



DEPARTMENT OF PARKS AND RECREATION  
Off-Highway Motor Vehicle Recreation Division  
PO Box 942896  
Sacramento, California 94296-0001

Armando Quintero, *Director*

September 13, 2022

Mr. Gary Willey  
Air Pollution Control Officer  
San Luis Obispo County Air Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401

RE: Revised 2022 Annual Report and Workplan

Dear Mr. Willey:

To comply with the current Stipulated Order of Abatement (SOA) 50% mass emissions reduction target, the California Department of Parks and Recreation (State Parks) Off-Highway Motor Vehicle Recreation Division (OHMVR Division) has revised the initial draft 2022 Annual Report and Work Plan (ARWP). As we stated in our cover letter to our initial plan, State Parks intends to apply to amend the SOA to the Scientific Advisory Group's (SAG) supported 40.7% target. This amendment application will also address the background particulate matter concentrations at the CDF and Mesa 2 monitoring stations.

In the spirit of our collaboration and original 2019 particulate mitigation plans and objectives, the SOA allows for adaptive management and refinement of the original "back of the envelope" target. We stress that a decision to use the 50% target when substantial evidence demonstrates the 40.7% target is the most appropriate standard, undermines the process outlined in the SOA and the progress our organizations have made in proactively addressing particulate matter on the Nipomo Mesa.

In the response letter dated August 23, 2022, the San Luis Obispo Air Pollution Control District (APCD) inferred substantial changes and new positions related to dust emission standards and modeling. These new positions would require substantial additional field work and analysis to meet the deadline of submittal and would sacrifice years of work and best available science. Furthermore, some of those substantial changes and new positions would need to be reviewed and vetted by the SAG and would require further additional field work and analysis. The Revised 2022 ARWP attempts to address the suggestions from the APCD while using the best available science as supported by the SAG and prior years' ARWPs.

The most substantial change in this revised ARWP is the inclusion of a scenario to meet the 50% mass reduction outlined in SOA Section 2.c. The original ARWP included State Parks' preferred plan to achieve the 40.7% mass reduction based on the substantial work that the SAG conducted to identify a scientifically supported background dust level for the Oceano Dunes State Vehicular Recreation Area (ODSVRA). The background and scientific justification for this alternative mass reduction target is outlined in the SAG's February 2022 memo entitled "Scientific Basis for Possible Revision of the Stipulated Order of Abatement." However, in recognition of the current SOA, State Parks is submitting a work plan to reach the 50% target that is based on the best available information regarding current conditions in the park. These assumptions have been reviewed and conditionally supported by the SAG.

The other notable changes being made in consultation with the SAG in this revised 2022 ARWP include:

- Revisions to address comments contained in the SAG's August 15, 2022, memorandum "SAG Review of CDPR "Draft 2022 Annual Report and Work Plan".
- Analysis of PI-SWERL emissions measurements from 2013-2022 to better inform how emissions measured on the dunes have changed over time and why 2019 emissions are lower than 2013 baseline conditions.
- Additional justification to use the 2019 emissions grid to measure progress to meet the mass reduction standards.
- A table showing the incremental effect of each specific model change in the Revised Desert Research Institution (DRI) model on modeled PM10 emissions.
- A commitment to study the assumptions used in the updated model to verify emissions estimates for the plover enclosure, foredune, and shoreline and alleyways associated with foredune.
- An agreement to consider installing additional projects as necessary to meet modeled dust reduction targets based on results from fall 2022 field work.

There are items from your August 23, 2022, letter that we have not incorporated into the revised 2022 ARWP:

1. The revised ARWP will continue to present results for the current and revised DRI models as described in the Draft ARWP. We have provided additional justification to use the 2019 emissions grid when accounting for the dust reductions that have occurred as part of this SOA. This additional analysis shows that the 2019 emissions grid is consistent with the mean emissions across this timeframe. It also shows that the 2013 emissions grid is an outlier, showing far greater emissions than the ensuing 10 years' worth of data. State Parks fully supports the model revisions supported by the SAG, including their methods to account for emissions reductions from various projects and changes in the landscape.
2. There was not enough time to perform the requested estimate of emissions reductions based on modeling which uses the 2019 PI-SWERL emissions grid for both the baseline and the mitigation scenarios (Comment Letter, Page 7). State Parks will work with the SAG to determine if this model run is appropriate and timely and may pursue this work in the future. We further note that the SOA specifically establishes the 2013 period as the baseline condition so this may require an amendment to the SOA if the intent is to use this information for SOA compliance purposes.

Further we would like to clarify our understanding of the SOA requirements in response to some of the statements in the attachment to your August 23, 2022 letter.

1. On page 3 of your comment letter you indicate that the "Section 2.c mass emissions reduction target is not the sole objective of the SOA. In fact, it is an ancillary goal, with the main goal expressed in Section 2.b: 'to achieve state and federal ambient PM10 air quality standards'." The SOA and Amended SOA recognize the 50% mass reduction target as an initial goal that is subject to review and revision based on the work of the SAG. The SAG spent the better part of the last two years working in a scientifically sound method to determine background emissions based on 1939 and 1966 pre-disturbance scenarios. For the past three ARWPs, and this current 2022 ARWP, State Parks has installed dust control projects in the most emissive areas to meet this mass reduction target. State Parks reaffirms our support for the mass reduction target as a key provision of the SOA and disagrees with the assessment that this goal is "ancillary" or "moot."
2. On page 5 of your comment letter, you reference a joint statement to the Hearing Board in June 2022, "The District, SAG, and State Parks all recognize and have acknowledged that sand dunes are a natural feature of this area, and that even without the long history of vehicular disturbance, the area would be naturally dusty and would likely still see exceedances of the PM10 air quality standards."

The SAG notes that the Guadalupe-Nipomo Dunes are naturally dusty and that “elimination of all California PM10 air quality exceedances would likely require a reduction in PM10 emissions far below what existed in the 1939 pre-disturbance scenario and would present a formidable engineering and management challenge.”

State Parks supports the SAG’s work in assessing an appropriate mass emissions target and reaffirms our commitment to meeting this pre-disturbance scenario. Further, we are committed to working with the APCD, SAG, and California Air Resources Board (CARB) in bringing this area into attainment of the state PM10 standard while following existing paths to address dust that occurs from naturally occurring phenomena.

Following this approach, the model outputs continue to be reported as an average across the 10 baseline days from 2013.

3. On page 4 of your comment letter, you introduce a new management objective that runs contrary to the management objective that the SAG established in determining an appropriate background level of dust from ODSVRA. State Parks has worked with the SAG for more than two years to develop a scientifically sound approach to assessing the baseline conditions that serve as a benchmark for compliance with the SOA. To that end, the SAG worked internally and with DRI to assess emissions and concentrations from a pre-disturbance scenario based on the vegetation present in 1939, before off-highway vehicles had a significant impact on the landscape. APCD staff were involved in multiple meetings and discussions with the SAG where their approach was developed.

In the comment letter and attachment, the APCD suggests a vague new standard of “Reducing emissions of PM10 from the ODSVRA to a level consistent with what dust emissions would *likely* be today if the area had never been disturbed by vehicles. [emphasis added]”. This standard is speculative since there is no scientifically based method to determine what a landscape would have been in the absence of human use. State Parks fully supports the work of the SAG to determine baseline emissions and concentrations using the best available science and based on peer-reviewed scientific work assessing emissions and vegetation in this landscape.

4. Rule 1001 is not specifically referenced in the SOA, as amended. During discussions on updating language for the SOA, State Parks and APCD have discussed including references to Rule 1001, but the SOA as amended does not specifically refer to Rule 1001. It is not appropriate to include references to Rule 1001 in this comment letter until such time as the SOA is modified to specifically include this rule.

In conclusion, over the past several years, State Parks has worked closely with the SAG and APCD to examine the initial mass reduction target set by the SOA in condition 2.c. This effort represents a strong collaborative approach to assess the initial mass reduction target with scientifically informed refinements and improved understanding and modeling of historical information to establish background emissions of PM10 from ODSVRA.

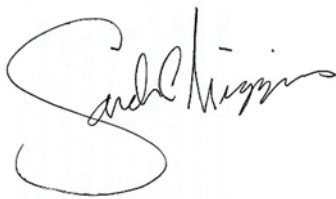
This revised AWRP outlines and analyzes over **700** acres of dust control projects that are currently in place within ODSVRA, including the permanent closure of the approximately 300-acre western snowy plover and California least tern nesting area. The revised workplan also includes a primary project to meet the SAG supported 40.7% mass reduction and secondary project to meet the current SOA target of a 50% mass reduction.

The revised work plan includes commitments to continue to monitor field conditions and verify that the data that is informing the DRI model is accurate; continue monitoring of atmospheric and dust levels in the park; and perform additional field emissions testing. State Parks is committed to monitor, verify, and adapt measures implemented to date to continue to achieve the dust emission goals beyond the dates established in the SOA. The revised AWRP demonstrates State Parks' commitment to continue dust control efforts within ODSVRA including working with the SAG on monitoring plans and an adaptive management framework that ensures the progress made in meeting the dust reduction targets from this SOA are sustained. We are also demonstrating our commitment to continue treatments and enhancements to the areas that have been closed for dust control purposes. This includes efforts to revegetate all areas that have not been treated to date, and enhancements to areas that have been treated but require additional work including the foredune project area and the areas that need supplemental vegetation.

In short, State Parks recognizes that achieving and maintaining dust emissions goals into the future will require continued work and collaboration amongst all parties. We are committed to implementing projects and extensive field monitoring needed to meet these goals.

We thank you for your collaboration to date and look forward to further collaboration regarding amendment of the SOA.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Miggins". The signature is fluid and cursive, with a large initial "S" and "M".

Sarah Miggins, Deputy Director  
OHMVR Division