SLO COUNTY apcd | Air Pollution Control District San Luis Obispo County

Via Email

May 28, 2020

Ronnie Glick
California Department of Parks & Recreation
Oceano Dunes District
340 James Way, Suite 270
Pismo Beach, CA 93449
ronnie.glick@parks.ca.gov

SUBJECT: Draft Environmental Impact Report (EIR) for the Oceano Dunes District Habitat Conservation Plan (HCP) (State Clearinghouse No. 2018011012)

Dear Mr. Glick,

Thank you for the opportunity to comment on the draft EIR for the HCP and for extending the deadline for submitting comments from April 24 to June 1, 2020. The San Luis Obispo Air Pollution Control District (District) has reviewed the draft EIR which proposes certain activities within the Oceano Dunes State Vehicular Recreation Area (ODSVRA). We offer the following comments, which pertain to elements of the draft EIR with potential impacts on air quality.

General Comments

Overall, the District is pleased to see that the California Department of Parks and Recreation Oceano Dunes District (Parks) has recognized the potential air quality impacts associated with mechanical trash removal (Covered Activity CA-21) and allowing off-highway vehicle (OHV) activity in areas and during times where it is not currently allowed (CA-50). Stipulated Order for Abatement 17-01 (SOA) between the District and Parks requires Parks to reduce PM_{10} emissions by 50%, and regardless of the outcome of the HCP process, this requirement still applies. Therefore, *any* increase in PM_{10} emissions caused by these new activities will need to be offset. New emissions could be offset by returning the affected area to its original condition or by controlling an equivalent amount of emissions from another part of the park.

The District supports the general concept of conducting emissivity monitoring in the areas affected by activities CA-21 and CA-50 and offsetting any additional emissions revealed by the monitoring. Unfortunately, the specific thresholds in the draft EIR for determining when to initiate offsets are too high, and the menu of measures for offsetting emissions is

too narrow; as such the District cannot support the new activities with the current form of the proposed mitigation measures.

Specific Comments

Mechanical Trash Removal (CA-21): Necessity and Alternatives

Parks proposes to use a tractor-towed rake to groom the beach surface and remove trash left by visitors. Draft EIR section 5.3.2.2 states that "[t]he primary goal of this activity is to improve the safety of visitors and wildlife by removing litter and debris." CA-21 does not appear to be motivated by any regulatory requirements or by complaints, nor it is not being undertaken to enhance critical habitat or as a mitigation for another activity. This appears to be purely discretionary. It is not explained why, after operating for decades without mechanical trash removal, Parks seeks to begin this activity now.

CA-21 will disturb the beach surface and make it more emissive; the only question is how much more. Section 5.3.2.2 of the draft EIR discusses a study on mechanical beach combing and states:

> *"Although the paper ultimately concluded that beach grooming at San Buenaventura State Beach increased the rate of aeolian sand transport by 10 to 1,000 times compared to ungroomed portions of the beach, the conditions under which these conclusions were drawn differ from those at Oceano Dunes SVRA because the portion of ungroomed beach used in the study had been ungroomed since 1999, approximately 13 to 14 years before the study was conducted, was already partially vegetated, and had wrack (kelp and organic debris washed onto the beach) cover approximately five times greater than the groomed portion of beach used in the study."*

The draft EIR notes that in contrast to the study beach, the ODSVRA is already disturbed by OHV activity and camping. The District agrees that the incremental increase in emissions caused by mechanical beach grooming at the ODSVRA is likely to be less than that observed at San Buenaventura State Beach; nonetheless, it will increase emissions from a facility that is already under an order to reduce emissions and make it more difficult to achieve the goals of that order, namely the SOA cited above.

A beach without trash is a laudable goal, and trash removal will obviously be a benefit to aesthetics, recreation, and possibly wildlife. On the other hand, the proposed method—a tractor-towed rake—will increase dust emissions; the **District, therefore, cannot support CA-21 in its current form**.

Chapter 9 of the draft EIR, "Alternatives," does not evaluate simply dropping CA-21 from the list of proposed activities. While dropping CA-21 is included in "Alternative 1: No Project Alternative," this alternative was rejected based on considerations that do not apply to CA-21. **Parks should evaluate an additional alternative scenario which drops CA-21 but retains the other proposed activities.**

Furthermore, Parks does not consider alternatives to CA-21 which could reduce litter and debris without increasing dust emissions. **Parks should explicitly consider operational and administrative alternatives** including:

- Additional trash collection sites
- Increased enforcement of anti-littering laws

- Increased penalties for littering
- Additional signage and/or public outreach regarding litter
- Manual trash removal

Mechanical Trash Removal (CA-21): Mitigation Measures AIR-1A and AIR-1D
The District does not support CA-21; however, if Parks proceeds with mechanical trash removal, then the **District supports the proposed mitigation measures *with the following modifications*** (additions are shown in **bold,** deletions are ~~struck through~~):

- Mitigation Measure AIR-1A Section 5.c: *"If the average value in an area ~~south of Post 4~~ that has undergone mechanical trash removal shows any measurable increase in emission potential…"* The area subject to emissivity monitoring and potential cessation of activity should not be limited to the area south of Post 4. Emissivity could be increased in any area subject to CA-21, and therefore all areas where this activity occurs should be monitored and any increase in emissivity should trigger cessation of mechanical trash removal.

- Mitigation Measure AIR-1D Section 1: *"If mechanical trash removal has increased emissivity in an area ~~south of Post 4 (or other area determined by the SAG),~~ the OHMVR Division shall, in consultation with the SAG identify and implement measures that offset the increased emission concentrations."* This change conforms this section to the change made to AIR-1A noted directly above.

- Mitigation Measure AIR-1D Section 1b: *"Controlling dust from another portion of the HCP area that is equivalent to the measured increase in emissivity from the raked area~~.; however, in no case shall the control measure cause a loss of camping and motorized recreation acreage.~~"* Limits should not be placed on where control measures should be placed; Parks should preserve flexibility whenever possible.

Reduction of the Boneyard Exclosure and 6 Exclosure (CA-50): Alternatives
With this activity, Parks proposes to reduce the size of the seasonal snowy plover exclosure by moving its northern boundary from Post 5 to Post 6. This change would be phased in gradually, and only if it does not impact special status species, taking at least 8 years to transition to the new boundaries. The draft EIR considered but rejected alternatives in which the northern boundary does not change. One reason stated in the draft EIR for rejection is to conform with a 2005 Consent Decree between Parks and the Santa Lucia Chapter of the Sierra Club. While reducing the extent of the exclosure is *consistent* with the terms of the Consent Decree, we did not find language that *requires* it, and therefore **Parks should reconsider using the Consent Decree as a justification for rejecting project alternatives**.

Reduction of the Boneyard Exclosure and 6 Exclosure (CA-50): Mitigation Measures AIR-1A, AIR-1B, and AIR-1C
Reductions in the extent of currently closed areas must not lead to a net increase in dust emissions. Regardless of the outcome of the HCP process and the associated EIR, the SOA between the District and Parks still applies, and it still requires cutting PM_{10} emissions by 50%. Thus, any increase in emissions

needs to be offset regardless of what mitigation measures are included in the final, approved EIR. On the other hand, the term of SOA is shorter than that of the HCP, so it is important that the EIR adequately protects air quality into the future.

Mitigation Measure AIR-1A proposes quarterly emissivity monitoring in newly opened areas in collaboration with the Scientific Advisory Group (SAG) established pursuant to the SOA. If emissivity increases beyond certain thresholds, then further reductions of exclosures would be halted and measures to offset the increases would be triggered. Specifically, AIR-1A Sections 5a and 5b propose waiting until emissivity has increased at least 3-fold for at least 3 consecutive quarters before implementing mitigations—this is inconsistent with the SOA and does not sufficiently protect air quality. For this reason, **the action thresholds in AIR-1A 5a and 5b must be changed to mirror what is currently in 5c, namely "any measurable increase in emission potential (compared to baseline conditions)".**

Mitigation Measures AIR-1B proposes that if triggered by the monitoring program of AIR-1A, Parks "shall, in consultation with the SAG, determine measures that offset increased emission concentrations." This statement conflates emissions with concentrations, and it does not actually say that Parks shall implement these measures. Furthermore, the list of measures included in AIR-1B is unnecessarily narrow. Specifically, the limits placed on the acreage for dust controls are not justified, since it is uncertain whether the measures that AIR-1B does allow would be enough to offset increased emissions from HCP activities. Parks should preserve the flexibility to implement dust controls anywhere within the HCP area and to the extent necessary. With these limits removed, Parks would still be free to prioritize non-camping and non-OHV areas for dust controls; simply allowing mitigations of any size in these areas does not mean they must occur there. To address these deficiencies, **Part 1 of AIR-1B could be changed as follows**:

> *1) If, through modeling or other statistical analysis, it is determined that the increased emissions from the 6 Exclosure have caused or substantially contributed to a violation of state and/or federal air quality standards, the OHMVR Division shall, in consultation with the SAG* ***or the California Air Resources Board****, determine* ***and implement*** *measures that offset* ***the*** *increased emission****s.*** ~~*concentrations.*~~ *These measures may include, but are not limited to:*
>
> *a) Returning the exclosure to existing conditions,*
>
> *b) Administering a surface treatment on the area of the exclosure that has been reduced, or*
>
> *c) Controlling dust from another portion of the HCP area that is equivalent to the measured increase* ***in emissions*** *from the exclosure area that caused the violation.* ~~*In no case shall the control measure acreage cause a loss of camping and motorized recreation that exceeds the acreage gained by reducing the 6 Exclosure.*~~

Mitigation Measure AIR-1C has analogous deficiencies. It only requires Parks to determine mitigations and does not actually require that they be implemented. Furthermore, as with AIR-1B, it unnecessarily proscribes where mitigations may be implemented. Section 1 should therefore be modified as follows:

1) If, through modeling or other statistical analysis, it is determined that the increased emissions from the East Boneyard have caused or substantially contributed to a violation of state and/or federal air quality standards (i.e., independent of larger meteorological phenomena), the OHMVR Division shall, in consultation with the SAG, determine ***and implement measures that offset the increased emissions.*** ~~*another portion of the HCP area outside of the open riding area to control dust. The area controlled shall be equivalent to the measured amount of PM increased from the exclosure area that caused the violation; however, in no case shall the control measure acreage cause a loss of camping and motorized recreation that exceeds the acreage gained by reducing the Boneyard Exclosure*~~. ***These measures may include, but are not limited to:***

a) Returning the exclosure to existing conditions,

b) Administering a surface treatment on the area of the exclosure that has been reduced, or

c) Controlling dust from another portion of the HCP area that is equivalent to the measured increase from the exclosure area that caused the violation.

Again, thank you for the opportunity to comment on the draft EIR for the HCP. If you have any questions regarding these comments, feel free to contact me at (805) 781-4656 or via email at ktupper@co.slo.ca.us.

Sincerely,



KARL TUPPER
Senior Air Quality Scientist – Engineering & Compliance Division