October 12, 2022

Air Pollution Control District (APCD) Hearing Board
San Luis Obispo Air Pollution Control District & San Luis Obispo County Air Pollution Control District Board
3433 Robert Street
San Luis Obispo, CA. 92307

Mr. Gary Willey, Air Pollution Control Officer
San Luis Obispo Air Pollution Control District
3433 Roberto Street
San Luis Obispo, CA. 92307

RE: Stipulated Order of Abatement for Oceano Dunes State Vehicle Recreation Area

Dear San Luis Obispo County Air Pollution Control District Hearing Board and Air Pollution Control Officer Willey:

The California Off-Highway Motor Vehicle Recreation Commission (Commission) recently met and approved this letter regarding the Stipulated Order of Abatement (SOA) for the Oceano Dunes State Vehicle Recreation Area (ODSVRA) and several related items listed below. The Commission holds air quality and compliance with laws and regulations to protect the public's health as a top priority! We have all experienced severe air quality issues over the last few years with California's dangerous wildfires and severe drought. All Californians appreciate and need clean air.

The Commission believes the ODSVRA and the OHMVR Division have made a good faith effort to satisfy the APCD SOA, which was developed without the benefit of the many air quality studies that have been underway since the SOA was developed. Now with the data from the Scientific Advisory Group (SAG), the Desert Research Institute (DRI) report, and the Scripps Institute of Oceanography (Scripps) report by Dr. Lynn Russell we can make more informed and equitable decisions about the role and responsibility for all users and impacts on PM-10 air pollutants in the Nipomo Mesa.

There is sufficient scientific evidence to demonstrate compliance with the intent of the existing SOA by mitigating the alleged impact from OHV by excluding non-mineral dust PM-10. The SAG recent proposed revision to the SOA recommends a reduction target of PM-10 mass emissions from 50% to 40.7%. Dr. Russell's report found that conservatively, no more than 14% of the total PM-10 emissions detected in the downwind monitoring stations could have come from mineral dust which could be argued comes from the ODSVRA. The ODSVRA and OHMVR Division have already implemented 410 acres of dust mitigation projects throughout the ODSVRA that has resulted in over a 40% reduction of modeled mass emissions at a cost of over $23 million and a current 2022 annual budget $3.67 million. The ODSVRA has met and exceeded the proposed target in the proposed revisions for the SOA.

The Commission recognizes all the recent studies, data and the ODSVRA and OHMVR Division's efforts that have resulted in this huge accomplishment. We believe that the ODSVRA and OHMVR Division have more than met the intent of the SOA (considering all the data gathered) and actually over-mitigated for the perceived OHV impacts on the Nipomo Mesa. This advanced mitigation should give the ODSVRA operational flexibility to balance the complex needs for dust mitigation, species protection and safe OHV recreation. Based on these collective studies please consider our list of recommendations below:

1. We support and recommend that you accept the proposed SOA amendments submitted by the CA State Parks Off-Highway Motor Vehicle Recreation Division (OHMVR Division) at your October 14, 2022 meeting.
2. We request that Mr. Gary Wiley provide the Proportional Speciation study to the OHMVR Division and Commission. Mr. Wiley stated this analysis and report would be made available in the spring of 2021. This data is important to compare with the Scripps 2021 study.
3. We request that the APCD Proportional Speciation analysis be peer reviewed and published in a Scientific Journal which was recommended of Scripps for their study.
4. We request that the APCD Hearing Board and the APCD remain open to additional SOA revisions to further reflect the proportional speciation analysis of PM2.5 analyzed by Scripps in their Scripps/UCSD Interim Report 2021: Preliminary Results from May 2021 Aerosol Measurements November 8, 2021 once the Peer Review is completed (currently being reviewed by Atmospheric Environment).
5. We request that no additional mitigations be required, and no more recreational use areas be removed for dust mitigations because the ODSVRA has already over-mitigated the proportion of impact from mineral dust in the park
6. Having met and exceeded the revised SOA targeted goal and the proportional impact, it is time for the State Parks and the ODSVRA Division to restore all non-mitigation riding areas for continued OHV recreation by restoring historic camper, day use and OHV user daily limits as the targeted reductions have been met and exceeded with the 410 mitigated acres.

If these and other issues cannot be resolved, this Commission recommends that the California State Parks OHMVR Division consider withdrawing from the SOA.

From our perspective, it is apparent that the scientific community, including the APCD staff, agree that the PM10 exceedances are not caused solely by OHV and associated camping and recreational uses. We have worked diligently with the SAG, DRI and the Scripps to complete exhaustive analysis and to implement a variety of dust mitigations. The ODSVRA has complied in good faith and has met and exceeded the intended updated goals. Air quality has improved and will continue to improve as the mitigations mature. We respectfully request that you consider our six requests. We are partners in this effort to improve air quality for our community.

Respectfully,

Patricia Ureña, Chair
Off-Highway Motor Vehicle Recreation Commission

Cc: Scientific Advisory Group
Off-Highway Motor Vehicle Recreation Commission
Sarah Miggins, Deputy Director Off-Highway Motor Vehicle Recreation Division