Via Email

July 15, 2019

Ronnie Glick
California Department of Parks & Recreation
Off-Highway Motor Vehicle Recreation Division
340 James Way, Suite 270
Pismo Beach, CA 93449

SUBJECT: Notice of Preparation of a Subsequent Environmental Impact Report for the Oceano Dunes State Vehicular Recreation Area Dust Control Program Particulate Matter Reduction Plan (State Clearinghouse No. 2012121008)

Dear Mr. Glick:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have reviewed the proposed projects located at the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

The Off-Highway Motor Vehicle Recreation (OHMVR) Division proposes a Dust Control Program to implement the District-approved Particulate Matter Reduction Plan (PMRP) and fulfill its obligations under Stipulated Order of Abatement (SOA) 17-01. The Notice of Preparation (NOP) included a brief description of the project, including its location and probable environmental effects. An Initial Study was not prepared because the OHMVR Division has determined a Subsequent Environmental Impact Report (EIR) will be completed for the project.

General Impression
The District is concerned that the scope of proposed activities outlined in the NOP is inadequate for implementing the Particulate Matter Reduction Plan (PMRP) and meeting the goals of SOA. The preliminary compliance analysis prepared by OHMVR and presented in section 5 of the PMRP estimates that achieving SOA objective 2c—a 50% reduction in PM$_{10}$ emissions—will require 368 acres of dust controls in addition to the 132 acres of controls already in place. The PMRP further states that this may still fall short of achieving objective 2b, namely achieving all state and federal standards. Yet, the NCP proposes capping new controls at 123 acres: 23 acres of foredune vegetation, up to 60 acres of back dune restoration, and up to 40 acres of temporary/seasonal dust controls. The APCD does not support the NOP proposed dust control project because its scope is inadequate to meet SOA goals.
The 500 acres of total dust controls that are estimated to be needed to achieve objective 2c are just that: an estimate. It is based on a model and a set of assumptions. The model and the assumptions will be refined as more data are collected, and the estimate will likely change. While it is possible (though unlikely) that the proposed 123 acres of additional controls will be enough to meet the SOA objectives, it is also possible that even more than the 368 acres of new controls identified in the PMRP will ultimately be needed. OHMVR's Dust Control Plan needs to be flexible enough to accommodate these unknowns. **The limited scope of the proposed activities in the NOP is inconsistent with the adaptive management approach proposed in OHMVR's PMRP.**

The District acknowledges that the proposed activities in the NOP are consistent with Objectives 3, 4, 6, and 7 of the PRMP Section 6.3 Particle Mitigation Plan. At the same time, the PMRP variously describes itself as “Draft”, “Initial”, and “Conceptual,” and notes that “the SOA implicitly recognizes the need for the PMRP to be updated over time.” PRMP Section 6.3 needs to be understood in this context. It is the starting point of the iterative 4-year process, which will follow an adaptive management approach. **The Subsequent EIR for the project must therefore be inclusive enough to account for the inevitable changes to the project.** As such, the scope of the proposed projects is inadequate.

**Specific Comments**

1. **The specific acreage limits listed in the NOP should be removed or significantly increased.** The APCD's opinion is that the proposed activities in the NOP (23 acres of foredune vegetation, 60 acres back dune revegetation, 40 acres of temporary/seasonal wind fencing, and the conversion of 50 acres of existing wind fencing to vegetation) are not likely to achieve the SOA goals. The PMRP compliance analysis estimated that an additional 368 acres of the ODSVRA may need to be converted to dust controls. Furthermore, the Scientific Advisory Group (SAG) strongly indicated in their letter that the proposed 23 acres of foredune vegetation is inadequate and that a successful project would likely occupy 48 acres. The proposed projects in the Subsequent EIR should, at a minimum, be consistent with these limits (i.e. up to 48 acres of foredune vegetation and 368 total acres of new dust control projects).

2. The proposed project boundary shown on page 10 of OHMVR's presentation at the July 2 Public Scoping Meeting should be expanded. Once the EIR is certified, the project boundary will constrain where dust control projects can be implemented. The boundary must therefore be large enough to include all possible projects. The project area shown on page 10 extends north to the Pismo Dunes Nature Preserve, east to the ODSVRA boundary, and south to almost the limit of the OHV-riding area. The proposed western boundary stops approximately 500 ft from the shore. To be successful, the foredune vegetation project may need to extend west into this area; therefore, the District does not concur with these boundaries. Furthermore, as noted by Ronnie Glick at the July 2 meeting, OHMVR is in the process of completing a Habitat Conservation Plan which may change the shape and extent of the Plover Exclosure; it is thus premature to exclude this area from the project. If the Exclosure shrinks or moves south, OHMVR should have the flexibility to implement dust controls in formerly exclosed areas. **Thus, the project boundary should extend to the shoreline and include the entire ODSVRA including the current Plover Exclosure.**

3. The Subsequent EIR may find impacts to recreation, just as the 2017 EIR did. Offsite mitigations for these recreational impacts should be evaluated, for example:
a. Expanding or improving other SVRAs within the State Parks system or creating new SVRAs,
b. Adding low-cost campites to other units within the State Parks system to mitigate the potential loss of low-cost beach camping opportunities.

4. The Subsequent EIR may also find biological impacts related to predation of special status species. All mitigation options should be considered, including, perhaps, an enhanced predatory management plan.

5. At its July 11, 2019 meeting, the California Coastal Commission (Commission) considered a suite of Commission staff-recommended amendments to Coastal Development Permit 4-82-300; governs the operation of the ODSVRA. Among these amendments was Special Condition 13, which would have acknowledged that about 350 acres of new dust control measures be needed to address air quality issues, pre-approved planting of native vegetation, installation of wind and perimeter fencing, and provided a mechanism for fast-track approval of dust controls by the Commission. The Commission ultimately did not adopt the proposed amendments, but it instead directed OHMVR to incorporate them (including Special Condition 13) into the Public Works Plan (PWP) and present the completed PWP to the Commission in 2020 for approval. Thus, the Commission has indicated its support for ODSVRA dust mitigations, including at least 350 acres of additional projects. Considering this, the full suite of dust control projects described in the PMRP compliance analysis (i.e. Section 5.3) does not appear to be constrained by concerns over Coastal Commission approval, and they should be included in the EIR.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-4656.

Sincerely,

KARL TUPPER
Air Quality Specialist – Monitoring Division

KAT/jjh

Attachments:


cc: Gary Willey, APCD

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