRA

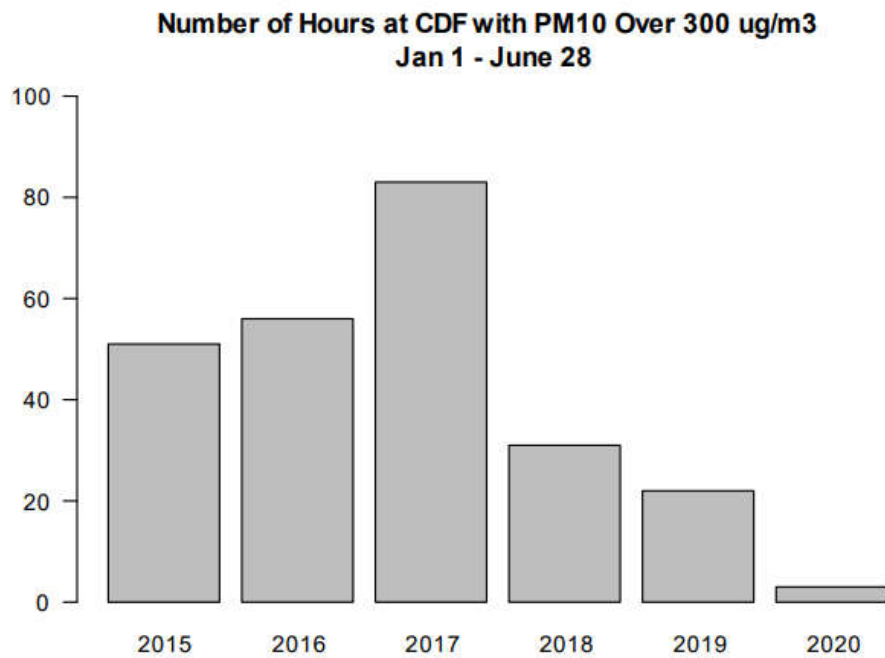


Figure 3: Hours greater than 300 $\mu\text{g}/\text{m}^3$ downwind of the ODSVRA

General Impression

The District does not support or oppose projects, as long as their air quality issues are addressed. As currently written, the PWP and its DEIR need more air quality analysis to ensure consistency with air quality requirements.

The District is concerned that some of the projects proposed in the PWP are likely to increase dust emissions and thus further degrade downwind air quality, but the DEIR fails to evaluate such impacts. The PWP and its DEIR should propose measures that ensure PWP projects do not interfere with meeting the terms of the SOA, District Rule 1001, and the CCC's requirements for air quality measures.

Finally, the documents ignore the findings of the Hearing Board and previous court decisions concerning the cause and extent of the dust issue. For these reasons, the District finds the current draft of the PWP and DEIR inadequate, unless the issues identified in this letter are addressed. The District recommends Parks work with the District to help refine these issues for the Final EIR.

Expectations for the PWP

The District expected that the PWP would facilitate the resolution of the dust issue by, at a minimum, proposing a streamlined process for the permitting of future controls that are likely to be required under the SOA process. This would have been consistent with the CCC's explicit direction from their July 2019 meeting (see above), and with statements made by Parks officials over the last few years both in public and in private. Some examples:

- In July 2019, Lisa Mangat, then the Director of California State Parks, told the CCC that in the context of the various issues affecting the park—air quality, habitat protection, coastal act consistency—the PWP is “the only process that we’ve got out there where we deal with, comprehensively and holistically, all of these issues. So, all of these matters that your staff are highlighting in their staff report are all matters that will have to be addressed in the public works plan.” Later, when asked by Commissioner Brownsey whether all the issues noted by the CCC staff (which included air quality issues) would be addressed in the PWP, she replied, “Yes, that is consistent with our request.”
- At the same CCC meeting, Dan Canfield, then the Acting Deputy Director for the Off Highway Motor Vehicular Recreation Division (“OHMVR”), stated that the PWP “would accommodate the continued cooperative efforts with the Air Pollution Control District on regional air quality improvements, the continued shorebird conservation efforts that we’ve heard about earlier today, and continued public access to this special coastal destination.”
- During Parks’ update on the PWP at the CCC’s October 2019 meeting, Director Mangat stated that “the Public Works Plan will be the overlay and will be informed by the HCP [Habitat Conservation Plan] and then also the dust plan process.”
- Later during that meeting, Jim Newland, Parks’ project manager for the PWP, stated in reference to the SOA and the HCP that “We have several planning processes going on, and

the Public Works Plan is sort of the umbrella to which we're trying to put all of these challenging issues together under one place to create the comprehensive management plan—a long range management plan for this park.”

- In November 2019, Director Mangat told the District Hearing Board that the PWP “will determine future operations of the park,” and that it would be consistent with the SOA and PMRP.

Furthermore, the Executive Summary of the PWP itself states:

*During the two-year-plus PWP planning process, State Parks received significant input and engagement on a wide range of complex management issues associated with operations and potential impacts at these popular, and at times controversial, jointly managed park units. Some of these management issues were related to other regulatory mandates such as those pertaining to federal and state recognized sensitive and endangered species, and regional air quality. **These non-Coastal Act issues are addressed in the PWP**, including recommended management actions beyond the Coastal Act's scope to effect comprehensive operational improvement and best management practices [emphasis added.]¹⁴*

Finally, one of the many objectives of the PWP, as stated in the document itself, is to “Comply with state and federal regulations and permit requirements, and manage the parks consistent with relevant LCPs and park plans, such as the Particulate Matter Reduction Plan, Habitat Conservation Plan, Biodiversity Management Plan and applicable park management plans.”¹⁵ A similar statement appears in the DEIR.

It is the view of the District that the PWP does not address the dust issue adequately, and this is inconsistent with the stated objectives of the PWP. The PWP and DEIR merely state that PWP projects will be consistent with the requirements of the PMRP and SOA; no further specifics are provided. Regarding the CCC's direction and specifically Special Condition 13, the District acknowledges that it is for the CCC to determine whether Parks followed its direction, but it is our perspective that nothing in the PWP or DEIR addresses it or would otherwise accommodate or facilitate implementation of the dust controls needed to address the ongoing PM₁₀ emissions. Therefore, the District cannot find the PWP consistent with air quality requirements in its current form.

Inconsistency with the SOA

The SOA states that “APCD endorses State Parks' strategy to develop and implement a Public Works Plan as the process for a comprehensive ODSVRA planning document that will affect the type and location of mitigation strategies.” The District thus expected that the PWP would be a comprehensive plan which incorporated the PMRP mitigation strategies. SOA Condition 2.k, which

¹⁴ Volume 1: PWP, p. ES-1.

¹⁵ Volume 1: PWP, p. 3-3.

was included at the behest of Parks, requires that “If the APCO’s approval of the [PMRP] precedes completion of the Public Works Plan (PWP) public review process, [Parks] shall integrate elements of the [PMRP], upon approval by the APCO, into the PWP public review and comment process to facilitate public input on non-air quality impacts of the Plan.”⁸

Since the APCO did, in fact, approve the PMRP before the completion of the PWP public review and comment process, Parks is obligated by the SOA to include the PMRP measures into the PWP review process. As already noted, this was not done: None of the projects completed, planned, or anticipated by the PMRP are incorporated into the PWP or DEIR. For example, the PMRP estimated that about 500 acres of open sand in the ODSVRA would need to be controlled to achieve the SOA goals, and currently about 230 acres are already controlled and another 92 acres are planned for installation in early 2021.¹⁶ Yet the PWP does not acknowledge the clearly foreseeable need for additional controls to meet the PMRP goals; in fact, some figures depicting future PWP projects show areas which currently host mitigation projects as open riding areas.¹⁷ Since the SOA expectation and obligation noted above have not been met, the PWP is not consistent with the SOA, and the District cannot support it in its current form.

Inadequacy of Strategy for Implementing Dust Controls

As already noted, the PWP incorporates neither the PMRP nor the CCC’s air quality-related direction; instead, it states that Parks will “Address future dust control projects through Oceano Dunes SVRA Dust Control Measures approved in CDP 3-12-050-A1.”¹⁸ This strategy for complying with the SOA and achieving its air quality goals is inadequate. CDP 3-12-050-A1 does not authorize any additional acreage for dust control beyond the 156.2 acres of permanent controls and 40 acres of temporary controls that were already in place as of July 2020, yet it is clearly foreseeable that more acreage—

¹⁶ The 500 acres noted in the PMRP is just an estimate, and it may be refined as more information is gathered; the actual number of acres needed to achieve the SOA objectives may be more or less. The 230 acres already controlled include 156.2 acres of permanent controls and 40 acres of temporary controls authorized by Coastal Development Permit 3-12-050-A1, as well as at least 29.2 acres of permanent controls installed prior to that permit.

¹⁷ For example, PWP Figure 1-2 on Volume 1 page 1-4 shows most of the areas permanently closed under the SOA process but is missing the 4.2-acre back dune closure implemented in 2020. Figure 3-1 on Volume 1 page 3-8 depicts both the permanently closed 48-acre foredune area and 13 acres of permanent revegetation on the eastern edge of the ODSVRA as bare sand and within the “Riding Area/Day Use/Beach Camping” area. Similarly, the Southern Entrance Concept map in Volume 1 Appendix A1 does not include the dust controls recently approved by the District and planned for installation this spring.

¹⁸ Volume 1: PWP, p. ES-9.

likely on the order of 180 to 410 acres—will be required under the SOA.^{19,20} It may be that Parks' plans to address future dust control projects through *amendments* to CDP 3-12-050-A1, but that this not what the PWP actually states.

Insufficient Analysis of Dust Impacts

Another major deficiency is the DEIR's insufficient analysis of dust emissions from PWP projects. As noted previously, the long history and continued use of motor vehicles within the ODSVRA results in excess PM₁₀ emissions. Under the strong onshore wind conditions common to the area, areas of open sand emit PM₁₀. The use of motor vehicles—both street legal and off-highway vehicles—has changed the dune structure and removed vegetation from key areas like the foredunes. Scientists have attributed these structural and vegetative changes to be the reason why the emissions of a square foot of bare sand, to the north and to the south of the riding area, are only a fraction of a square foot bare sand within the riding area. Thus, the use of motor vehicles makes sandy areas more emissive than they otherwise would be, and PM₁₀ emissions are reasonably expected to increase from any area newly opened to off-road vehicular activity. This is expected whether the area is currently vegetated or not, and regardless of the number of motor vehicles allowed within the park.

Three of the PWP projects would involve converting non-riding areas to riding areas and are thus likely to permanently increase PM₁₀ emissions: the "40 Acre Riding Trail" project, the off-highway vehicle ("OHV") access trail options in the "Oso Flaco (Future) Improvement Project," and the OHV staging areas, trails, tracks, and training centers envisioned in the "Phillips 66/Southern Entrance Project". Some of the non-OHV concepts in this last project may also involve the conversion of currently vegetated areas to open sand sheets, and thus have the potential to increase PM₁₀ emissions, too. The DEIR lacks an analysis of these projects' impacts on windblown dust emissions and must be revised. While CalEEMod may not be capable of quantifying these emissions, Parks has already developed a model for assessing windblown dust emissions as part of the SOA process. This model could be used to assess the impacts of these projects on fugitive PM₁₀. Since the SOA requires

¹⁹ The PMRP estimated that about 500 acres would be needed to achieve the SOA goals; after installation of the 92 acres of new recently approved controls, there will be about 320 acres of controls on the ground, implying 180 acres are still needed. Alternatively, the modeling submitted by Parks in support of these 92 acres estimated that once installed, ODSVRA emissions would be reduced by 22% relative the agreed-upon 2013 baseline. (See Ref. 20.) As the SOA Condition 2.c target is a 50% reduction in emissions, this implies that a total of 730 acres may be needed to comply with the SOA ($50\% \div 22\% \times 320 \text{ acres} = 730 \text{ acres}$), 320 of which are already in place or planned for installation in 2021.

²⁰ "Conditional Approval of 90 Acres of Dust Controls to be Implemented by California Department of Parks and Recreation as Part of Their 2020 Annual Report and Work Plan in Response to Stipulated Order of Abatement Number 17-01," Gary Willey, November 25, 2020. Available online at https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/District_Conditional%20Approval_of_90_acres-Final.pdf.

a reduction in PM₁₀ emissions from the park, *any* increase in PM₁₀ from these PWP projects would be considered significant and would need to be fully offset.²¹

Furthermore, regardless of the outcome of the PWP process and regardless of whatever mitigations are included in the final, certified environmental impact report, Parks' obligations under the SOA will remain. Notably, this includes the SOA requirement for Parks to reduce PM₁₀ emissions by 50% relative the 2013 baseline. Therefore, any new emissions caused by PWP projects will need to be offset. The PWP and DEIR must acknowledge and plan for the need for offsetting these emissions.

Specific Comments

PWP Section ES.1.2 (“Address Regional Air Quality Issues”). This section states that “Oceano Dunes SVRA lies within the much larger Guadalupe-Nipomo dune system that stretches from southern San Luis Obispo County to northern Santa Barbara County...The region has very high Particulate Matter 10 air pollution in late spring when powerful onshore winds blow across the Guadalupe-Nipomo Dunes.”²² This statement is not accurate and should be revised. The region affected by very high PM₁₀ air pollution is not the whole Guadalupe-Nipomo Dunes system, but specifically those areas downwind of the ODSVRA and especially areas downwind of the open riding and camping area. Also, strong onshore winds and high PM₁₀ levels commonly occur in both the spring and fall.

PWP Section ES.2.8 (“Enhance Public Outreach”). This section states that “State Parks is currently conducting three separate outreach efforts, one each for the PWP, the SOA with the SLO APCD, and the HCP with the USFWS.”²³ The District is unaware of any outreach efforts conducted by Parks related to the SOA. Examples should be provided, or this statement should be removed.

PWP Section ES.2.11 (“Allow for Future Closures for Required Dust Control”). This section states that “The PWP proposes to address future dust control projects through the Oceano Dunes SVRA Dust Control Measures approved in CDP 3-12-050-A1.”²⁴ As discussed above, this is inadequate and must be revised. There are no provisions in CDP 3-12-050-A1 which authorize additional closures for future dust control measures.

PWP Section 2.3.1.13 (“Allow for Future Closures for Required Dust Control”). states that Parks is complying with the SOA. As noted already, Parks would not be in compliance with Condition 2.k of the SOA, as it has not incorporated the PMRP into the PWP public review and comment process. Furthermore, Parks could miss the April 15, 2021, deadline for completing the District-approved dust controls for 2021²⁰ unless the Commission takes action by late March. This is because installing the 92 acres of new dust controls requires a permit from the CCC which has not been granted as of this

²¹ The District views the *requirements* of the SOA as overriding the thresholds of significance in the District's CEQA *Guidelines*.

²² Volume 1: PWP, p. ES-3.

²³ Volume 1: PWP, p. ES-8.

²⁴ Volume 1: PWP, p. ES-9.

letter. Parks' permit application is not on the agenda for the March CCC meeting,²⁵ thus the earliest it could be approved is at their next meeting from April 14-16, 2021. The District acknowledges that when the PWP and DEIR were published (December 31, 2020), Parks may have reasonably believed that it was on track to meet the April 15th deadline. When Parks revises the PWP and EIR, it should carefully review any statements it makes about compliance with the SOA.

More importantly, this section states that the PWP's recommendation for addressing the CCC's Special Condition 13 is to "Address future dust control projects through Oceano Dunes SVRA Dust Control Measures approved in CDP 3-12-050-A1."²⁶ As already noted, CDP 3-12-050-A1 does not authorize any additional new dust controls, so this strategy is inadequate and must be reconsidered.

PWP Section 3 et seq. ("The Plan"). As noted above, the PWP is inconsistent with the requirements of the SOA, with the PWP's stated objective to "Manage the Park Consistent with State and Federal Resource Protection Goals and Mandates and Other Applicable Plans,"¹⁵ with the expectations set by Parks' executive staff, and presumably with the direction given by the CCC, though the latter is for the CCC to determine. The PWP must be revised to incorporate the dust controls already approved under the SOA, and it must incorporate a streamlined CCC permitting process. This could be done by acknowledging the necessity for future closures and restorations under the SOA, and then incorporating either Special Condition 13 from staff report for the CCC's July 2019 meeting¹⁰ or Special Condition 3c, recommended in the staff report for the CCC's March 18, 2021, meeting.²⁷

PWP Section 3.6.6.1 ("Management Measures for Beach Camping Use"). Footnote 8 in this section states that the interim camping limit proposed in the PWP "is not in addition to the 500 campsite reduction in Stipulated Order of Abatement #1701 from the San Luis Obispo County Air Pollution Control District."²⁸ Nothing in the SOA itself or the plans approved under the SOA required changes to the numbers of camping units within the ODSVRA. Rather, Parks administratively reduced camping from 1000 to 500 units (and prohibited camping within 100 ft of the foredune restoration area) in response to the SOA-mandated closure and revegetation of 48 acres of foredune. These changes were made by Parks on their own accord and without informing the District until after they had already been made. To be clear, the District does not object to these operational changes; to the contrary we support Parks' actions to keep the park safe, and we defer

²⁵ "Meeting Agenda, March 2021," CCC. Available online at <https://www.coastal.ca.gov/meetings/agenda/#/2021/3>.

²⁶ Volume 1: PWP, p. 2-21.

²⁷ "Agenda Item Th3: Oceano Dunes Coastal Development Permit 4-82-300 Review," CCC, prepared February 16, 2021, for the March 18, 2021, hearing. Available online at <https://documents.coastal.ca.gov/reports/2021/3/special-hearing/Th3-3-2021-report.pdf>. The text of this condition is "3. Other Operational Changes. Beginning on March 19, 2021, and continuing thereafter, authorized uses and intensities of use at the Park shall be subject to all of the following requirements: ... c. Dune Restoration. Dune restoration and protection of ESHA to address coastal resource degradation associated with overuse (e.g., for permanent dust control purposes) shall be allowed in all dune areas, including in identified use areas."

²⁸ Volume 1: PWP, p. 3-77.

to their expertise on such matters. We do, however, object to language that misconstrues the District's role in these actions. This footnote must be removed or revised to clarify that it was Parks' decision alone to reduce the camping limit. (DEIR Sections 6.1.4 and 6.3.1.1 accurately describe this issue.)

The District is also concerned by this section's characterization of the foredune restoration project as a "Temporary closure of 48 acres."²⁸ The District considers this critical revegetation project to be permanent. This description must be revised to remove this characterization.

DEIR Section 6.1.2 ("Attainment Status") and DEIR Section 6.4 ("Cumulative Effects"). Table 6-2 and the related discussion in these sections should discuss attainment of air quality standards relative to San Luis Obispo County instead of the South Central Coast Air Basin. The table should be replaced with the following: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/AttainmentStatus29January2019.pdf>. Expressing the air quality standards for gaseous pollutant in terms of $\mu\text{g}/\text{m}^3$ rather than ppbv or ppmv, is not standard and potentially confusing. The District suggests expressing the gaseous standards in terms of ppbv or ppmv throughout. (Table 6-1 also incorrectly states that the federal 8-hr ozone standard of 0.070 ppm is equivalent to $147 \mu\text{g}/\text{m}^3$.)

The last two paragraphs in Section 6.1.2 describe the ambient air quality monitoring stations in the South County Region. To provide context for how the South County Region air quality compares to the applicable ambient air quality standards, the EIR can use the summaries from the District's 2017-2019 Annual Air Quality Reports.²⁹ Relative to the state 24-hour PM_{10} standard, these reports demonstrate a reduction over time in the number of days the South County Region air quality exceeds this health based standard. The 2018 and 2019 reports describe how implementation of SOA air quality mitigation measures as of October 2020 indicate that they are improving air quality in the South County Region. As Parks continues to implement future District-approved air quality mitigation measures, South County regional air quality should continue to improve. Finally, while not a standard, the 2019 report also points out that downwind with the ODSVRA the number of hours with PM_{10} over $300 \mu\text{g}/\text{m}^3$ has decreased with the implementation of the mitigation measures. Decreasing peak PM_{10} concentrations is an important health benefit to the South County Region. The District's 2017-2019 Annual Air Quality Reports summarized air quality thusly:

2017:

In 2015, the federal 8-hour ozone standard was lowered from 75 to 70 parts ppb, which is the same level as the state 8-hour standard. The old 75 ppb standard was exceeded only once in 2017: July 9th at Carrizo Plain. Exceedances of the current federal standard occurred on 7 days countywide, with 6 days at Red Hills and 1 day each at Carrizo Plain, Atascadero, Paso Robles, and Nipomo Regional Park. The state

²⁹ These reports are available online on the District website here: <https://www.slocleanair.org/library/air-quality-reports.php>.

1-hour standard for ozone (90 ppb) was exceeded only once this year: July 9th at Carrizo Plain.

Standards for nitrogen dioxide and sulfur dioxide were not exceeded in 2017. In fact, there were only two hours in the entire year when sulfur dioxide levels exceeded 0 ppb.

In 2017, there were no exceedances of the federal 24-hour PM₁₀ standard (150 µg/m³) anywhere in the county. Exceedances of the state 24-hour PM₁₀ standard (50 µg/m³) were observed on 103 different days: 97 at CDF, 52 at Mesa2, 18 at NRP, 12 at Oso Flaco, 4 each at Paso Robles and San Luis Obispo, and 2 at Atascadero. This year, CDF, Mesa2, NRP, and Oso Flaco exceeded the state annual average PM₁₀ standard of 20 µg/m³. For PM_{2.5}, the federal 24-hour standard (35 µg/m³) and the federal and state annual average standards (both 12 µg/m³) were not exceeded anywhere in the county this year.

2018:

Exceedances of the 8-hour state and federal standard (both 70 ppb) occurred on 6 different days in 2018, with 5 days exceeding the standard at Red Hills, 3 at Carrizo Plain, and 2 at Paso Robles. The state 1-hour standard (90 ppb) was exceeded only once this year: August 7th at Carrizo Plain. The old standard (75 ppb; in effect through 2015) was exceeded only once in 2018, also August 7th at Carrizo Plain. Standards for nitrogen dioxide and sulfur dioxide were not exceeded this year.

In 2018, there were no exceedances of the federal 24-hour PM₁₀ standard (150 µg/m³) anywhere in the county. Exceedances of the California 24-hour PM₁₀ standard (50 µg/m³) were observed on 74 different days: 47 days at CDF, 39 at Mesa2, 27 at Paso Robles, 17 at NRP, 3 at Atascadero, and 2 at Oso Flaco. This year, CDF, Mesa2, Paso Robles, NRP, and Oso Flaco exceeded the state annual average PM₁₀ standard of 20 µg/m³.

2019:

In 2019, exceedances of the 8-hour state and federal standard (70 ppb) occurred on 3 days at the Red Hills monitoring station. No other stations recorded exceedances of the standard, and the state 1-hour standard (90 ppb) was not exceeded anywhere this year. Standards for nitrogen dioxide and sulfur dioxide were not exceeded this year either.

In 2019, there were no exceedances of the federal 24-hour PM₁₀ standard (150 µg/m³) anywhere in the county. Exceedances of the California 24-hour PM₁₀ standard (50 µg/m³) were observed on 54 days: 51 days at CDF, 36 at Mesa2, 14 at NRP, 7 at

Paso Robles, 6 at Oso Flaco, 4 at Atascadero, and 1 at San Luis Obispo. This year, CDF, Mesa2, and NRP exceeded the state annual average PM₁₀ standard of 20 µg/m³.

Finally, note that “Guadalupe” is also misspelled as “Guadale” in this section³⁰ and should be corrected.

DEIR Section 6.1.3.1 (“2001 Clean Air Plan”) and DEIR Section 6.4 (“Cumulative Effects”). These sections should also specify subsequent District action to identify possible PM measures in compliance with Senate Bill 656. The following is an example explanation from the environmental documents for the City of San Luis Obispo’s Bullock Ranch Residential Development Project:

In 2003, the California Legislature enacted Senate Bill (SB) 656 to reduce public exposure to particulate matter ... SB 656 required the CARB in consultation with local air pollution control districts, to develop and adopt a list of PM reduction strategies. In July 2005, SLOAPCD adopted the Particulate Matter Report (PM Report). The PM Report identifies various measures and strategies to reduce public exposure to PM emitted from a wide variety of sources, including emissions from permitted stationary sources and fugitive sources, such as construction activities.

These sections should also list examples of PM reduction measures implemented or supported by the District such as voluntary “Don’t Light Tonight” notices during cold periods with persistent inversion conditions, the prescribed burn program to reduce PM impacts during wildfires, and various dust control plans for new development or for facilities with District permits.

DEIR Section 6.1.3.2 (“Rules and Regulations”). To be consistent with other sections (e.g., 6.1.1.1), this section should also point out the need for the PWP projects to comply with District Rule 401, Visible Emissions, and Rule 403, Particulate Matter Emission Standards. This section also needs to state that the projects must comply with all local, state, and federal rules and regulations, including, but not limited to those listed in Section 6.1.3.2. This section also incorrectly refers to Rule 402 as “Rule 402, Nuisance, Visible Emissions”; the proper title for Rule 402 is simply “Nuisance.”

DEIR Section 6.2.3 (“Dust and PM Studies at Oceano Dunes SVRA”). It is not clear to the District that this section is necessary; however, if the EIR does include a list of dust and PM studies at the ODSVRA, then it should be complete and it should describe the studies accurately.³¹ As written, this section seems to downplay and omit studies which demonstrate that motor vehicle activity at the ODSVRA contributes to elevated PM₁₀ levels downwind. It is also not clear why this list should be limited only to studies completed by the District and Parks. If this section is retained, then it should be updated with the following or similar language:

³⁰ Volume 3: DEIR, p. 6-6.

³¹ Many of the studies discussed in this section were also summarized by the District in Reference 5a. We encourage the preparers of the EIR to review this document.

- South County Phase 2 Particulate Matter Study. The DEIR's overview omits this study's major findings, which are that "The primary source of high PM levels measured on the Nipomo Mesa is the open sand sheets in the dune areas of the coast. The open sand sheets subject to OHV activity on the SVRA emit significantly greater amounts of particulates than the undisturbed sand sheets at the study control sites under the same wind conditions. Vegetated dune areas do not emit wind-blown particles; the control site dunes have significantly higher vegetation coverage than is present at the SVRA."³² The study also determined that the ConocoPhillips refinery and agricultural fields are not significant sources of PM₁₀, and there is not a significant offshore source of PM₁₀. Any discussion of this study must be updated to include these conclusions.
- Evaluation of the San Luis Obispo County Air Pollution Control District report, "South County Phase 2 Particulate Study". This California Geological Survey (CGS) memo is neither a study nor is it by the District or Parks, so it does not meet the criteria for inclusion stated at the beginning of this section of the DEIR. The District also objects to how the memo is summarized—"It noted that the Phase 2 report conclusions were unsupported,"³³—as it casts as fact the memo's opinion about some of the report's conclusions. Any discussion of this memo must be revised to correct this.
- Oceano Dunes SVRA Pilot Project Study. The summary in the DEIR omits an important—albeit at the time, preliminary—finding of this study. Specifically, the study compared the emissivity of bare sand in riding and non-riding areas and concluded that riding areas were statistically significantly more emissive. Any discussion of this study must be updated to include this finding.
- Overview of Scientific Concerns Regarding Rule 1001 by the SLOAPCD. As with the CGS document mentioned previously, this memo is neither a study nor was it completed by the District or Parks, so it does not meet this section's inclusion criteria. Again, the summary improperly characterizes memo's opinions as facts (e.g., "It details why those [Phase 2 Study] findings are unsupported by data.")³³ Any discussion of this memo needs to be revised to correct this.
- 2013 Intensive Wind Erodibility Measurements at and Near the Oceano Dunes State Vehicular Recreation Area: Report of Findings. The DEIR's summary of this study glosses over the most important finding of this study, which is that the emissivity of open riding areas of the ODSVRA are systematically and statistically significantly higher than that of non-riding

³² "South County Phase 2 Particulate Study," SLOAPCD, February 2020. Available online at https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/PM2-final_report_with_appendices.pdf.

³³ Volume 3: DEIR, p. 6-11.

areas. Specifically, riding areas emit an average of 2.4 to 5.2 times as much PM₁₀ as non-riding areas, depending on wind speed. Any discussion of this study must be updated to include this finding.

- Updated Wind Erodibility Measurements at and Near the Oceano Dunes State Vehicular Recreation Area: Draft Overview of Findings. The DEIR's summary of this study omits a key finding of this study, specifically that the dataset collected "supports the idea that removing the [seasonal plover] enclosure and allowing OHV to use the area results in increased emissions by roughly a factor of 2 to 3. It is possible that this increase in emissions is caused by an unrelated (to OHV activity) parameter, but this is unlikely since comparable increases over the same time period were not observed in other areas where OHV use was relatively constant."³⁴ Any discussion of this study should be updated to include this finding.
- University of California, San Diego, Supplemental Report 2020: Preliminary Results from May 2020 Aerosol Measurement. While the DEIR's summary of this study accurately relays the author's main conclusions, any discussion of the study must also note that its preliminary findings were not supported by the Scientific Advisory Group ('SAG') whose membership was jointly selected by the APCD and Parks under the SOA.

Several relevant studies and analyses were omitted from DEIR Section 6.2.3. If this section remains in subsequent revisions, then the following additional reports must be included for the sake of completeness and accuracy:

- 2018 Annual Air Quality Report, Appendix B: 2019 Ambient Crystalline Silica Monitoring³⁵ and 2017 Annual Air Quality Report, Appendix B: Ambient Respirable Crystalline Silica Monitoring.³⁶ These studies are much more comprehensive than the Parks/CGS silica studies already mentioned in this section. These District studies found crystalline silica in most samples collected downwind of the ODSVRA during windblown dust events, but not in concentrations exceeding health-based levels of concern.
- 2019 Annual Air Quality Report, Appendix A: Assessing the Effectiveness of ODSVRA Mitigations³ and 2018 Annual Air Quality Report, Appendix A: Assessing the Effectiveness of ODSVRA Mitigations.³⁵ These District analyses found that the dust mitigation projects deployed as a result of the SOA are measurably reducing PM₁₀ concentrations downwind of

³⁴ "Updated Wind Erodibility Measurements at and Near the Oceano Dunes State Vehicular Recreation Area: Draft Overview of Findings," DRI, March 30, 2016. Available online at https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/64%20Write-up_PI-SWERL_measurements_01_2016_Update_DRAFT_7.pdf.

³⁵ "Annual Air Quality Report for 2018," SLOAPCD, November 2019. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2018aqrt-FINAL.pdf>.

³⁶ "Annual Air Quality Report for 2017," SLOAPCD, November 2018. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2017aqrt-FINAL2.pdf>.

the ODSVRA during windblown dust events. In 2021, the District will likely produce an analysis of the 2020 data. This should also be included in the final EIR if it is available.

- Report: Marine Contributions to Aerosol Particulates in a Coastal Environment,³⁷ and First Year (2019) Summary Report: Investigation of Aerosol Particulates in a Coastal Setting, South San Luis Obispo County, California.³⁸ If the EIR includes the most recent Scripps report (“Supplemental Report 2020: Preliminary Results from May 2020 Aerosol Measurement”), then it must also describe these earlier reports in the series.
- The District and SAG have produced several critiques of the various Scripps studies. If this section of the EIR includes the Scripps studies and memos critical of District studies, then it must also include these criticisms of the Scripps studies:
 - District comment letter on PMRP, dated Feb 25, 2019. Comments on pp. 9-10 critique the initial Scripps report.³⁹
 - Response to Comments on the May 1st Workshop Version of the Draft Particulate Matter Reduction Plan Required by Stipulated Order of Abatement 17-01.^{5b} See the “Marine biological aerosols are not significant contributors to PM10” section on p. 6 for a critique of the initial Scripps study.
 - Oceano Dunes SVRA Dust Control Program 2020 Annual Report and Work Plan, Attachment 7: SAG Review of Scripps Study.⁴⁰ This compiles reviews of Scripps’ “First Year (2019) Summary Report” by individual SAG members and the District.
 - San Luis Obispo County Air Pollution Control District Review of September 2020 Scripps Report.⁴¹ This is a highly critical review of the Scripps report summarized in DEIR Section 6.2.3.

³⁷ “Report: Marine Contributions to Aerosol Particulates in a Coastal Environment,” Brian Palenik and Maitreyi Nagarkar, March 6, 2018. Available online at https://ohv.parks.ca.gov/pages/25010/files/Oceano_Dunes_SVRA_Scripps_Investigation_Planktonic_Aerosolized_Partacula.pdf.

³⁸ “First Year (2019) Summary Report: Investigation of Aerosol Particulates in a Coastal Setting, South San Luis Obispo County, California,” Lynn Russell, Mati Kahru, and Brian Palenik, February 21, 2020. Available online at <https://ohv.parks.ca.gov/pages/25010/files/PismoReport20200220.pdf>.

³⁹ “Subject: California Department of Parks and Recreation’s February 1, 2017, Oceano Dunes SVRA Concept Draft Particulate Matter Reduction Plan in Response to Stipulated Order of Abatement Number 17-01,” Letter from Gary Willey to Dan Canfield, February 25, 2019. Available online <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Feb%2025%202019%20APCD%20Response%20to%20SP-Feb%201%202019%20PMRP%20%28Signed%29%20%281%29.pdf>.

⁴⁰ “Oceano Dunes SVRA Dust Control Program 2020 Annual Report and Work Plan, Attachment 7: SAG Review of Scripps Study,” Parks, August 2020. Available online at: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2020%20Draft%20ARWP%208-1-2020%20w%20exhibits.pdf>.

⁴¹ “San Luis Obispo County Air Pollution Control District Review of September 2020 Scripps Report,” SLO APCD, October 30, 2020. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/APCD%20Review%20of%20September%202020%20Scripps%20Report.pdf>.

- Scientific Advisory Group (SAG) Review of September 2020 Scripps Supplementary Report on Particulate Matter (PM) Sources at Oceano Dunes State Vehicular Recreation Area (ODSVRA).⁴² This memo is similarly critical of the Scripps report summarized in the DEIR.
- Wind and PM10 Relations Between May/June 2019 and May/June 2020.⁴³ This DRI analysis was produced at the request of Parks. Using the metric of wind power density, it states that “the analyses presented here indicates that in May and June 2020, the total PM₁₀ was between 27%-31% less than the two previous years with similar total [wind power density] (2014 and 2017), indicating that the dust emission system has been altered since those years.” The analysis could not determine whether this reduction in PM₁₀ levels downwind of the ODSVRA was due to the dust control established in recent years or the temporary ban on motor vehicles in place at the time.
- In 2020, DRI completed a series of emissivity measurements in the riding area of the ODSVRA. The measurements were repeated several times over the course of COVID-19 pandemic-related closure of the ODSVRA to motor vehicles. A written report is not yet available, but preliminary results disclosed to Parks, the District, and SAG indicate that the emissivity of open sand sheets decreased rapidly upon the cessation of motor vehicle activity. DRI is reportedly preparing a written report which must be included in this section of the EIR when it is available.
- Fine dust emissions from active sands at coastal Oceano Dunes, California (Huang *et al.*, 2019).⁴⁴ Finding from this academic study that relevant to the PM₁₀ dust issue include, “Laboratory analyses of sand samples suggest that these emissions are produced by aeolian abrasion of feldspars and removal of clay-mineral coatings on sand grain surfaces. We further find that this emitted dust is substantially finer than dust emitted from non-sandy soils, which could enhance its downwind impacts on human health, the hydrological cycle, and climate.”
- Can active sands generate dust particles by wind-induced processes? (Swet *et al.*, 2019)⁴⁵ and Low Dust Generation Potential From Active Sand Grains by Wind Abrasion (Swet *et al.*, 2020).⁴⁶ These academic studies found that the dust derived from saltation at the ODSVRA is

⁴² “Scientific Advisory Group (SAG) Review of September 2020 Scripps Supplementary Report on Particulate Matter (PM) Sources at Oceano Dunes State Vehicular Recreation Area (ODSVRA),” SAG, November 2, 2020.

⁴³ “Wind and PM10 Relations Between May/June 2019 and May/June 2020,” DRI, undated.

⁴⁴ Yue Huang, *et al.*: “Fine dust emissions from active sands at coastal Oceano Dunes, California,” *Atmos. Chem. Phys.*, 19, 2947–2964, 2019. Available online at <https://doi.org/10.5194/acp-19-2947-2019>.

⁴⁵ Nitzan Swet, *et al.*: “Can active sands generate dust particles by wind-induced processes?,” *Earth Planet. Sci. Lett.*, 506, 371–380, 2019. Available online at <https://doi.org/10.1016/j.epsl.2018.11.013>.

⁴⁶ Nitzan Swet, *et al.*: “Low Dust Generation Potential From Active Sand Grains by Wind Abrasion,” *J. Geophys. Res. Earth Surf.*, 125, e2020JF005545, 2020. Available online at <https://doi.org/10.1029/2020JF005545>.

dominated by mineral coatings released/resuspended from the bulk sand and that no dust is generated by the fracturing of larger particles (>63 µm) of silica and feldspar. This conclusion is based on the lack of PM₁₀ emissions from “cleaned” sand samples subjected to wind shear above the saltation threshold in a wind tunnel. In contrast, raw, uncleaned sand does emit PM₁₀, though emissions trail off over time as saltation continues. This is in contrast to samples from elsewhere, where “clean” samples are still emissive. The emitted dust is about equal parts coarser quartz (30-40 µm), feldspar (<20 µm), and clay (<20 µm), with possibly some carbonates. Swet (2020) found cleaned ODSVA sand to be essentially non-emissive.

DEIR Section 6.2.5 (“Naturally Occurring Asbestos”). Rename this section “Naturally Occurring Asbestos and Abatement of Asbestos-Containing Material.” Include the following additional information:

If Asbestos-Containing Material (ACM) materials will be part of demolition activities under the PWP projects, then the projects may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40 CFR 61, Subpart M - Asbestos NESHAP).

NESHAP requirements include but are not limited to:

- 1) Written notification to the APCD, within at least 10 business days of activities commencing.*
- 2) Asbestos survey report conducted by a Certified Asbestos Consultant.*
- 3) Written work plan addressing asbestos handling procedures in order to prevent visible emissions.*

See <http://www.slocleanair.org/rules-regulations/asbestos.php> for further information.

DEIR Section 6.3 (“Project Impacts”). This section does not evaluate the air quality impacts of implementing dust controls related to implementation of the SOA and PMRP. Presumably, this is because the dust control projects were not incorporated into the PWP, but also because, as stated in this section, “existing park operations are part of the environmental setting, including visitor use, visitor services, park operations and maintenance, and natural resource management. This EIR does not analyze specific impact of ongoing Park management. Where applicable, State Parks has completed CEQA compliance for ongoing operations, resource management activities, and for existing development within the Park. The PWP builds upon a foundation of park planning documents that required CEQA analysis, including but are not limited to the 2020 draft HCP and 2020 [sic] draft Particulate Matter Reduction Plan.”⁴⁷

⁴⁷ Volume 3, DEIR: p. 6-15.

This characterization of the CEQA status of the ODSVRA dust control projects does not appear to be accurate. The PMRP dust control plan was approved by the District on June 10, 2019,⁴⁸ and a few days later Parks published a Notice of Preparation (“NOP”) of a Subsequent EIR to cover the PMRP activities.⁴⁹ The scope of work noted in the NOP and disclosed in a public meeting on July 2, 2019, was inadequate to implement the PMRP, and the District notified Parks of this in a comment letter. CEQA review does not appear to have progressed beyond the NOP: a subsequent EIR was never certified, and there is no record of a draft ever being circulated for public comment. DEIR Section 6.1.4 even states that “PMRP implementation, including foredune development, is subject to the findings of **ongoing** CEQA review [emphasis added]”.⁵⁰ Thus, the statement that “State Parks has completed CEQA compliance” for the PMRP is not accurate and should be revised.

DEIR Section 6.3.1.1 (“Impacts from PWP Implementation”). As previously noted, the dust controls implemented under the SOA and PMRP should have been included in the PWP, and thus their impacts should have been evaluated here. This omission means the likely beneficial impacts of these projects are not recognized.

As currently addressed, the District does not agree with the assertion that “the proposed PWP would not conflict with or inhibit the ongoing actions unrelated to the proposed project to reduce PM; as explained above, programs and plans are in place and reviewed regularly in coordination with SLOAPCD to control and minimize indirect emissions of fugitive dust generated at Pismo State Beach and Ocean Dunes SVRA, and implementation of the PWP would be in alignment with those actions. Implementation of the park management programs and plans under the proposed PWP will not generate a net increase of criteria air pollutants above existing conditions.”⁵¹ As previously noted, the draft PWP does not comply with Condition 2.k of the SOA. Furthermore, as detailed below, fugitive dust emissions from the operational phase of certain PWP projects have not been evaluated. These PM₁₀ emissions could constitute an increase over existing conditions and could impede attainment of the SOA air quality goals.

Regarding the discussion of vehicle limits in the section, note that permitted use limits and actual use levels are distinct. While the PWP proposes to decrease these limits, at least on an interim basis, the impact of the PWP on *actual* use levels has not been evaluated. As noted elsewhere in the PWP, actual use of the park is typically far below the permit limits, so the proposed reduction will likely only affect park use during peak times—holidays and summer weekends. At the same time, many PWP projects are intended to enhance visitor experience, presumably increasing the popularity of

⁴⁸ “Subject: Approval of the June 10, 2019 Draft Particulate Reduction Plan,” Letter from Gary Willey to Dan Canfield, June 10, 2019. Available online at <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/APCO%20Letter%20of%20Approval%20of%20June%2010%2C%202019%20PMRP.pdf>.

⁴⁹ “Notice of Preparation of a Subsequent EIR And Public Scoping Meeting,” Parks, June 17, 2019. SCH Number 2012121008. Available online at <https://ceqanet.opr.ca.gov/2012121008/5>.

⁵⁰ Volume 3: DEIR, p. 6-9.

⁵¹ Volume 3: DEIR, p. 6-16.

the park. Thus, attendance during peak times may decrease and attendance during off peaks may increase; the net change in the intensity of use could be positive or negative. The DEIR should acknowledge this. It should also acknowledge that with regard to the generation of fugitive windblown PM₁₀, the total area disturbed by motor vehicle activity is more important than the number of motor vehicles using the park.

In summary, the District does not agree that the DEIR has demonstrated that PWP implementation would have no impact on emissions of criteria pollutants, especially PM₁₀.

DEIR Section 6.1.1.1 (“Impacts from PWP Development Projects and Small Development Projects”). This numbering of this section appears to be incorrect. It should be numbered “Section 6.3.1.2”

As already noted, dust control projects should be addressed in the PWP and thus also evaluated here. This section is also deficient due to the omission of an analysis of the fugitive dust emissions from the operational phase of certain projects. Specifically, three projects would involve converting non-riding areas to riding areas and are thus likely to permanently increase PM₁₀ emissions: the “40 Acre Riding Trail” project, the OHV access trail options in the “Oso Flaco (Future) Improvement Project,” and the OHV staging areas, trails, tracks, and training centers envisioned in the “Phillips 66/Southern Entrance Project”. Some of the non-OHV concepts in this last project may also involve the conversion of currently vegetated areas to open sand sheets, and thus have the potential to increase PM₁₀ emissions, too. The DEIR lacks any analysis of the impact of these projects on windblown dust emissions from the ODSVRA. It must be revised to analyze these PM₁₀ emissions and to include mitigation of any significant impacts.

Additionally, the District does not agree that for the Phillips 66/Southern Entrance Project “there is not enough information available at the time of this analysis regarding anticipated construction requirements and future operations to support a detailed analysis.” Though described as “conceptual,” there appears to be enough detail in the project description to allow for an initial analysis now, which could be refined later, if and when, more concrete details emerge. The District recommends including an analysis of this project in the EIR.

Regarding the other criteria and toxic air quality impacts that *are* evaluated in this section, the District generally agrees with the analysis, but there are areas where it could be improved:

- a. “Impact 6-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan.”

In general, the Impact 6-1 discussion lists PWP projects and provides a brief qualitative assessment of the PWP’s consistency with the Clean Air Plan. The APCD generally agrees with the conclusions in this discussion, however this section may need to be refined based on our comments below about the “Phillips 66/Southern Entrance Project.”

- b. “Impact 6-2: Cumulatively Considerable Net Increase of Criteria Air Pollutants.”

APCD Staff reviewed the construction and operational phase impact analysis for the PWP projects that were evaluated in Appendix B. Appendix B also included the modeling assumptions and considered air quality impacts when construction projects had phase overlaps. The impact evaluations, conclusions, and proposed mitigation measures appear to be appropriate with one exception; the “Phillips 66/Southern Entrance Project” was not evaluated in Appendix B.

Relative to the “Phillips 66/Southern Entrance Project”, the “DEIR Volume 1, Chapter 3.0 The Plan, Section 3.3.14 A8. Phillips 66/Southern Entrance Project (Conceptual)” states in part:

This project concept assumes the acquisition, lease or easement of the potential project site properties to State Parks following full remediation. Although the Phillips 66 Company has publicly announced its intended closure of the Santa Maria Refinery property in 2023, any improvements related to park use would only occur once remediation is complete, and the ownership or use of the property acquired by State Parks. Therefore, this project is currently in a conceptual stage.

And:

This proposed project consists of conceptual designs for nearly 2,000 acres of new parkland and focuses on three types of land uses: day-use, park operations, and camping. It provides for extensive new facilities, including those for motorized and non-motorized recreation, environmental education, special events, concessions, a variety of overnight accommodation types, staff housing, and park maintenance and operations.

The “Phillips 66/Southern Entrance Project” is conceptual and its relatively large scale could make its new air quality impacts significant. These two points set the “Phillips 66/Southern Entrance Project” apart from the other projects in the “Proposed Development Projects” and the “Small Development Projects” covered by the DEIR. These other projects are relatively small in scale and are mostly well scoped except for the “Oso Flaco Initial and Future Improvement Project” and the “Park Corporation Yard Improvement Project”. The latter two projects were also identified as conceptual in DEIR Volume 3, Chapter 1.0 Introduction, Section 1.3. Regardless, these two conceptual projects were evaluated in the air quality modeling in Appendix B of the DEIR.

By contrast, the impact from the “Phillips 66/Southern Entrance Project” was not included in the DEIR’s air quality analysis. There seems to be enough detail throughout the DEIR about this conceptual project that a preliminary air quality assessment could be accomplished and would be consistent with CEQA Guidelines Section 15004(b)(1). The transportation impacts of the conceptual project should be integrated into the analysis, including potential changes to traffic flow. An air quality assessment for a refined “Phillips 66/Southern Entrance Project” can be accomplished in a separate EIR at a future date.

c. "Impact 6-3: Expose Sensitive Receptors to Substantial Pollution Concentrations."

Some PWP projects would be within 1000 feet of sensitive receptors and therefore, APCD recommends adding the following mitigation measure:

Limits of Idling during Construction Phase

State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf and arb.ca.gov/regact/2007/ordiesl07/froool.pdf.

In addition, because this project is within 1,000 feet of sensitive receptors, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

- *Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;*
- *Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;*
- *Use of alternative fueled equipment is recommended; and*
- *Signs that specify no idling areas must be posted and enforced at the site.*

DEIR Section 23.2 ("Alternatives Considered"). While eliminating OHV use was considered as an alternative, the District recommends that an alternative which eliminates all use of motor vehicles—both OHVs and street legal vehicles—also be considered. Both classes of vehicles have the potential to destroy vegetation and alter dune surfaces, leading to enhanced PM₁₀ emissions from the ODSVRA. The District is not aware of any evidence suggesting that OHV use contributes significantly more or less to dust issue than the use of street legal vehicles on the dunes. This alternative would likely have net environmental benefits related to improved air quality and would facilitate attainment of the PWP objectives to "Obtain and manage for Coastal Act Compliance within the Oceano Dunes District" and to "Manage the Park consistent with state and federal resource protection goals and mandate and other applicable plans."

DEIR Section 23.2.2 et seq. ("Alternative 2: No OHV Use Alternative"). The DEIR dismisses this option by arguing that it is inconsistent with the statutes that govern the administration of state vehicular recreation areas (SVRA). For the reasons discussed below, the District disagrees with this assessment and suggests Parks reconsider such arguments.

The District has reviewed the various sections of the California Public Resources Code ("PRC") cited by Parks (PRC §§ 5008, 5019.50, 5090.02(b), 5090.14.1, 5090.24, and 5090.35(a)) and could not find

any language that would prohibit Parks from shrinking or eliminating the area where OHVs are permitted. We could not identify anything in state law requiring OHV access at SVRAs to be maintained in perpetuity. We have not found any legal grounds limiting Parks' authority to reduce the riding area. In short, while the DEIR suggests that this alternative would violate state law, we do not support this assertion.

At the request of the CCC, the Chief Councils for Parks and the CCC jointly produced a legal memo reviewing this very issue.⁵² The memo, which was signed by both councils, failed to identify any statutes that would preclude shrinking or eliminating motor vehicle access to the ODSVRA. The DEIR should acknowledge and reference this memo.

Finally, the recent decision in Sacramento Superior Court Case No. 34-2016-80002496, *County of Alameda v. California Department of Parks and Recreation, et al.*, should be noted. This case involved Parks' certification of a Final EIR for the expansion of Carnegie SVRA. Similar to the arguments made in the DEIR for the PWP, the EIR for the Carnegie expansion dismissed a no-OHV-use alternative as being inconsistent with both the overall objective of the project and with specific provisions of the PRC. The Court rejected Parks' arguments, sided with the plaintiffs, and invalidated the entire EIR.

Summary

The District appreciates the opportunity to provide these comments on the PWP and DEIR. Please contact Karl Tupper, Senior Air Quality Scientist for the District at ktupper@co.slo.ca.us or (805) 781-5912 with any questions.

⁵² "Agenda Item Th9a-7-2020: Legal Memo," Lara Lynch and Louise Warren, Jul 7 8, 2020. Available online at [https://documents.coastal.ca.gov/reports/2020/7/Th9a/Th9a-7-2020-legal memo.pdf](https://documents.coastal.ca.gov/reports/2020/7/Th9a/Th9a-7-2020-legal%20memo.pdf).