



Oceano Dunes SVRA Dust Control Program

DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

VOLUME 2

State Clearinghouse # 2012121008

August 2016



Oceano Dunes SVRA Dust Control Program

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Prepared for:

State of California, Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation (OHMVR) Division
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INTRODUCTION

This document is Volume 2 of the Draft Program Environmental Impact Report (EIR) for the Oceano Dunes SVRA Dust Control Program.

This volume includes the following appendices:

- Appendix A.** February 6, 2015 Revised Notice of Preparation (NOP) and Written Comments Received on the Revised NOP
- Appendix B.** Biological Resources – Special Status Species Tables
 - B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area
 - B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area
- Appendix C.** Cultural Resources Record Search Results and Summary of Potential Historical Resources

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**Oceano Dunes SVRA Dust Control Program
Draft Program Environmental Impact Report, Volume 2**

APPENDIX A

**FEBRUARY 6, 2015 REVISED NOTICE OF PREPARATION
(NOP) AND WRITTEN COMMENTS RECEIVED ON THE
REVISED NOP**

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February 6, 2015

REVISED NOTICE OF PREPARATION AND PUBLIC SCOPING MEETING

To: State Clearinghouse
State Responsible and Trustee Agencies
County Clerks
Interested individuals and organizations
Federal Agencies

Subject: Revised Notice of Preparation and Public Scoping Meeting for the Oceano Dunes State Vehicular Recreation Area Dust Control Project Environmental Impact Report (State Clearinghouse No. 2012121008)

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division, Oceano Dunes District, 340 James Way, Ste. 270, Pismo Beach, CA 93449, is the California Environmental Quality Act (CEQA) Lead Agency for the Oceano Dunes State Vehicular Recreation Area (Oceano Dunes SVRA) Dust Control Project Environmental Impact Report (EIR). The OHMVR Division would also be the Applicant for all permits, including a Coastal Development Permit, the project may require.

The OHMVR Division previously circulated a Notice of Preparation (NOP) and Initial Study for the Dust Control Project EIR for public review in December 2012 (State Clearinghouse No. 2012121008). Since then, the OHMVR Division has revised the Dust Control Project area and activities and reduced the duration of the program covered by the EIR. Accordingly, the OHMVR Division is issuing this revised NOP and Public Scoping Meeting notice.

Project Title: Oceano Dunes SVRA Dust Control Project EIR

Project Applicant: CDPR, OHMVR Division

Project Location: Southwest San Luis Obispo County

Project Description: The OHMVR Division proposes to implement a five-year Dust Control Project at Pismo State Beach and Oceano Dunes SVRA. A brief description of the project, including its location and probable environmental effects, is attached. A revised Initial Study was not prepared because the OHMVR Division has determined an EIR will be completed for the project.

The purpose of this revised NOP and Public Scoping Meeting notice is to request comments on the scope and content of the environmental review the OHMVR Division will conduct on its Dust Control Project from responsible and trustee agencies, federal agencies, and any other person or organization concerned with the environmental effects of the project.

Pursuant to CEQA Guidelines §15082 (b), you have 30 days from the date of receipt of this NOP to respond. Please send your comments by the earliest possible date, but no later than 5 pm March 9, 2015. Please send your responses to Mr. Ronnie Glick, Senior Environmental Scientist, at the address listed above or to OHVInfo@parks.ca.gov (Enter "Oceano Dunes SVRA Dust Control Project Revised NOP" in the "Subject" line). Agency responses should include the name of a contact person at the agency.

The OHMVR Division encourages all interested individuals, organizations, and agencies to attend the scoping meeting for the Dust Control Project EIR on:

Tuesday, February 17, 2015
Ramona Garden Park Center
993 Ramona Avenue, Grover Beach, CA
6 pm – 8 pm

Additional project information is available on the OHMVR Division’s Oceano Dunes SVRA Particulate Matter Information Website: http://ohv.parks.ca.gov/?page_id=26918.

CEQA Guidelines section 15168(a) permits a lead agency to prepare a program EIR on a series of actions that can be categorized as one large project and are related either: 1) geographically, 2) as logical parts in the chain of contemplated actions, 3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or 4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. The Oceano Dunes SVRA Dust Control Project represents a logical series of actions that are connected, would occur in approximately the same geographic area, and would result in generally similar environmental effects that can be mitigated in similar ways. Accordingly, the OHMVR Division is preparing a program EIR for the project.

Signature: _____

Date: _____

Title: _____

OCEANO DUNES SVRA DUST CONTROL PROJECT DESCRIPTION

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division proposes to implement a five-year dust control program at Pismo State Beach and Oceano Dunes State Vehicular Recreation Area (SVRA). These two state-owned and operated parks are located in southwestern San Luis Obispo (SLO) County, on the central coast of California, within the Coastal Zone established by the California Coastal Act. Both Pismo State Beach and Oceano Dunes SVRA provide public access to beaches and public, coastal recreation opportunities, including off-highway motor vehicle (OHV) recreation in certain designated areas (see Figure 1). Pismo State Beach and Oceano Dunes SVRA also provide habitat for species listed under the state or federal Endangered Species Acts, such as the western snowy plover (*Charadrius nivosus nivosus*; federal-listed as threatened). The OHMVR Division has applied for a Master Coastal Development Permit (CDP) from the California Coastal Commission (CCC), Central Coast District, for the project because the project involves development in the Coastal Zone.

Project Location

The proposed Dust Control Project is intended to improve air quality on the Nipomo Mesa, which is located downwind of Pismo State Beach and Oceano Dunes SVRA. Accordingly, the OHMVR Division would implement dust control measures within an approximately 690-acre area of Oceano Dunes SVRA that is located upwind of the Nipomo Mesa (based on prevailing winds). This area includes most of the open sand areas in the central to northern portion of the Oceano Dunes SVRA open riding and camping area, commonly referred to as the “La Grande Tract”; however, the project area is set back from the Pacific Ocean by approximately 1,100 feet (in the vicinity of marker post 5) to 1,500 feet (in the vicinity of marker posts 6 and 7; see Figure 2). The project area also avoids western snowy plover critical habitat.

Proposed Activities

The OHMVR Division proposes to undertake the following activities in the project area:

- **Planting up to approximately 20 acres of native vegetation per year at Oceano Dunes SVRA.** The OHMVR Division would plant this vegetation during the fall, when rains support the establishment of native dune vegetation. In total, the OHMVR Division could plant up to approximately 100 acres of native vegetation over the five-year period covered by this EIR.
- **Temporarily deploying up to approximately 40 acres of wind fencing and/or straw bales at Oceano Dunes SVRA.** The OHMVR Division would annually deploy temporary wind fencing and/or straw bales from approximately March thru September of each year.
- **Potentially applying soil stabilizers at Oceano Dunes SVRA.** The use of non-toxic, environmentally-friendly soil stabilizers would be predicated upon the successful demonstration of such products at Oceano Dunes SVRA and evaluation of their potential to increase risks to vehicle recreation or resources at Oceano Dunes SVRA. If effective at reducing dust, the OHMVR Division could apply non-toxic, environmentally-friendly soil stabilizers as part of a comprehensive dust control program.

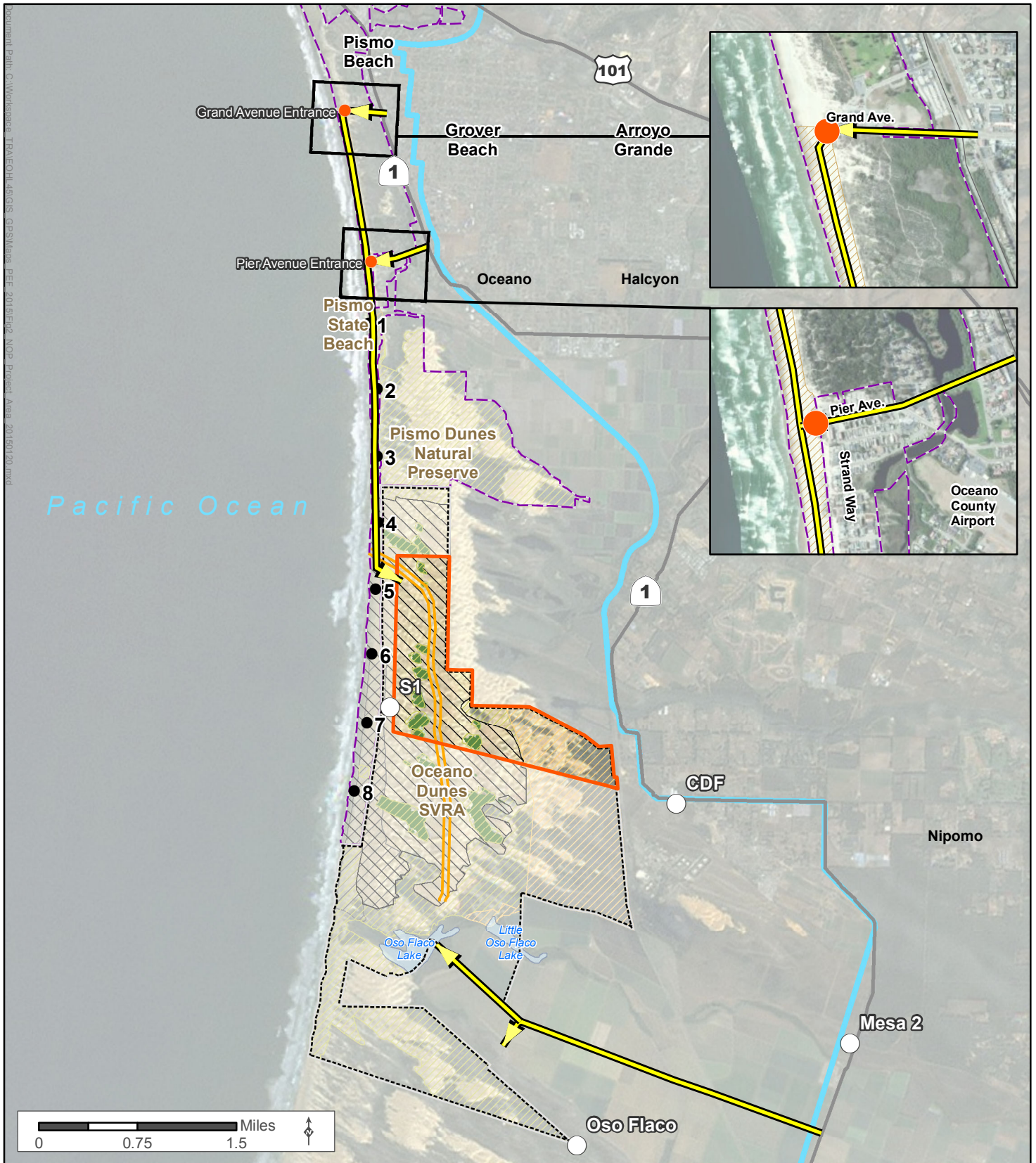
- **Preventing track-out of sand onto Grand Avenue in the City of Grover Beach and Pier Avenue in Oceano.** The OHMVR Division would install, operate, and maintain a rumble strip or cattle guard-like device at Pismo State Beach exits on Grand Avenue in the City of Grover Beach and Pier Avenue in the community of Oceano.
- **Dust and meteorological monitoring at Oceano Dunes SVRA.** The OHMVR Division would install, maintain, and operate scientific monitoring equipment to investigate and evaluate dust levels and control measure effectiveness.

The Oceano Dunes SVRA Dust Control Project also includes continuing existing dust control, monitoring, and track-out prevention activities currently taking place at Pismo State Beach and Oceano Dunes SVRA.

Probable Environmental Effects

The proposed project is intended to improve air quality and would involve planting vegetation, temporary deployment of dust control measures, and installation of track-out prevention devices. The project could primarily disturb or modify undeveloped lands (e.g., open sand sheets, dune scrub vegetation) and may result in the permanent conversion of land at Oceano Dunes SVRA from open sand to vegetation, as well as a reduction in the amount of area open to vehicular recreation. In accordance with the requirements of CEQA, the OHMVR Division has determined that an EIR for the proposed project should be prepared because the proposed activities have the potential to result in one or more adverse environmental effects related to aesthetics, biological resources, cultural resources, and recreation. The OHMVR Division will further refine the scope of the technical issues to be addressed in the EIR during the CEQA process, including input received in response to this NOP.

The proposed project is expected to have no impact on agriculture, forestry, and mineral resources as these resources do not exist within the project area, nor would they be affected by project activities. Accordingly, the EIR will not present a detailed analysis of the project's potential impacts on agriculture, forestry, or mineral resources.



- | | | |
|------------------------------------|------------------------------|---|
| Proposed Dust Control Project Area | Closed To All Public Use | Existing Access Route |
| Coastal Zone Boundary | Closed To Motorized Vehicles | Existing Air Quality Monitoring Station |
| Oceano Dunes SVRA | Street Legal Vehicles Only | Proposed Trackout Prevention |
| Pismo State Beach | Open riding and camping | |
| Marker Post | Seasonal Plover Exclosure | |
| Sand Highway | | |

Figure 2 Dust Control Project Area
Oceano Dunes SVRA Dust Control Project – Revised NOP



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN, JR., Governor
CHARLTON H. BONHAM, Director



March 6, 2015

Ronnie Glick
California Department of Parks and Recreation
340 James Way, Suite 270
Pismo Beach, California 93449

**Subject: Notice of Preparation
Oceano Dunes State Vehicular Recreation Area Dust Control Project
SCH No. 20112121008**

Dear Mr. Glick:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Oceano Dunes State Vehicular Recreation Area Dust Control Project (Program). The Program would include activities such as: (1) planting up to 20 acres of native vegetation per year; (2) temporarily deploying up to 40 acres of wind fencing and/or straw bales per year; (3) applying soil stabilizers; (4) preventing track-out of sand; and (5) monitoring. Program activities will be implemented over a five-year period, treating an area of approximately 330 acres within a 690-acre program area. Although the proposed action is identified as a “project”, it appears to be a program (and termed as much in the NOP), with a number of elements for which the specific locations have not yet been identified. Some treatments may rely on experimental pilot projects prior to determination of exact locations and methods to be deployed. If specific locations and methods cannot be identified, such that the effects may be characterized and analyzed for this EIR, we recommend that State Parks prepare a Draft Programmatic EIR, which would identify criteria for siting of different treatments, as well as standards and performance expectations for selection; this approach would rely on subsequent environmental review of specific projects and actions in the program as they are identified. Additionally, the standards and criteria for activities conducted pursuant to the Programmatic EIR should include a “pre-screening” process, including sufficient survey information, which would support the qualification of specific projects as appropriate, and provide the basis for subsequent environmental review of activities.

Use of an EIR (rather than a Programmatic EIR) as proposed will need to rely on a level of detail sufficient to accurately identify the direct, indirect, and cumulative effects of implementing individual activities and for identification of appropriate mitigation measures, including avoidance and minimization measures. This would require a detailed Project description, as well as sufficient survey information to identify impacts of the proposed activities on sensitive resources in the Program area. Project-level surveys, local experts, field studies, and unpublished data could provide additional site-specific information, to support an impact analysis sufficient to determine the environmental effects of the program.

Implementation of the proposed Program has the potential (depending on location) to affect species which are State- or federally listed, such as California least tern (*Sterna antillarum*)

Conserving California's Wildlife Since 1870

brownii), State Endangered and Fully Protected, and federally Endangered; western snowy plover (*Charadrius nivosus nivosus*), federally Threatened; La Graciosa thistle (*Cirsium scariosum* var. *loncholepis*), State Threatened and federally Endangered; surf thistle (*Cirsium rothophilum*), State Threatened; beach spectacle-pod (*Dithyrea maritima*), State Threatened; and Nipomo lupine (*Lupinus nipomensis*), State and federally Endangered; as well as other sensitive plant communities and species which should be addressed per the California Environmental Quality Act (CEQA).

CDFW makes the following recommendations to avoid and minimize impacts to wildlife and plants associated with program implementation:

- Require that a qualified wildlife biologist/botanist conduct biological reconnaissance surveys at all proposed project sites to evaluate the potential for special status species impacts if ground disturbance is required, including associated structures, roads, staging areas, etc., and that the biologist furnish a written report of their findings. If the written report identifies the potential for special status species impacts or other potentially significant biological impacts, we recommend that additional environmental review be required for such projects and activities prior to project implementation.
- Emphasize siting of projects and activities on lands that have low value for wildlife and special status plants, such as the existing ride area, while discouraging project implementation in areas with significant biological resources, unless implementation would benefit such resources.

Department Jurisdiction

Trustee Agency Authority: CDFW is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Authority:

Incidental take permit authorization: CDFW has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If a project could result in the take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), CDFW may need to issue an Incidental Take Permit (ITP) for the project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC

does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Lake and streambed alteration notification: CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Section 1600 *et seq.* If Project activities are proposed that will involve work within the bed, bank, or channel of any watercourse, a Lake or Streambed Alteration Agreement may be necessary. CDFW is required to comply with CEQA in the issuance or the renewal of a Lake or Streambed Alteration Agreement. Therefore, for efficiency in environmental compliance, we recommend that any stream disturbance be described, and mitigation for the disturbance be developed as part of the environmental review process. This will reduce the need for CDFW to require extensive additional environmental review for a Lake or Streambed Alteration Agreement for this Project in the future.

Fully protected species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their take. If fully protected species have the potential to be impacted through implementation of any project, fully address the species and provide appropriate avoidance measures in the environmental documents prepared for each project. Fully protected species in the study area include California least tern.

Bird protection: CDFW has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). If activities associated with individual projects will occur during the bird breeding season defined as January 1 through September 15, the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, CDFW recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the Project and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. CDFW recommends that identified nests are continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline, and once work commences, that all nests are continuously monitored to detect any behavioral changes. If behavioral changes are observed, we recommend that the work causing that change cease and CDFW be consulted for additional avoidance and minimization measures. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers may be implemented when there is compelling biological or ecological reason to do so,

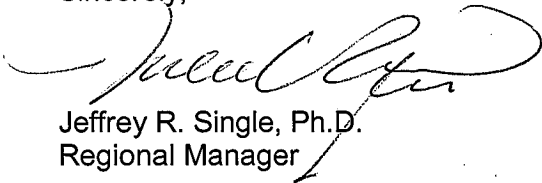
Ronnie Glick
March 6, 2015
Page 4

such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended CDFW be notified in advance of implementation of a no-disturbance buffer variance..

CDFW may have additional species-specific recommendations based on the results of the reconnaissance-level biological surveys conducted for the program and/or specific activities of the program.

CDFW strongly encourages State Parks to implement dust control and is available to assist State Parks in developing the program to minimize negative effects on sensitive resources. Thank you for the opportunity to provide input on the ODSVRA dust control program. If you have any questions regarding these comments, please contact Deborah Hillyard, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (805) 534-1866, or by email at Deborah.Hillyard@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

ec: Bill Standley
United States Fish and Wildlife Service
bill_standley@fws.gov

Julie Vance
Deborah Hillyard
California Department of Fish and Wildlife

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
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March 9, 2015

Ronnie Glick
California Department of Parks and Recreation
Oceano Dunes State Vehicular Recreation Area
340 James Way, Suite 270
Pismo Beach, CA 93440

Subject: Revised Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Oceano Dunes State Vehicular Recreation Area (ODSVRA) Dust Control Project

Dear Mr. Glick:

Thank you for the opportunity to comment on the above-referenced revised NOP document. As described in the revised NOP, State Parks' Off-Highway Motor Vehicle Recreation Division (OHMVR) is proposing a series of measures to monitor and address dust in and around the ODSVRA in San Luis Obispo County. State Parks is both the applicant for the project as well as the lead agency undertaking the CEQA environmental review.

The revised NOP identifies the scope of information that State Parks intends to be included in the forthcoming DEIR. We have the following comments regarding the revised NOP. We will provide additional substantive comments after we have reviewed the DEIR.

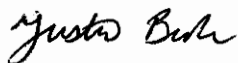
Project Objectives: It appears that the purpose of the proposed project is to provide information on the dynamics of dust generation at ODSVRA and to identify measures to reduce suspended wind-blown particulate matter (PM10) associated with ODSVRA activities, including with respect to such activities' effects on the Nipomo Mesa in San Luis Obispo County. It also appears that another main objective of the proposed project is to comply with the San Luis Obispo Air Pollution Control District's (APCD) Rule 1001, which requires the OHMVR to implement a Particulate Matter Reduction Plan (PMRP) to reduce emissions of PM10 from the area under its control. However, the above statements are assumptions because the revised NOP does not clearly articulate the proposed project's objectives. The project's objectives are critical for CEQA evaluation as they can significantly affect the manner in which the EIR approaches impact analysis, and ultimately EIR conclusions. Please ensure that the project's objectives emanate from the project description and that they are clearly articulated in the DEIR.

Project Alternatives: A fundamental objective of an EIR is an evaluation of alternatives that can meet project objectives while addressing environmental impacts. In reviewing the NOP, however, it appears that the full range of potential project alternatives has not yet been fully developed. It is critical that the DEIR evaluates a robust and full range of alternatives designed to meet the identified objectives. There are a variety of possible measures, and a variety of ways

that different measures could be implemented in tandem to varying degrees, to address dust problems at and around ODSVRA, and the DEIR must fully evaluate such alternatives (including restrictions on OHV use (particularly in the La Grande tract area), vegetating foredunes and backdunes, seasonal use restrictions, wind fencing and other introduced 'roughness' measures, combinations and permutations of each of these, etc.). Please ensure that the DEIR includes evaluation of a full range of potential alternatives, including all of those identified herein, to a similar level of detail across the same evaluation criteria taking into account LCP and Coastal Act requirements and objectives. In addition, given the potential significant overlap, we recommend that the DEIR countenance the issues and next steps identified in our recent annual ODSVRA review (i.e., the staff report and the February 11, 2015 hearing in Pismo Beach), as appropriate. We are available for consultation on the alternatives analysis component as the DEIR progresses, should that prove useful to you.

Thank you for the opportunity to comment on the revised NOP. With the clarifications described herein, we expect that the EIR document will provide a sufficient level of detail to allow for a careful analysis of the project for Coastal Act and LCP policy conformance. We look forward to reviewing the DEIR and will provide additional comments at that time.

Sincerely,



Justin Buhr
Coastal Planner
Central Coast District Office



Air Pollution Control District
San Luis Obispo County

March 9, 2015

Ronnie Glick, Senior Environmental Scientist
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division, Oceano Dunes District
340 James Way, Suite 270
Pismo Beach, CA 93449

SUBJECT: Revised Notice of Preparation for the Oceano Dunes State Vehicular Recreation Area Dust Control Project Environmental Impact Report (State Clearinghouse #2012121008)

Dear Mr. Glick:

This letter provides our comments on the February 6, 2015 Notice of Preparation (NOP) to evaluate potential environmental effects of the proposed Oceano Dunes State Vehicular Recreation Area (ODSVRA) Dust Control Project. As described in the NOP, the environmental review is being performed by the Off-Highway Motor Vehicle Recreation Division of the Department of Parks and Recreation (OHMVR Division) as part of the application process for a Coastal Development Permit to implement a 5-year dust control program at the ODSVRA.

The NOP states that: *"The proposed Dust Control Project (Project) is intended to improve air quality on the Nipomo Mesa"*. The intention of the Project should be to comply with San Luis Obispo County Air Pollution Control District (APCD) Rule 1001, which requires mitigation of the dust emissions and downwind impacts caused by offroad vehicle activity at the ODSVRA. This is an important distinction, because Rule 1001 requires the OHMVR Division to submit to APCD for approval, a Particulate Matter Reduction Plan (PMRP) that contains sufficient dust control measures to reduce particulate matter (PM) concentrations downwind of the riding areas to within 20% of the PM levels measured downwind of the nonriding areas. This performance standard is the primary means for determining compliance with the Rule.

The proposed Project needs to cover all things that could be part of the PMRP and that must be approved by APCD for compliance with the Rule. The proposed Project described in the NOP, however, cannot be approved by APCD because it artificially and unnecessarily limits both the areal extent of the project area and the scope of the proposed dust control measures. The proposed setback of 1,100 to 1,500 feet from the shoreline in the La Grande tract would exclude from dust controls one of the highest particulate emission zones identified in OHMVR Division's own studies (see the figure in Attachment 1, below). It is not appropriate to exclude any area for consideration of dust controls without clear scientific justification that conclusively demonstrates

controls in that area are not necessary to achieve the performance standard in the rule. We have seen no scientific studies or analyses that show controls in these areas are unnecessary. Thus, the proposed project area must be modified to include all riding areas within the ODSVRA. Further analysis through the EIR process may identify some riding areas as unsuitable or less than desirable for dust mitigation measures, but that analysis must be subject to scientific review and public comment before such a determination is made.

Regarding the actual dust mitigation measures proposed in the NOP, they appear to be identical to the temporary dust controls proposed for implementation during the 2015 wind season, which was not designed to meet the performance standard in Rule 1001. It is clear that a substantially larger dust control effort than the 2015 proposal will be needed to meet the rule requirements, yet there is no indication in this NOP that dust controls will be expanded over the 5 year period to meet the Rule performance standard, as discussed below:

- *"Temporarily deploying up to approximately 40 acres of wind fencing and/or straw bales at Oceano Dunes SVRA"* appears to be less controls than what OHMVR Division is currently proposing for dust mitigation this year in an effort to prevent further violations of the federal PM10 standard, which is only 1/3 as stringent as the rule performance standard. That proposal includes 40 acres of sand fencing in the highly emissive La Grande tract riding area, plus repositioning of existing hay bales located on 30 acres in the low emission nonriding areas to the southeast of the La Grande tract, which we believe is a much less effective area to plant future vegetation given your stated limited native seeding resources.

Over the last year, APCD and OHMVR Division have had many meetings and discussions with the California Air Resources Board and various scientific experts regarding the level of controls needed to comply with the rule. Those discussions have identified the need to substantially increase the amount of dust controls to reduce emissions to a level that complies with the performance standard in the Rule. In addition, restricting such controls to only temporary measures will not address the violations of both state and federal PM health standards that occur throughout the year as a result of dust emissions from the ODSVRA. Thus, permanent controls must be analyzed and considered in addition to the temporary controls described in the Proposed Project, and the amount of dust controls proposed must have a demonstrated potential to meet the requirements of Rule 1001.

"Planting up to 20 acres of vegetation per year" appears to represent what OHMVR Division is currently doing through their annual restoration plan under the existing CDP. That program, however, is required by the Coastal Commission to replace and/or enhance vegetation within existing fenced vegetated areas, primarily in the less emissive southern section of the SVRA. As such, it is not specifically designed to reduce dust emissions from the ODSVRA and has had no discernible effect in reducing downwind PM10 concentrations on the Nipomo Mesa. It is unclear in the NOP if this is just a continuation of the existing program or if the proposed Project will result in new vegetation plantings designed specifically for dust control in currently unplanted areas within the high emission zones of the riding area. This needs to be clarified.

- Additionally, the Proposed Project does not mention the possibility of reestablishing vegetated foredunes in the areas where they have been destroyed by vehicle activity, most of which is in the setback area proposed in the NOP. OHMVR Division's own study, titled Review of Vegetation Islands, Oceano Dunes SVRA (August 2007), documents the historical and current vegetation coverage at the ODSVRA and the nearly complete loss of vegetated foredunes in the riding area between 1970 and 1992 due to OHV activity. In that report, authored by the California Geologic Survey, they identify the need to reestablish vegetated foredunes along the coast to the west and northwest of all areas where inland vegetation is desired due to their ability to substantially reduce wind force and sand movement that will otherwise bury newly planted inland vegetation without that protection. It is our belief that establishing vegetation in the eastern areas or outside of the riding area is not highly effective. Much of the air borne dust generated in the west would tend to travel above the low level vegetation. Thus, the EIR should include an analysis of reestablishing vegetated foredunes within the riding areas upwind of the populated areas of the Nipomo Mesa, along with planting of additional vegetation islands further inland, as described in our January 27, 2015 letter to the Coastal Commission (Attachment 2).

SUMMARY

The scope of the dust control measures described in the NOP appears to be substantially inadequate to meet the emission reduction requirements and performance standard of Rule 1001. Thus, the Proposed Project would not be approvable by the APCD. The artificial limits placed on both the areal extent of the project area and the scope of the proposed dust control measures are unsupported by any scientific evidence or other documentation supporting the need for such limits. The EIR should evaluate a range of dust control scenarios, including reestablishing vegetated foredunes near shore in the La Grande tract and more southerly riding areas, together with additional vegetation islands further inland. Use of soil binders in the near shore high emissive areas and/or sand fencing in the back dune areas during the windy season to supplement the dust reductions provided by the vegetation is also appropriate to evaluate in the EIR. This combination of dust control measures appear to represent the most effective approach capable of meeting the requirements of Rule 1001, and for achieving the overall objective of reducing emissions in the riding areas to natural background levels while retaining offroad vehicle activity.

Thank you for the opportunity to provide input to this important process. Please feel free to contact me if you have any questions or need additional clarification on these comments.

Respectfully,



Gary Willey

Engineering and Compliance Division Manager

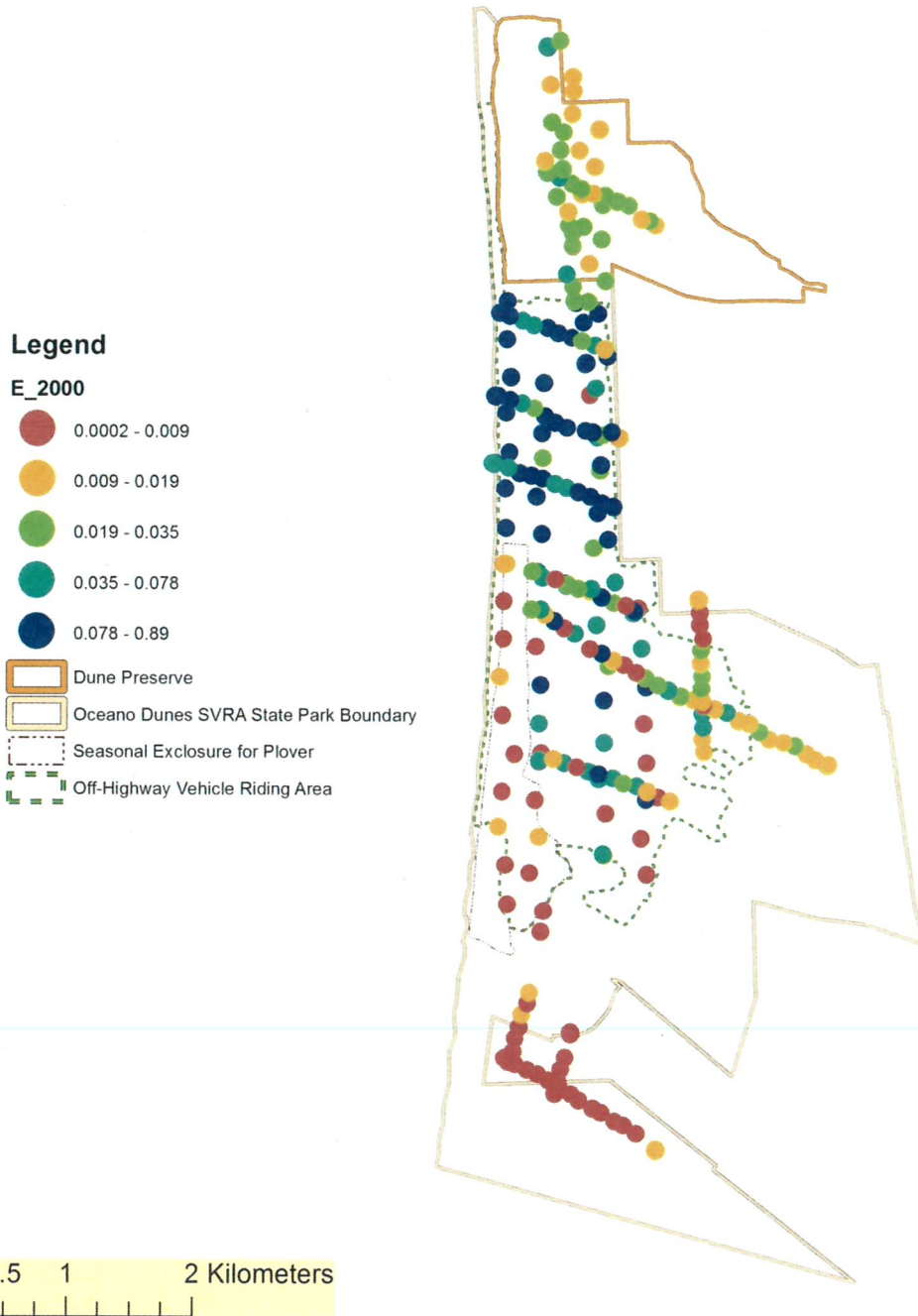


Figure 5. PI-SWERL-measured emissions at 2000 RPM (23 mph) in units of mg of PM10 /m2 sec. Categories are chosen so that each category contains 20% of all data. *

*Reprinted from the study performed for OHMVR Division, titled: *2013 Intensive Wind Erodibility measurements at and Near the Oceano Dunes State Vehicular Recreation Area: Preliminary Report of Findings*. Vicken Etyemezian, John Gillies, Dongzi Zhu, Ashok Pokharel, and George Nikolich, Division of Atmospheric Sciences, Desert Research Institute

Attachment 2

APCD January 27, 2015 Letter to Coastal Commission



Air Pollution Control District
San Luis Obispo County

January 27, 2015

Justin Buhr, Coastal Planner
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

SUBJECT: Response to January 12, 2015 letter requesting information

Dear Mr. Buhr:

In your attached letter dated January 12, 2015, you have asked for data regarding all exceedances of the state and federal PM₁₀ standards recorded at our CDF monitoring station since 2008. The CDF monitor records the highest level of PM₁₀ and PM_{2.5} from all the monitors located throughout SLO County. This monitoring site was not established until 2010, however, so data is only available from that point forward, as shown in the following table:

Year	PM ₁₀			PM _{2.5}		Notes
	Federal 24-hr Exceedences	State 24-hr Exceedences	Annual Average (ug/m3)	Federal 24-hr Exceedences	Annual Average (ug/m3)	
2014	2	83	38.6	1	12.3	Unofficial, includes preliminary data.
2013	2	93	39.9	3	12.5	
2012	3	70	33.6	3	9.6	
2011	0	63	34.4	0	11.9	
2010	1	53	32.4	0	9.5	Partial year-site only operated 10 months.

- Federal PM₁₀ 24-hr standard is 150 ug/m3; State PM₁₀ 24-hr Standard is 50 ug/m3
 - State Standard for PM₁₀ annual average is 20 ug/m3. (There is no federal standard for the PM₁₀ annual average.)
 - Federal PM_{2.5} 24-hr standard is 35 ug/m3. (There is no state standard for 24-hr PM_{2.5}.)
- State and federal standards for PM_{2.5} annual average are both 12 ug/m3

You have also asked for our opinions on the following questions:

1. Whether or not OHV use contributes to dust emissions;
2. Where the most emissive parts of the ODSVRA are; and
3. What the SLOAPCD believes would be the most efficient and cost effective measures to reduce dust emissions to be in compliance with Rule 1001.

Fortunately, the data speaks for itself on questions 1 and 2 so no opinion is necessary. For question No. 3, there is also a substantive body of data from various studies performed at the ODSVRA and elsewhere regarding the most effective controls for reducing dust, but cost-effectiveness has many associated variables that require a more subjective interpretation. Our response to each of the questions is below.

1. Does OHV use contribute to dust emissions?

The San Luis Obispo County Air Pollution Control District (SLOAPCD) determined several years ago that off-highway vehicle use (OHV) at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) was a significant contributor to dust levels measured on the Nipomo Mesa. This determination was reached after performing comprehensive air monitoring studies and extensive data analyses evaluating PM₁₀ levels downwind of the riding areas and comparable nonriding areas at the ODSVRA. Those studies showed that PM₁₀ concentrations downwind of the riding areas are significantly higher than those measured downwind of nonriding areas. As shown below in Figure 3.54 from the SLOAPCD *South County Phase 2 Particulate Study* (February 2010), average PM₁₀ levels measured at both the CDF and Mesa2 monitoring sites downwind of the riding areas were more than twice as high as those measured at the Oso site downwind of a nonriding area. These differences were measured despite the Oso site being considerably closer to shore and subject to much stronger winds than either the CDF or Mesa2 sites.

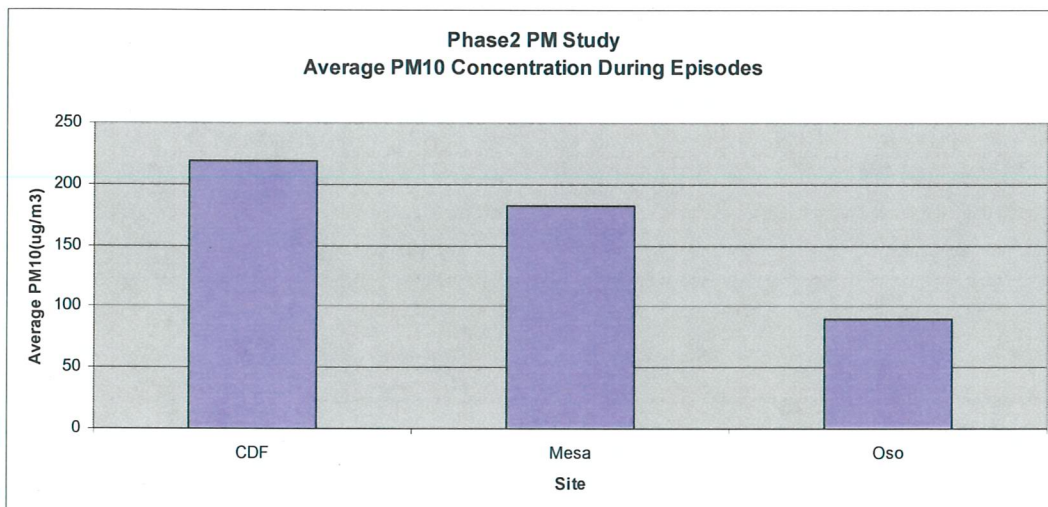


Figure 3.54 – Comparison of Average Downwind PM₁₀ Concentration During Episodes

More recently, the OHV Division of State Parks measured very similar results after performing extensive air monitoring studies in the Spring and Summer of 2013, the results of which are documented in the report prepared by their consultant, Desert Research Institute (DRI), titled: *Wind and PM10 Characteristics at the ODSVRA from the 2013 Assessment Monitoring Network* (September 2014). They installed monitoring equipment along 4 different transects in the ODSVRA in the direction of the prevailing northwest winds. Transect 1 was located in the Nature Preserve at the north end of the SVRA; Transect 2 was located within the LeGrande Tract riding area; Transect 3 was located within the larger riding area south of the LeGrande tract; and Transect 4 was located in the nonriding area southeast of Oso Flaco Lake. As shown in Figure 47 from that report (below), PM₁₀ levels measured at site 2C in the LeGrande tract riding area were far higher than all other sites, with PM₁₀ levels measured at site 3C in the more southerly riding area being next highest. PM₁₀ levels measured at sites 4B and 1C in the southerly and northerly nonriding areas were considerably lower than those measured in the riding areas, as shown in the figure below.

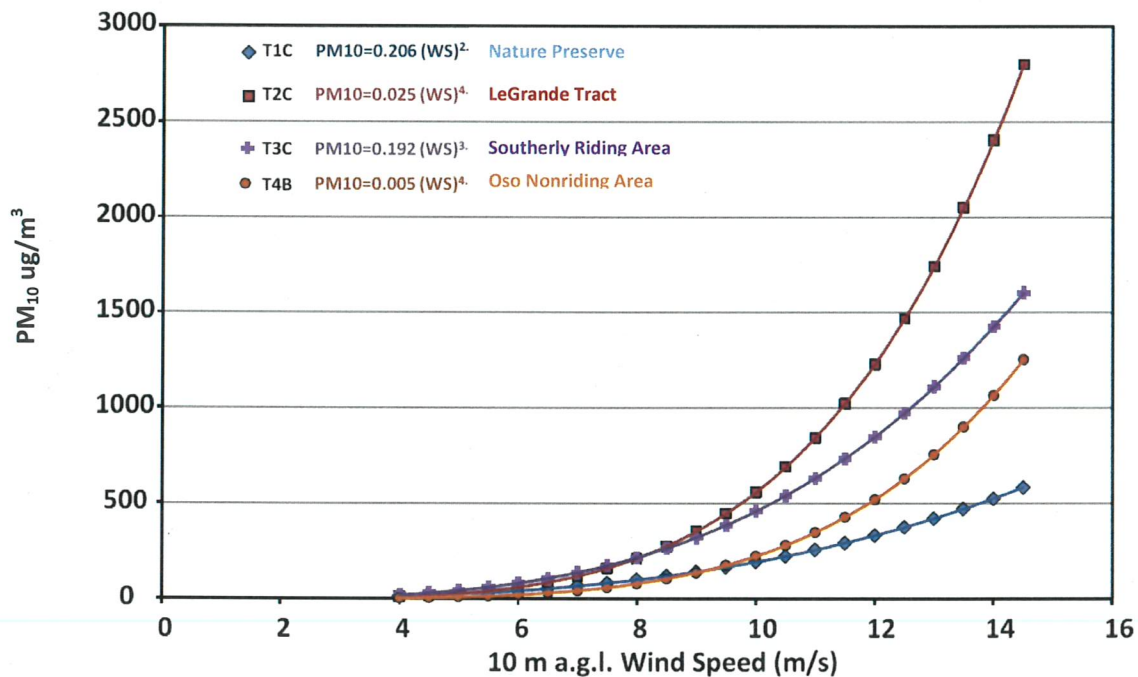
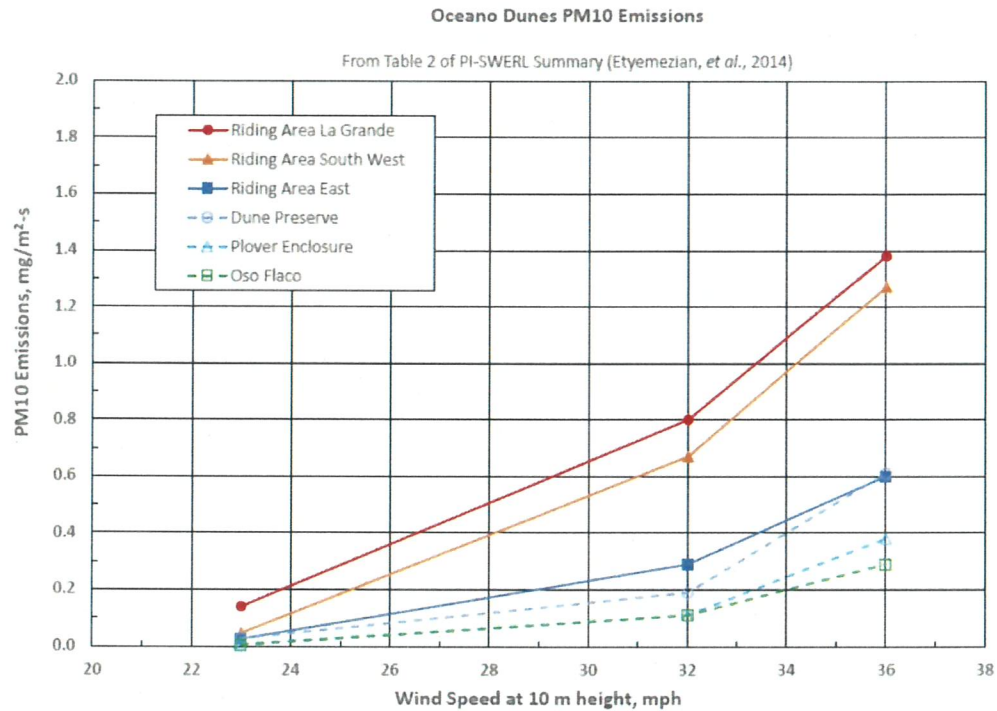


Figure 47. Relationships between mean 10 m hourly wind speed and PM₁₀ for the four e-Bam measurement positions for the 292° winds (NB: no 10 m wind speed measured at position T3B).

2. Where are the most emissive areas of the ODSVRA?

During the 2013 monitoring study referenced above, DRI scientists also performed extensive analyses of soil emissivity throughout the ODSVRA using their patented PiSwel measurement device. Over 350 measurements were performed to evaluate the relative emissivity of the riding areas and nonriding areas in the park. Their preliminary report, titled *2013 Intensive Wind Erodibility Measurements at and Near the Oceano Dunes State Vehicular Recreation Area: Preliminary Report of*

Findings (July 2014), clearly shows the riding areas to be substantially more emissive than the nonriding areas, with the LeGrande tract riding area up to 30 times more emissive than the Oso nonriding area, and up to 8 times more emissive than all nonriding areas combined. The figure below is a graph of the data presented in Table 2 of that report.



3. What does the SLOAPCD believe would be the most efficient and cost effective measures to reduce dust emissions to be in compliance with Rule 1001?

As mentioned above, there are a number of variables associated with answering this question, so I asked our consultant, Mel Zeldin, to provide his professional recommendations (attached). While Mr. Zeldin identified eliminating riding upwind of the affected populated areas as the most effective strategy, that action is not endorsed nor recommended by the SLOAPCD. We firmly believe effective dust control strategies are available to reduce emissions to a level that complies with Rule 1001 while continuing to allow recreational riding in the park, provided such measures are applied appropriately in the most emissive areas. We do, however, agree with and support his recommendation that replanting of vegetation is the most effective long-term strategy currently available.

In our opinion, reestablishing vegetated foredunes in the areas where they have been destroyed by vehicle activity would appear to be the most effective strategy, followed by establishing additional vegetation islands in the inland riding areas. Studies performed by DRI as described in their *Oceano Dunes Pilot Projects* report (July 2011) show vegetated areas to be nearly 100% effective in reducing sand movement and would provide year-round, permanent reductions; wind fencing is less than

half as effective at best, and provides only a temporary solution. Regarding the need to reestablish vegetated foredunes, that recommendation is provided in a substantive study commissioned by State Parks and performed by the California Geologic Survey. Their report, titled Review of Vegetation Islands, Oceano Dunes SVRA (August 2007), documents the historical and current vegetation coverage at the ODSVRA and the nearly complete loss of vegetated foredunes in the riding area between 1970 and 1992 due to OHV activity. In that report, the authors identify the need to reestablish vegetated foredunes along the coast to the west and northwest of all areas where inland vegetation is desired due to their ability to substantially reduce wind force and sand movement that will otherwise bury newly planted inland vegetation without that protection.

We believe the use of soil binders and sand fencing, as is currently proposed by State Parks for 2015 dust control, will provide immediate help in dust reduction, but are not adequate without significant revegetation to achieve compliance with Rule 1001. Nonetheless, soil binders have the potential to be far more effective than sand fencing in terms of dust reduction and cost and, if proven feasible for use at the ODSVRA, may be the best interim control measure before revegetation efforts are fully established. Thus, adequate testing of soil binders is essential to determining their potential effectiveness.

Summary

As documented in the studies described in our responses to questions 1 and 2 above, OHV use at the ODVSRA is clearly the major contributor to dust emissions generated there, and the Le Grande tract riding area is the most emissive area at that facility. In our opinion, reestablishing vegetated foredunes near shore and additional vegetation islands further inland, together with seasonal use of soil binders and/or sand fencing in the high emissive back dune areas, represents the most effective approach capable of meeting the requirements of Rule 1001, and for achieving the overall objective to reduce emissions in the riding areas to natural background levels while retaining offroad vehicle activity.

I hope these responses adequately answer the questions you posed. All studies referenced above are available on the SLOAPCD website at <http://slocleanair.org/air/pmstudydata.php>. Please feel free to contact me at (805) 781-5912 if you have any questions or need additional clarification on the issues addressed in this letter.

Sincerely,



Larry R. Allen
Air Pollution Control Officer

Cc: Christopher Conlin, OHV Division, State Parks
Kurt Karperos, California Air Resources Board

Enclosure(s)

Christopher Dugan

From: Marshall, Brent@Parks <Brent.Marshall@parks.ca.gov>
Sent: Tuesday, March 10, 2015 11:29 AM
To: Paula Hartman; Christopher Dugan; Glick, Ronnie@Parks
Subject: FW: Oceano Dunes

Brent C. Marshall

District Superintendent
Oceano Dunes District
California State Parks
805.773.7178

Brent.Marshall@parks.ca.gov

From: Grossman, Kaitlin@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Monday, March 09, 2015 3:59 PM
To: Marshall, Brent@Parks
Subject: FW: Oceano Dunes

From: Geraldine Dinis [<mailto:geraldine.dinis@bmimechanical.com>]
Sent: Monday, March 09, 2015 3:31 PM
To: CoastalODSVRAcomments; OHV, OHVINFO@Parks
Subject: RE: Oceano Dunes

I am still awaiting a response to my email with a few answers to the new rule??

From: Geraldine Dinis [<mailto:geraldine.dinis@bmimechanical.com>]
Sent: Thursday, February 19, 2015 10:12 AM
To: 'odsvracomments@coastal.ca.gov'; 'ohvinfo@parks.ca.gov'
Cc: Justien Medina (JDinis@valleybusinessbank.onmicrosoft.com); m.dinis6784@gmail.com
Subject: Oceano Dunes

To Whom it may concern:

I am writing today in utter frustration over our weekend experience at the Oceano Dunes. We drove 2.5 hours on Sunday mid morning to meet up with some friends for a day of riding on the dunes , only to be told we were not able to bring our off road vehicles in. We have a yearly pass with no blackout dates, how fair is that? How exactly do they keep track of just how many off road vehicles have gone in and how many have come out. When we were driving in, there sure were lots that were coming out. We have been going to Oceano dunes for the past 30 years and the political BS is getting out of control. Organizing a protest to deter people from visiting there is sure tempting. What would happen to that town if it weren't for us out of towners that bring in revenue for them, from fees, to gas to meals & lodging. Maybe for a few weekends they should have Zero visitors and then they might appreciate us spending our money there! What are the guidelines for these new rules, is it only during holiday weekends? How can one avoid driving 150 miles to get there and then to be turned away?

Geraldine Dinis

Hi Ronnie,

Corporations get richer from the O.D.S.V.R.A. that is the basic reason they promote it. I live in Nipomo & like many in Nipomo have terrible lung congestion. I wear a gas mask when it gets real bad.

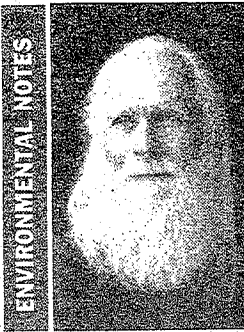
Our culture must "kick" our vehicle "addiction" — the place to start is on Ocean Beach — the time is NOW.

Glad you are looking into this.
Bill



BILL DENNEEN
Make Love Not Babies, Inc.
1040 Cielo Lane
Nipomo, CA 93444-9039

Don't renew state off-highway agency



ENVIRONMENTAL NOTES

Bill Denneen

The Off-Highway Motor Vehicle Division of the California Department of Parks and Recreation promotes vehicle use as a type of "recreation."

It receives money from a percentage of the gasoline tax to encourage even more vehicle driving for "recreation." In biology, that is called a "vicious cycle."

Whenever you buy gasoline, some of that money is used to promote more driving. That makes the corporations that sell gasoline and manufacture vehicles like all-terrain vehicles, off-highway vehicles and sport-utility vehicles even richer.

I call those corporations the "road gang."

State law requires a reduction in statewide greenhouse gas emissions to 2000 levels by 2010 and to 1990 levels by 2020.

Driving vehicles for "recreation" should be the first source to go, as we need to get to work.

The Oceano Dunes State Vehicular Recreation Area has been "studying" the mouth of Arroyo Grande Creek for decades. It is critical habitat for four endangered species.

Two are the snowy plovers that nest there and the steelhead trout that must cross a "road" to swim upstream and reproduce.

The beach is functioning as a sink. A "sink" is an area where a species is attracted but is unable to reproduce sufficiently to maintain its numbers.

There once were 50 snowy nesting sites along the West Coast, but only eight are now left — one at the mouth of Arroyo Grande Creek.

In 1998, 78 snowy plover eggs were produced on

the beach in the Oceano Dunes SVRA, with 60 producing chicks. Of those 60, only 11 survived to fly away.

That is a survival rate of only 18 percent — not enough to maintain the species. They are headed toward extinction.

Snowy plover breeding season is March 1 to Sept. 30. The birds court, lay eggs on the dry sand, incubate them and hatch them. The male raises the young while the female goes off to another beach to meet a new male — women typically like that role reversal.

That makes for three clutches per year — biologically very efficient. The newly hatched birds are tiny, blend in with the sand and must feed at the waters edge on insects, worms and tiny crabs.

OHV's
JUNE 07

The attrition rate is extremely high because the mouth of Arroyo Grande Creek has become a road with thousands of vehicles passing on a busy weekend. It is the main entrance to the off-road area.

The Off-Highway Motor Vehicle Division receives more than \$60 million per year from the gas tax to promote vehicle use as a type of recreation.

Vehicles use a fuel (petroleum-based) that is running out, contributes to global warming and pollutes the air we breathe. Driving off-highway vehicles may make the road gang rich and powerful but should no longer be considered a type of recreation.

The existence of the Off-Highway Motor Vehicle Division of State Parks could end at the end of this year if not renewed. Our elected officials will be deciding to renew the agency.

My letter to elected officials is based on "He who accepts evil without protesting against it is really cooperating with it."

— the Rev. Dr. Martin Luther King Jr.

Bill Denneen is a retired teacher and biologist living in Nipomo. He can be reached via e-mail at bdenneen@kcbx.net.

Next generation must junk our auto addiction

Life started on this planet about 2 billion years ago, *Homo sapiens* about 2 million years ago, while humans came to California only 10,000 years ago. Europeans invaded this state about 300 years ago.

Automobiles were invented about 100 years ago. Since World War II, cars have gone through an exponential growth increase and now dominate everything we do.

If you know people who lived on the Central Coast only 60 years ago, ask them what it was like. It was much different than today. I moved here 44 years ago and it was so very nice — much better than crowded Boston where I had come from.

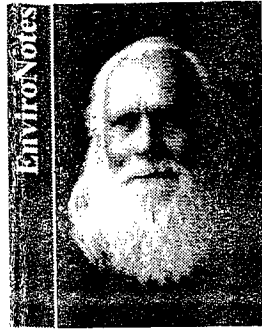
I loved the open space, hills, cattle and, particularly, the untouched coast. Since then, we have converted open space, parks and oak woodland into roads and wider roads and parking lots, with ag land growing houses rather than food. Nipomo had no stop lights as recently as 12 years ago.

Cars that supersaturate the Los Angeles Basin have made its air typically unfit to breathe. Cars make us weak, lazy and overweight. One out of six working Americans have their work related to cars, and the rest depend on cars to get to work. Kids no longer walk or bike to school.

Cars use a finite fossil that is rapidly running out. We trash the environment for fuel to run our cars (e.g., Nigeria, Avila Beach, Guadalupe) and soon the Arctic wilderness and off our coast to continue our addiction for a few more months.

Our present federal administration was created by oil corporations. Its main emphasis is in finding new supplies of oil while doing nothing to curb demand or find alternatives.

Cars have become part of who we are; one of the reasons I wanted a car at 17 was to attract the opposite sex. Some free elder advice to young gals: Go for the guy who rides a bicycle; he's sustainable.



NOV
24
'09

Bill
Denneen

Unfortunately, we have become a car-addicted culture. The Santa Maria Speedway just south of Nipomo has about 2,000 car enthusiasts who drive there (of course) on Saturday nights to watch cars smash up while using a finite fossil fuel that is almost all gone.

The worst aspect of our vehicle addiction is that our tax dollars are being used to promote even more vehicle use. Each year, \$50 million from the gas tax in California goes to the Off-Highway Motor Vehicle Division of the California State Parks system to promote more vehicle use for so-called "recreation." We even have signs on our beach saying: "Pedestrians, beware of vehicles."

In biology, that is called a "vicious cycle." Let Assemblyman Abel Maldonado know how you feel about it at 1302 Marsh St., San Luis Obispo, CA 93401. Legislation put in the OHV Division and legislation can take it out.

I urge everyone to walk more. Get a bike and use it. Use our excellent bus system. For long trips, take Amtrak — it is a neat way to travel. Mainly, use your car less. Each time you get ready to hop in your handy pol-

luter, ask yourself: "Is this trip necessary? Could I do five errands instead of just one? Could I carpool? Could I bicycle? Could I use my legs for what they were intended?"

Remember:

- Vehicle emissions are the leading cause of global warming.

- Vehicles account for more than half our air pollution.

- We build our cities to accommodate cars, not people and kids.

The mouths of Arroyo Grande Creek and the Santa Maria River are critical habitat for the endangered Western snowy plover, steelhead trout, tidewater goby and least tern. The law requires that they be protected. Cars have taken over those critical habitats. Why do we permit that?

My view is there should be no vehicles on the beach or dunes; that vehicle use is not a type of recreation; that our fine State Parks system should promote appreciation and interpretation of the natural world, not more car use; that the beach is for kids, strollers, volleyball, horses, birding, snowy plovers, wave listening, joggers, least terns and, of course, lovers, but not vehicles.

My view is that vehicles pollute, use a finite fossil fuel, make corporations (e.g., Unocal, Shell, et al.) rich and powerful. Those corporations have taken over our government and cause us to go to war.

When I turned 70, I decided to see if I could live without a car. I was car-free for almost two years — it was an educational and exciting experience. I urge more people to experience that "different" lifestyle.

Following that, for three years I used an electric truck that was charged by photovoltaic cells on my roof. As I pushed 80, I decided to buy a "polluter" like everyone else.

Why did I return to my decadent ways (driving a polluter)? Basically I have given up. I had high hopes of changing our way of life. But I will keep fighting for natural-world protection and will ride my bicycle for at least 25 percent of my travel.

Sustainability, voluntary simplicity, using less, consuming less and simple living are considered by many to be un-American. During the twilight days of the Golden Age of Man, I will enjoy my few remaining days to the hilt.

It has been great to have lived on the Central Coast but so sad to see it become supersaturated with cars like Los Angeles. The future is yours — certainly not mine. You can still direct where our culture is headed. Participate.

Bill Denneen is a retired teacher and biologist living in Nipomo. He can be reached via e-mail at bdenneen@slonet.org.



Adobe/Phil F

After an emotional four-hour public hearing Tuesday night on whether to sell 584 acres of land the county owns in the Oceano Dunes SVRA to State Parks, the San Luis Obispo County Board of Supervisors voted 4-0 to continue the hearing to a closed session at a date to be determined. Below, Bill Denneen is seen with his protest sign.

County delays decision Oceano Dunes sale

Hearing: County delays dunes sale decision

Continued from A2

riding area in the Oceano Dunes State Vehicular Recreation Area.

That agreement expires in June 2008.

State Parks has made an offer to buy 283 acres of the property for \$2.35 million, with escrow closing Oct. 1, including an option to purchase the remaining 301 acres for \$2.45 million, with escrow closing March 31, 2008.

The four supervisors — 4th District Supervisor Katcho Achadjian recused himself — voted to continue the hearing to a closed session as they felt more time is needed to analyze State Parks' offer.

Achadjian recused himself from the hearing because the gas stations he owns in the Five Cities have the potential

to generate revenue from users of Oceano Dunes SVRA.

"We need to know where we are trying to go and how we plan to get there," said Chairman Jerry Lenthall, who shortly before 10 p.m. made the motion to continue the hearing.

During the future closed session, the supervisors also plan to discuss how they would like to negotiate with State Parks if they choose to sell the property and any conditions that could be placed on a sale.

If the supervisors don't sell the property or enter into another operating agreement or lease with State Parks, the county would be responsible for managing the land, which State Parks has done since 1983.

Fifth District Supervisor

Jim Patterson said he isn't "categorically opposed" to selling the property, but he also isn't willing to part with the land until issues like an alternative access to the off-road park are addressed.

"I don't think we could manage that (property) ... but I also don't think I'm just willing to throw up my hands and walk away," he said.

State Parks officials warned supervisors the \$2.35 million appropriated by the state for purchase of the first 283 acres will expire on June 30.

"If we miss this opportunity, there is zero guarantee that funds will be available in the future," said Daphne Green, deputy director of State Parks' Off-Highway Motor Vehicle Recreation Division.

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Friday, February 27, 2015 9:13 AM
To: Christopher Dugan
Subject: FW: Oceano dunes SVRA dust control project revised NOP Glick

-----Original Message-----

From: Browne, Mari-Beth@Parks On Behalf Of OHV, OHVINFO@Parks
Sent: Friday, February 27, 2015 9:06 AM
To: Glick, Ronnie@Parks
Subject: FW: Oceano dunes SVRA dust control project revised NOP Glick

-----Original Message-----

From: Judy [<mailto:pjborello@yahoo.com>]
Sent: Friday, February 27, 2015 8:52 AM
To: OHV, OHVINFO@Parks
Subject: Oceano dunes SVRA dust control project revised NOP Glick

Hello Ronnie Glick,

My home is on over an acre up on the Mesa and on my property is sand accumulated from hundreds of years of natural occurrence , from long before there was an off-road park. We knew this when We bought this property, it does not bother us. We appreciate the sand control measures that you are taking to help angle away Mother Nature, but we in no way would want to stop the many families who have enjoyed the ORV Park for generations, nor the equestrians. The measures of planting the trees and natural vegetation are good ones, along with halting traffic on extremely high wind days, this would be sufficient and I think help those sensitive to the blowing sand. Thank you.

Judy

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 02, 2015 1:24 PM
To: Christopher Dugan
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Browne, Mari-Beth@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Friday, February 27, 2015 4:43 PM
To: Glick, Ronnie@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Heidi & Scott DiSalvo [mailto:disalvo_5057@sbcglobal.net]
Sent: Friday, February 27, 2015 1:35 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

To Whom It May Concern:

Since the inception of the particulate matter studies on the Nipomo Mesa, the level of air particulates measured on the Mesa has regularly exceeded air quality standards for particle pollution without penalty and has prompted numerous regional air quality control district warnings for local residents to stay indoors on windy days. As noted in the South County Phase 2 Particulate Study done in 2010 "The major findings resulting from detailed analysis of the diverse and comprehensive data sets generated during the Phase 1 and Phase 2 South County PM Studies clearly point to OHV activity in the SVRA as the primary contributing factor to the high PM concentrations observed on the Nipomo Mesa".

One doesn't have to be a genius to figure out that the loss of natural ground cover vegetation coupled with continual catastrophic disturbance and grinding action caused by OHVs on the surface sand particles of the Oceano Dunes is the major contributor to the air quality particulate issue we are currently facing. Data from the particulate studies showed unequivocally that "Vegetated areas do not emit windblown particles" and that "This is significant because State Parks research shows that vegetation cannot survive in areas with OHV activity". Data also shows that "Sand sheets with OHV activity emit greater amounts of particulates than similar sand sheets without OHV activity under the same wind conditions and " SLO APCD and Delta measurements showed that the average PM concentrations downwind from the SVRA are 2 – 3 times higher than downwind from the control sites". The primary conclusion reported from this study: "OHV activity in the SVRA is a major contributing factor to the high PM concentrations observed on the Nipomo Mesa". The bottom line is that healthy air quality on the Nipomo Mesa is being severely impacted directly by the lack of proactive control and support of the natural environment on the Oceano Dunes. Any concerns over the potential for lost revenue, financial penalty and loss of political support have no place in

a discussion directly related to the health and well-being of local residents. I am in total support of identifying and implementing any and all dust control measures for the Oceano Dunes SVRA.

Respectfully,

Scott DiSalvo

Resident of the Nipomo Mesa

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 02, 2015 1:24 PM
To: Christopher Dugan
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Browne, Mari-Beth@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Friday, February 27, 2015 4:42 PM
To: Glick, Ronnie@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Arlene Versaw [<mailto:arleneversaw@gmail.com>]
Sent: Friday, February 27, 2015 2:12 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

Mr. Glick:

I have reviewed your NOP proposed project description, and here are my comments.

- 1) You qualify too many statements with adjectives that let you off the hook: "up to approximately" - what does that mean? Absolutely nothing! "May result in," "could apply". Using these words gives the impression that you are building an "out" on your intentions. I ask that they be removed - all of them
- 2) You are already planting 15 acres a year. Is the proposed "up to approximately 20 acres" in ADDITION to what you are doing? That is not clear.
- 3) Regarding the temporary nature of the fencing - we are experiencing violations all year long. These fences must be permanent and MAINTAINED, or this is a waste of your time and money (just like your 2014 project was).
- 4) Just exactly what are you proposing for this year? It appears you are solely trying to affect the CDF monitor to affect federal air quality standards, which is in your self-interest, but does not support the implementation of Rule 1001, which is designed to protect the public. How will your project directly support Rule 1001 implementation?

Arlene Versaw
Nipomo Mesa

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 09, 2015 10:11 AM
To: Christopher Dugan
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Marshall, Brent@Parks
Sent: Saturday, March 07, 2015 2:35 PM
To: Glick, Ronnie@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

Brent C. Marshall

District Superintendent
Oceano Dunes District
California State Parks
805.773.7178
Brent.Marshall@parks.ca.gov

From: Browne, Mari-Beth@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Monday, March 02, 2015 9:13 AM
To: Marshall, Brent@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Jackie Johnson [<mailto:jgxjohnson@att.net>]
Sent: Monday, March 02, 2015 8:42 AM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

Hello,

So, in reading the EIR revised (eviscerated) pollution control 5 year plan, the request is to not say things like 'vehicles don't belong on the beach' or 'political or slanderous' statements. Of course not - who would dream of such things.

My parents built their home on Nipomo Mesa in 1971. Pollution from many sources has increased so much since then.... agricultural spraying, wind borne sand, water contamination, transportation emissions, and so on and so on. You'd think that when we had an opportunity to substantially reduce the pollution it would be wise to act on it. But no, its too hard apparently...just too hard.

A simple 'specific alternative' for the EIR plan is to have us accept the (sad) proposed 5 year plan with an extra step - close the dunes to all vehicular traffic.

Sincerely,
Jackie Johnson
Nipomo

Feb 5, 2015

Members of the Coastal Commission California



View of Pismo State Beach at 6 Am Sun rising.

Decisions are made based on information one has at the time as typified by the history of 'Dunes' located in The Southern San Luis Obispo County. Every age has had its regulations and things repeated year after year by community agreement.

For instance the early peoples, called the Chumash had their rules, I am told that went something like this: every so many years that they lived in a location they would burn the whole village down and rebuild at another location on the coast of California. Not having their information I can only surmise the reasoning. Maybe bugs or fleas or materials rotted in the sea air and climate.

Later on the during the Land Grant Era the coast was used for the loading and unloading of boats bringing in goods and export of leather, tallow and materials made on the rancheros.

The communities were small 500 to 1200 people in an area. It is hard for us today to think of the open spaces that existed at this time. The Local Dana Adobe located in Nipomo area was one of those Land Grants from the King of Spain of 38,000 acres of rolling hills.

The agreements were by the residents were for their very survival. Some of the Local Indians were known to attack homes during the night hours killing whole families. There were no local grocery stores or sources except each other and what came in by boat or later by stage coach as time went on. Still, later by train The Santa Maria Train brought some goods and people to the area.

Pre-World Thru War I and II

Later, as time passed, the population increased to may be 11,000, people in the whole area stores and commerce had arrived in the area. These towns in most cases were 400- 800 people and 6 - 10 plus stores and saloon lining one street. We still had farms and rancheros and need for recreation so the beach became a goal for the family outing. Increasing to maybe 10-11,000 people by the second WWII in the areas. **Yearly** visitors maybe 1-11,000, if you counted the horses. We have all seen the pictures of great Hotel and the sand in Pismo.

This was still a very sparsely populated area and the use of the beach was not a regular event. They were traveling by buggy or very primitive motorized vehicles and the roads were not always paved. During this time we have the Great Hearst Castle to the North that was a three or more day long trip to get to, even by movie stars and corporate giants.

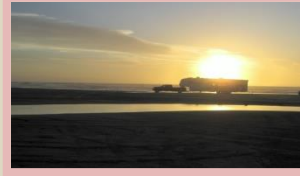
More recently, the roads are now paved and are 3 to 6 lanes wide in places. And add to this we are and have a stable population of approx. 390,000 plus 45,000 college students and 3-9 million tourists into the area now. The criteria for protection of the families and tourist alike should change. The beach is now, the backyard to residents , **49 thousand of them** (five cities in the area, 'Shell beach', 'Oceano', 'Arroyo Grande', 'Grover Beach') living **adjacent to the sand dunes year round**.. There are reports of a 3 million **or more** vehicles traveling on to the beach in one year this plus businesses and associated transport of goods for their operation on the beach itself. This is round the clock traffic, day and night.

The rules that protected the early Chumash families cannot be applied to modern residents.

Today the protection must include A. active protection of the dunes environment from Dune Crust, Blessed Thistle, Steel-head Trout, Tide water Gobi, Tribal burial Grounds and Sacred Sites, and native birds such as Snowy Plover, B. the intertidal zones, home for babies of many different species ,



, B.



the intertidal zones, home for babies of many different specie

'HuckFests' of one kind or another, see birds, seals other species laying dead after,

C. residents who live adjacent to the Dunes, from Pm-10 health impacting silica Dust which is now, shown to be present. The very thing that brings visitors to the area is being destroyed and once gone cannot be regained.



D. Fresh water creek and habitat for species.

Car crossing fresh water creek putting

Gobi and steel-Head trout at risk!

Attempts thru (75 -82) the years date from inception to find middle ground to please business interest and other **interests state agency**. The glaring facts of being land locked still when a law was signed saying that was to be another entrance to the ODSVRA has not happened. That has given them, 20 some odd years to do this when they signed a contract for five years! There has been little or no incentive to do so. Emergency vehicles are stationed the Pier Ave. entrance some two -four miles from Sand City and Communication into the ridding areas are limited.

On at least one occasion an EMT has been killed because he could not be seen in the dark. IF and When the earthquake of 9.0 comes a million visitors **will die**. Picture of the one and only entrance to the Pismo State Beach.

Residents are becoming ill yearly as a result of PM10- air borne particulate, asthma, bronchitis, emphysema are rampant in residents. Enforcement of meager rules is few to non-existent from speeding (a death from a collision within last 30 days, Jan 2015 from speeding and hitting a



stalled vehicle) to teenagers playing in the snowy plover nesting area to destruction of sacred sites which I have witnessed while rangers ride by.

How can families walk on the beach or just want to breath fresh air?. The beach has been the site of several children dying in the midst of constant **round the clock** traffic of big transport vehicles going too fast to see them and avoid them. The once friendly small town atmosphere is now filled with

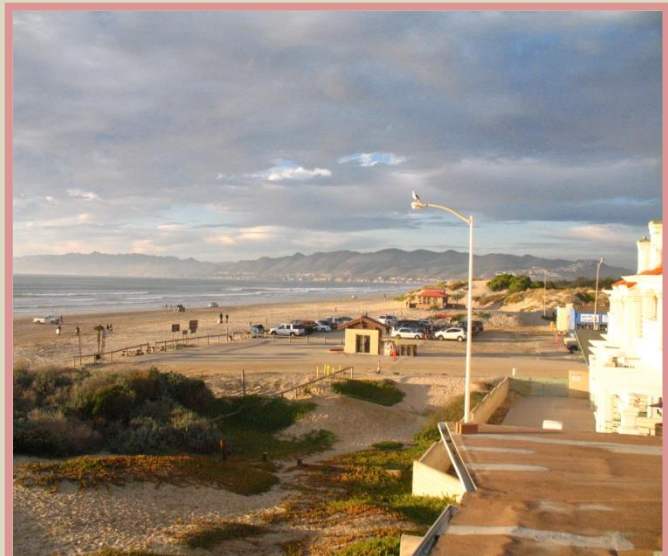
strangers who care nothing for neighbors but how much money can they make or I just bought new rentals and I need to pay for them.

Picture of the **one entrance** and exit to the ODSVRA. One vehicle at a time may leave. In an emergency a malfunction in one car or motor home means disaster.

High tide means no exit or entry to the area of Sand City even in an Emergency.



view down unretouched on the ODSVRA



OHV posted signs that the beach was an SVRA where vehicles had priority over pedestrians and advised those who came to the beach for ocean dependent activities to go elsewhere for their own safety. It ordered healthy marine mammals to be indiscriminately removed from the beach, because they would be mere “speed bumps”.

Signs, how does an endangered species who has used this beach centuries know? How does community encourage the SVRA follow through with the contracts it has signed through the years?

In egregious violation of the Coastal Act, the liberties that the Off Highway Vehicle (OHV) division of State Parks and Recreation has taken under this permit have turned a natural seashore and public beach into a noisy, dangerous road.

SLOAPCD air pollution monitors show that OHV’s use of the beach for a road is causing health threatening dust in the Oceano Beach neighborhood equivalent to the alarming readings at Mesa 2 in Nipomo. Vehicles have been banned on all other beaches and coastal dunes in California, and monitors verify that no other beaches or coastal dunes in California are producing harmful airborne dust. It is the OHV’s activities that are causing this serious health threat.

California State Parks’ mandate is to preserve and protect, and OHV’s mandate is to contain a nuisance. Both have failed. All regulatory agencies associated with this permit whose priorities include public health have miserably failed under this permit.

We need your help to protect this resource for future generations. Please give the dunes a rest from all human contact for a period. This would allow the endangered species to restore itself.

Thank you for taking the time to consider my concerns.



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March 9, 2015

Mr. Ronnie Glick, Senior Environmental Scientist
California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division (OHMVR)
Oceano Dunes District
340 James Way, Ste. 270
Pismo Beach, CA 93449

RE: Oceano Dunes SVRA Dust Control Project Revised NOP - Comments of Friends of Oceano Dunes

Dear Mr. Glick:

These comments are filed on behalf of Friends of Oceano Dunes, Inc. ("Friends"), which is a California not-for-profit corporation, representing approximately 28,000 members and users of the Oceano Dunes State Vehicle Recreation Area ("SVRA") located near Pismo Beach, California. Friends is a public watchdog organization created in 2001 expressly to preserve and expand recreational uses at Oceano Dunes SVRA.

Friends' watchdog role includes review and challenges to local, state and federal rules and activities that may impact, restrict or limit recreational uses at Oceano Dunes. Friends' members live near, use, recreate, visit and personally enjoy the aesthetic, wildlife and recreational resources of the dunes area, including off road recreation, hiking, and observing wildlife.

The Revised Notice of Preparation ("Revised NOP") and Public Scoping Meeting states that California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division ("State Parks") is preparing a program EIR for a five-year dust control program at Oceano Dunes State Vehicular Recreation Area ("Oceano Dunes SVRA").

The project is described as a 5-year dust control program at Pismo State Beach and Oceano Dunes SVRA. Both parks provide public access to beaches and public coastal recreational opportunities, including state mandated off-highway motor vehicle

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("OHV") recreation in designated areas shown in Figure 1 to the Revised NOP. The Dust Control Program would consist of two different kinds of dust control measures: One, "Re-vegetation measures would consist of planting of sterile annual grasses, seeds, and seedlings, either in open sand areas or in areas adjacent to existing vegetation." Two, "Artificial roughness measures would consist of the placement artificial materials and structures on or in open sand areas. The OHMVR Division is considering using straw bales, woodchip berms, and low-porosity wind fences as artificial roughness dust control measures." *Oceano Dunes State Vehicular Recreation Area Dust Control Project, Initial Study* (2012) ("Initial Study") (available: http://ohv.parks.ca.gov/pages/25010/files/20121129_dustctrlproj_nop_and_is.pdf), p. 23

The EIR overall needs to comply with requirement that decisions be informed and balanced, and not used to oppress recreational development and advancement:

"[W]e caution that rules regulating the protection of the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; See also, *Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112.

With this key principle in mind, Friends submits the following comments on its behalf and its members' behalf:

Point #1: The use, location and size of dust control measures must not violate State Parks' legislative mandate to provide and maintain long-term use of OHV Recreation.

The EIR must comply with CEQA and with non-CEQA law. In *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) --- Cal.App.4th --- (3rd Dist), the Court found that CEQA mitigation measures proposed by the EIR and adopted by the California Department of Fish and Wildlife were underground regulations improperly adopted without compliance with the Administrative Procedure Act: "The Association contends three mitigation measures imposed by the Department on the Fishing in the City Program and private stocking permit applications are actually underground regulations – regulations adopted without complying with the notice and procedure requirements imposed by the APA. We conclude the three measures are underground regulations.")

Here, the EIR must comply with State Parks' legislative mandates for OHV riding areas. State Parks recognizes that the locations of dust control measures must comply with legislative mandate to provide, enhance and maintain OHV recreation:

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"The OHMVR Division anticipates that the selection of specific dust control measure locations would depend on the following factors:

...*OHV Recreation*. **The OHMVR Division has a legislative mandate to implement and administer a program to manage and enhance OHV recreation uses and motorized off-highway access to non-motorized recreation** (Public Resources Code Sections 5090.01 et seq.). The OHMVR Division's legislative mandate recognizes that the indiscriminate and uncontrolled use of OHVs may have a deleterious impact on the environment, wildlife, and plants and declares that effectively managed areas and adequate facilities for OHV use and conservation and enforcement are essential for ecologically balanced recreation. Public Resource Code Section 5090.35 identifies the protection of public safety, the appropriate utilization of lands, and conservation of land resources as areas of highest priority in the management of an SVRA. Compliance with Rule 1001 and implementation of PMRP dust control measures will necessarily involve careful evaluation of how to best provide adequate, ecologically balanced, and sustained long-term motorized and non-motorized recreation at Oceano Dunes SVRA." Initial Study, pp. 25-26 (Bold emphasis added).

Point 1.1: State Parks must comply with legislative mandates to expand and facilitate OHV riding areas but the proposed dust control program will close riding areas in addition to the thousands of acres that already have been closed.

Friends' and its members' legal right to operate OHV within the SVRA, created under a state law specifically to facilitate OHV riding on areas uniquely suited for such activity (Pub. Res. Code § 5090, et seq.), will be eliminated or unduly restricted if large portions of the park are closed to recreational vehicle activity for the use of dust control measures instead.

The California Legislature enacted legislative mandates to provide OHV riding and public recreational opportunities. The law declared a state policy of setting aside "effectively managed areas and adequate facilities for the use of off-highway vehicles . . ." Public Resources Code ("PRC") § 5090.02(b). "State vehicular recreation areas shall be established on lands where there are quality recreational opportunities for off-highway motor vehicles and in accordance with the requirements of Section 5090.35." PRC § 5090.43(a).

Instead of decreasing OHV use areas, it is the "**intent of the Legislature**" that: **"(1) Existing off-highway motor vehicle recreational areas, facilities, and opportunities should be expanded and managed in a manner consistent with this chapter, in particular to maintain sustained long-term use. (2) New off-highway motor**

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vehicle recreational areas, facilities, and opportunities **should be provided and managed** pursuant to this chapter in a manner that will sustain long-term use." PRC §5090.02(c) (Emphasis added)

The Legislature also tasked State Parks with ensuring that OHV riding areas are managed to enhance recreational opportunities but does provide for a temporary, not permanent, closure of SVRA in limited circumstance. "**Areas shall be developed, managed, and operated for the purpose of making the fullest public use of the outdoor recreational opportunities present.** The natural and cultural elements of the environment may be managed or modified to **enhance the recreational experience** consistent with the requirements of Section 5090.35," which includes preparation of an habitat protection program that might require a temporary closure only. PRC § 5090.35(c)(2) ("If the division determines that the habitat protection program is not being met in any portion of any state vehicular recreation area, the division shall close the noncompliant portion **temporarily** until the habitat protection program is met.") (Emphasis added)

The SVRA Act gave the OHV Division within State Parks broad powers to plan and administer SVRAs including the newly created Pismo Dunes. Pursuant to PRC §5090.32(a), State Parks has the duty and responsibility for "planning, acquisition, development, conservation, and restoration of lands" within SVRAs. See also, PRC § 5090.35(a). As stated by State Parks, the size of the OHV riding area at Oceano Dunes has been reduced from a historical 25,000 acres to 1,500 acres, and *any further reductions would violate the legislative mandates to provide for OHV riding:*

" . . . DPR has not[ed] . . . that the size of the riding area has been reduced from 25,000 acres prior to 1983 to less than 1,500 acres today, in large part to protect sensitive habitats. The 2014 annual report states "the park believes it is having good results with the current management program", while also **stating that any additional closure of the Park to OHV use would be inconsistent with its legislative mandates to provide for vehicular riding and its management goals of providing public recreational opportunities.**" (California Coastal Commission Staff Report, *Review of overall effectiveness of methods being used to manage vehicle impacts in relation to coastal resources at the Oceano Dunes State Vehicular Recreation Area (ODSVRA) as required by coastal permit 4-82-300 as amended, in the Pismo Beach, Grover Beach, and Oceano Dunes areas of San Luis Obispo County* (2015) p. 30) (available: <http://documents.coastal.ca.gov/reports/2015/2/w14a-2-2015.pdf>) (Emphasis added)

Thus *State Parks agrees with Friends* that "any additional closure of the Park to OHV use would be inconsistent with its legislative mandates to provide for vehicular riding and its management goals of providing public recreational opportunities." (Emphasis added)

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Point 1.2: State Parks must disclose in the EIR the project's inconsistency with the State's policy and laws regarding SVRA in order to provide fundamental information and not subvert CEQA's core purpose to ensure public participation and agency accountability.

It is well-established in California law that the function of an EIR is as an informational document to provide full disclosure to the public and other agencies. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 ("The Legislature has made clear that an EIR is "an informational document" and that "[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (§ 21061; Guidelines, § 15003, subds. (b)(e).)); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 ("The EIR has been aptly described as the "heart of CEQA." (Guidelines, § 15003, subd. (a); *Laurel Heights*, supra, 47 Cal.3d at p. 392; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810 [108 Cal.Rptr. 377].) Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR "protects not only the environment but also informed self-government." (*Laurel Heights*, supra, 47 Cal.3d at p. 392.); Public Resources Code ("PRC") § 21061 ("An environmental impact report is an informational document which, when its preparation is required by this division, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."); § 21005(a) ("The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions."); CEQA Guidelines, §§15002(a), 15121.

An EIR is not sufficient as an informational document, and an agency prejudicially abuses its discretion, when it omits from the EIR an analysis of its plan's consistency with state policy. *Cleveland National Forest Foundation v. San Diego Assn of Governments* (2014) 231 Cal. App. 4th 1056.

The EIR must also analyze whether a consequence or impact of the proposed project conflicts with the law, such as this conflict between state policy stated in legislative mandates and the impact of closing OHV riding areas. In *Cleveland National*

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Forest Foundation v. San Diego Assn of Governments (2014) 231 Cal. App. 4th 1056, the Court addressed the issue of an EIR acknowledging impacts in air quality from the project, but the "the EIR did not analyze whether this consequence conflicted with the Executive Order, or would impair or impede the achievement of the Executive Order's goals." In our case, the conflict is with state policy stated in statutory law rather than state policy in the Executive Order.

In terms of consistency analysis:

"The EIR acknowledged the transportation plan's implementation would lead to an overall increase in greenhouse gas emissions levels; **however, the EIR did not analyze whether this consequence conflicted with the Executive Order, or would impair or impede the achievement of the Executive Order's goals.** As it did in the EIR and below, SANDAG contends on appeal its decision to omit an analysis of the transportation plan's consistency with the Executive Order (consistency analysis) did not violate CEQA because CEQA does not require such a consistency analysis. Whether the EIR's analysis complies with CEQA depends on whether the analysis reflects a reasonable, good faith effort to disclose and evaluate the transportation plan's greenhouse gas emissions impacts. We review the sufficiency of the analysis in light of what is reasonably foreseeable. (Guidelines, § 15151; *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 386 [145 Cal. Rptr. 3d 567] (*City of Maywood*); *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 897-898 [98 Cal. Rptr. 3d 137] (*City of Long Beach*)). As the focus of SANDAG's contention is whether the EIR's analysis was reasonable and not whether the EIR violated a specific statute or regulation, the contention presents a predominately factual question and our review is for substantial evidence. (*Vineyard*, supra, 40 Cal.4th at p. 435.)

...In this case, SANDAG's decision to omit an analysis of the transportation plan's consistency with the Executive Order did not reflect a reasonable, good faith effort at full disclosure and is not supported by substantial evidence because SANDAG's decision ignored the Executive Order's role in shaping state climate policy. The Executive Order underpins all of the state's current efforts to reduce greenhouse gas emissions. As SANDAG itself noted in its "Climate Action Strategy," the Executive Order's 2050 emissions reduction goal "is based on the scientifically-supported level of emissions reduction needed to avoid significant disruption of the climate and is used as the long-term driver for state climate change policy development." (Italics added.)

...The EIR's failure to analyze the transportation plan's consistency with the Executive Order, or more particularly with the Executive Order's overarching goal of ongoing greenhouse gas emissions reductions, was therefore a failure to analyze the transportation plan's consistency with state climate policy. As evidence in the record

indicates the transportation plan would actually be inconsistent with state climate policy over the long term, the omission deprived the public and decision makers of relevant information about the transportation plan's environmental consequences.

The omission was prejudicial because it precluded informed decision making and public participation. (*Smart Rail*, supra, 57 Cal.4th at p. 463; *City of Long Beach*, supra, 176 Cal.App.4th at p. 898.)

...By disregarding the Executive Order's overarching goal of ongoing emissions reductions, the EIR's analysis of the transportation plan's greenhouse gas emissions makes it falsely appear as if the transportation plan is furthering state climate policy when, in fact, the trajectory of the transportation plan's post-2020 emissions directly contravenes it. "[O]mitting material necessary to informed decision making and informed public participation" subverts the purposes of CEQA and "precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences." (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 658 [167 Cal. Rptr. 3d 382].)

Point 1.3: CEQA does not vest authority in State Parks to reduce riding areas when the Legislative mandate is to expand and maintain, not reduce, SVRA.

As discussed above, State Parks has statutory authority to expand, not reduce, the SVRA. The CEQA Guidelines do not expand State Parks' powers: "CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws." CEQA Guidelines, § 15040(b); 15040(e) ("The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.") Rather, "CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws." CEQA Guidelines, § 15040(a).

Point #2: The use, location and size of dust control measures must not violate State Parks General Development Plan to provide, support and maintain long-term use of OHV Recreation.

The project has a potentially significant impact in terms of conflicting with "any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?" Initial Study, p. 65. Applicable land use jurisdictions and plans include the Pismo State Beach and Pismo Dunes State Vehicular Recreation Area General Development Plan and Resources Management Plan. Initial Study, p. 65. "Potentially Significant Impacts. The installation of the proposed project components

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could conflict with applicable land use plans, policies or regulations of an agency with jurisdiction over the project. The EIR will review applicable policies, plans, and regulations, including Local Coastal Programs, and identify any conflicts resulting from the proposed project." Initial Study, p. 66.

One such relevant plan¹ is the State Parks' General Development Plan for Oceano Dunes SVRA. *Pismo State Beach and Pismo Dunes State Vehicular Recreation Area General Development Plan and Resource Management Plan*² ("General Development Plan") (1975) (available: <http://www.pismo-beach.org/DocumentCenter/View/456>)

The purpose of the General Development Plan, which is required by state law, is to "provide Pismo State Beach and Pismo Dunes State Vehicular Recreation Area with a document that will guide the growth and management of resources well into the future." General Development Plan, pp. 3, 5. In fact, the SVRA's "declaration of purpose" states how the SVRA was "established to make available to the people opportunities for recreational use of off-road vehicles in a large area of unstabilized sand dunes exceptionally adapted to this recreational activity; to regulate such uses in the interest of visitor safety and environmental protection; and to provide appropriate related facilities to serve the users of the area." General Development Plan, p. 43. State Parks stated how it "will manage Pismo Dunes State Vehicular Recreation Area in ways that perpetuate and enhance the uses and values enumerated in the declaration of purpose." General Development Plan, p. 43.

The plan elements for SVRA focused on access and acquisition of 2,170 more acres (490 acres of La Grande Beach Tract, 1,400 acres of private land, and 280 acres

¹ It should be noted that the General Development Plan was one of the planning documents considered in the land use section of the Draft EIR for a general plan amendment. *Oceano Dunes SVRA General Plan Amendment* (1994) ("General Plan Amendment") (General Plan Amendment, p. IV-1.) ("The following land use analysis is based on site visits ... and information derived from San Luis Obispo County coastal planning documents and the Pismo State beach and Pismo Dunes State Vehicular Recreation Area General Plan (1975).")

http://www.parks.ca.gov/pages/21299/files/ar_264_24.pdf

The 1994 General Plan Amendment and EIR for Pismo Dunes SVRA for a project to "identify the least environmentally damaging entrance and staging area" for the SVRA pursuant to a requirement by CCC CDP # 4-82-300. General Plan Amendment, p. I-1.

http://www.parks.ca.gov/pages/21299/files/ar_264_24.pdf

² Pismo dunes SVRA is now called Oceano Dunes SVRA. http://ohv.parks.ca.gov/?page_id=1207; see also, *Oceano Dunes SVRA General Plan Amendment* (1994), p. 2 Note.

http://www.parks.ca.gov/pages/21299/files/ar_264_24.pdf

from utilities). General Development Plan, p. 63. In other words, the recommendation was to increase areas for the SVRA, not decrease them³:

"Through the acquisition of private and public lands it is recommended that Pismo State Beach be increased from 1,090 acres to approximately 1,270 acres and that Pismo Dunes State Vehicular Recreation Area be increased from 810 acres to approximately 2,940 acres. This would provide a total of eight and a half miles of magnificent beach frontage and approximately 4,200 acres with outstanding sand dunes freshwater lakes uplands marshes and lagoons with a variety of vegetation and wildlife." General Development Plan, p. 7.

It should be noted that the 810 acres were "acquired for the recreational use of dune buggies and similar off road vehicles." General Development Plan, p. 17. State Parks recommended "Two thousand acres of sand dunes for off-highway vehicle recreation" (General Development Plan, p. 9) as well as support facilities "necessary for access sanitation safety administration and visitor enjoyment of state beach and state vehicular recreation area lands." General Development Plan, p. 7. Facilities to support OHV recreation, including camping facilities, administration facilities and concession facilities for "dune vehicle service, rental, and storage and food service," (General Development Plan, p. 9), OHV staging area (General Development Plan, p. 51) and parking facilities (150 paved spaces plus overflow turfed parking areas for 500 vehicles). General Development Plan, p. 63.

After all, the "intent of this plan is to preserve this open space for future generations while providing minimal facilities so that the site can be better used for recreational purposes." General Development Plan, p. 76.

Typical CEQA EIR impact analysis with land use element includes analysis based on site visits and "information derived" from local planning documents, such as State Parks' General Development Plan. General Plan Amendment, p. IV-1. Land use analysis includes whether the proposed project modifications, such as dust control measures in this case, will substantially conflict with existing land uses or interfere with the continued use of, in this case, OHV recreational riding areas and whether the project is compatible with land use policies, such as State Parks' General Development Plan. General Plan Amendment, pp. IV-18 -22. Another question is whether the project, here dust control measures, which will effect bordering land uses of OHV riding areas, can be expected to have an effect so great as to cause a change in the bordering land uses of OHV recreational use. General Plan Amendment, p. IV-19.

³ The General Plan Amendment (1994) stated that Pismo Dunes SVRA "contains a 2000-acre dune vehicle recreation area, primitive campgrounds, a picnic area, and equestrian and hiking trails." General Plan Amendment, p. IV-2.

Point #3: State Parks needs to establish the existence of a crust at Oceano Dunes SVRA and how the soil stabilizers would recreate this natural crust before stabilizers are used.

The Revised NOP states that one of the proposed activities for the Dust Control Project is the application of soil stabilizers at Oceano Dunes SVRA. Revised NOP, p. 3. The theory for using stabilizers is the claim that OHV riding breaks the dune crust, which prevents sand emissions, and then the broken crust frees up sand to be carried by the wind to residential areas:

"Phase 2 Study further concluded OHV activities on the dunes cause de-vegetation, destabilization of dune structure and destruction of a natural crust on the dune surface, which in turn increase the ability of winds to entrain dust particles from the dunes and carry them to the Mesa, and that this is the indirect effect of OHV activity, which is the primary cause of the high PM levels measured on the Nipomo Mesa during episode days." Initial Study, p. 8.

However, the California Geological Survey has concluded that there is no stabilizing crust at SVRA, but rather dune laminae or layers:

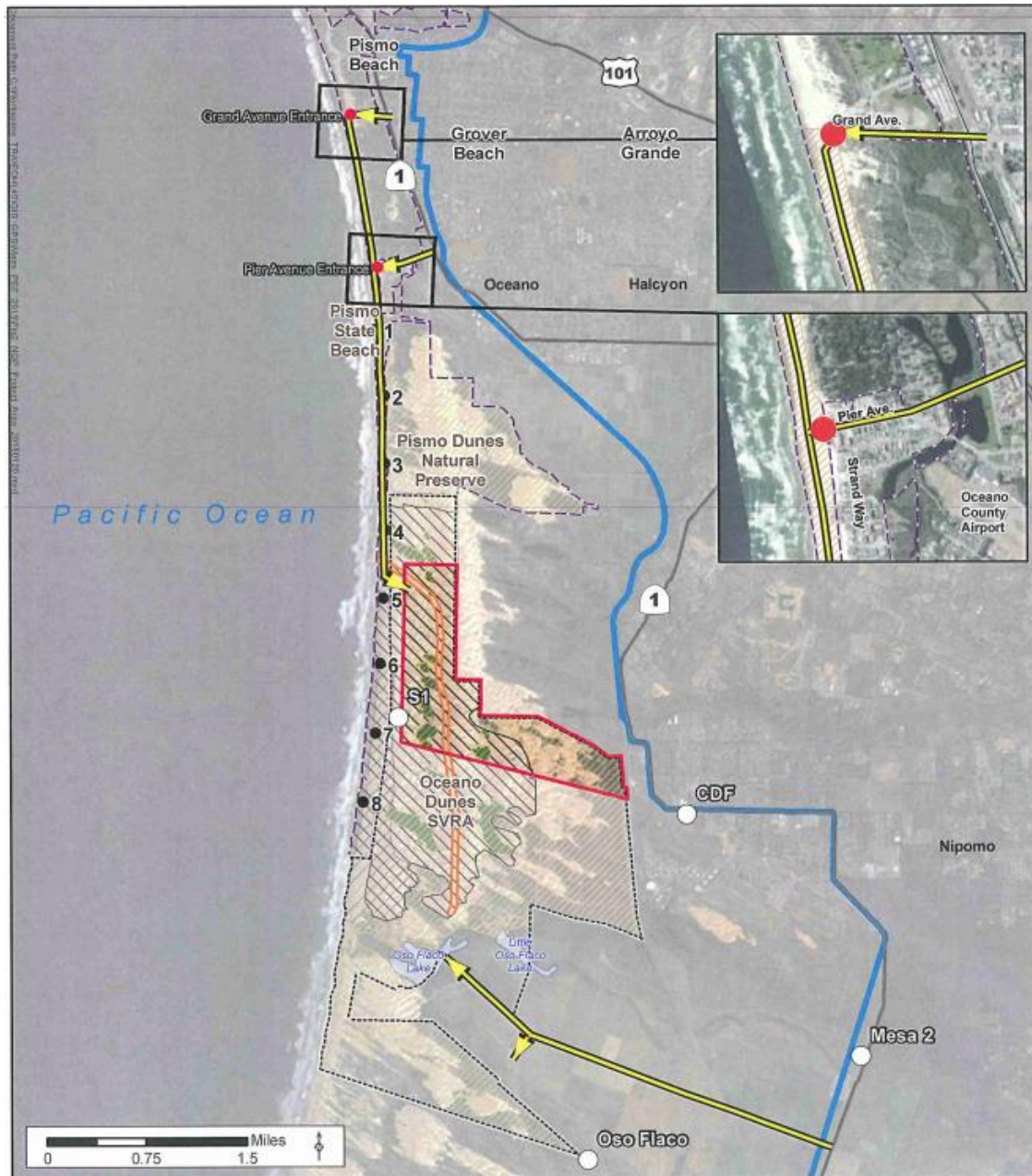
"Additionally and probably because there was no consideration of geologic setting, the authors mistakenly and repeatedly equate the coastal dune environment of the south county to Owens Lake. Owens Lake is a high desert playa – a broad, very shallow basin with no outlet. Waters that flow to the basin are mineral-rich and eventually evaporate, leaving behind a durable crust of mineral salts. In the most basic of ways, the coastal dunes of southern San Luis Obispo County differ from the Owens Lake playa because they are dunes, not a dry lake, and because they are on the coast, not the high desert. *And there is no stabilizing crust in the dunes south of the SVRA that is comparable to the salt flats of the Owens Lake playa. There is no stabilizing crust at all. The authors mistakenly identify dune laminae as a stabilizing crust.*" (CGS Evaluation of SLOAPCD Phase 2 Report (2010), p. 2 <http://ohv.parks.ca.gov/pages/1140/files/cgs-review-ofslophase2.pdf>) (Emphasis added)

The California Coastal Commission, in a Staff Report Addendum (February 10, 2015) (available: <http://documents.coastal.ca.gov/reports/2015/2/w14a-2-2015.pdf>), edited the original Staff Report for its annual review of State Parks' management of SVRA by removing the word "crust" apparently in response to comments by Friends. Staff Report Addendum, pp. 1, 2. The Staff Report then states it does not matter if there is a "crust" or "dune laminae:" "With respect to the dune crust issue, whether there is a "crust" or "dune laminae", the research conducted in ODSVRA clearly indicates that the OHV use areas are more emissive than the nonriding areas." Staff Addendum, p. 7.

However, the CCC's original Staff Report stated that the reason for the soil stabilizers was to "hold the soil in place until biological crusts develop naturally." CCC Staff Report, p. 26. (available: <http://documents.coastal.ca.gov/reports/2015/2/w14a-2-2015.pdf>) It was also suggested that OHV riding would be restricted in treated areas, and it was indicated that the soil stabilizers could be applied to 80 acres. CCC Staff Report, Exh. 11, p. 8 ("Further, from one of the vendors whose western operations are located in nearby Santa Maria, the application cost of an effective eco-friendly soil stabilizer is around \$1200 per acre. So an 80-acre area would cost about \$100k for the application, and additional costs for perimeter fencing.") Given that there is no stabilizing crust, State Parks could be waiting forever for "crusts" to "develop naturally."

Point #4: The EIR needs to clarify how many acres will be used and whether the location for dust control measures is riding or non-riding areas of the SVRA.

The Revised NOP states that State Parks would "implement dust control measures within an approximately 690-acre area of Oceano Dunes SVRA that is located upwind of the Nipomo Mesa." Revised NOP, p. 3: This "area includes most of the open sand areas in the central to northern portion of the Oceano Dunes SVRA open riding and camping area, commonly referred to as the 'La Grande Tract'." Revised NOP, p. 3. Figure 2 in the Revised NOP shows the proposed dust control project area:



- Proposed Dust Control Project Area
- Coastal Zone Boundary
- Oceano Dunes SVRA
- Pismo State Beach
- Marker Post
- Sand Highway
- Closed To All Public Use
- Closed To Motorized Vehicles
- Street Legal Vehicles Only
- Open riding and camping
- Seasonal Plover Exclosure
- Existing Access Route
- Existing Air Quality Monitoring Station
- Proposed Trackout Prevention

Figure 2 Dust Control Project Area

Oceano Dunes SVRA Dust Control Project – Revised NOP

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However, the Initial Study states that the actual acreage needed for control measures could be in the hundreds or thousands: "Table 2-5 summarizes the OHMVR Division's preliminary estimate of the amount, in acres, of control measures that may necessary to achieve a specific PM10 reduction target downwind of Oceano Dunes SVRA." Initial Study, pp. 24-25

Reduction Target	Control Measure Effectiveness			
	25 %	50 %	75 %	90 %
10 % Reduction in PM10	155 Acres	78 Acres	53 Acres	42 Acres
25 % Reduction in PM10	2,146 Acres	190 Acres	129 Acres	101 Acres
50 % Reduction in PM10	NA	2,146 Acres	325 Acres	200 Acres
75 % Reduction in PM10	NA	NA	2,146 Acres	508 Acres
90 % Reduction in PM10	NA	NA	NA	937 Acres
95 % Reduction in PM10	NA	NA	NA	2,146 Acres

Notes: "NA" denotes the PM10 reduction target could not be met at the given control measure effectiveness.

Initial Study, p. 25; See also: Initial Study, p. 73

("The proposed dust control measures, however, may occupy large amounts of land in the project area (hundreds to thousands of acres, see Section 2.6.2) **and could therefore indirectly cause a shift in visitor use patterns.** The EIR will consider whether the proposed project would indirectly result in an increase in the use of other parks such that substantial deterioration of the facility would occur or be accelerated.") (Bold emphasis added)

However, the list of proposed activities in the Revised NOP indicate around 287 acres for the dust control activities:

1. Native vegetation: The Revised NOP states up to 100 acres of native vegetation plantings over five years but the actual figure might be 160 acres when including existing re-vegetation program.

- **Planting up to approximately 20 acres of native vegetation per year at Oceano Dunes SVRA.** The OHMVR Division would plant this vegetation during the fall, when rains support the establishment of native dune vegetation. In total, the OHMVR Division could plant up to approximately 100 acres of native vegetation over the five-year period covered by this EIR.

Revised NOP, p. 3.

However, the aggregate acreage for re-vegetation/vegetation appears to include the proposed project of 100 acres plus the existing re-vegetation program of 12 acres per year or total of 32 acres per year that equals 160 acres for the expected project life:

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"Oceano Dunes SVRA has averaged 12 acres of re-vegetation over the last six years. The OHMVR Division estimates that at maximum an additional 20 acres of open sand areas may be able to re-vegetated in a single year for dust control purposes (this re-vegetation would be in addition to projects performed in a manner consistent with Oceano Dunes SVRA's Coastal Development Permit 4-82-300-A5). Thus, approximately 32 acres of re-vegetation may cumulatively occur per year at Oceano Dunes SVRA with the proposed project." Initial Study, p. 25

2. Artificial Roughness Measures: The Revised NOP states 40 acres of wind fencing and/or straw bales at Oceano Dunes from March thru September of each of the 5 years:

Temporarily deploying up to approximately 40 acres of wind fencing and/or straw bales at Oceano Dunes SVRA. The OHMVR Division would annually deploy temporary wind fencing and/or straw bales from approximately March thru September of each year.

Revised NOP, p. 3.

The total now is 200 acres: 160 for re-vegetation/vegetation and 40 for artificial roughness.

3. Soil Stabilizers: No acreage figure is provided. However, as noted above, a recent CCC staff report suggested 80 acres. Added to re-vegetation/vegetation and artificial roughness, now approximately 280 acres for dust control measures.

Potentially applying soil stabilizers at Oceano Dunes SVRA. The use of non-toxic, environmentally-friendly soil stabilizers would be predicated upon the successful demonstration of such products at Oceano Dunes SVRA and evaluation of their potential to increase risks to vehicle recreation or resources at Oceano Dunes SVRA. If effective at reducing dust, the OHMVR Division could apply non-toxic, environmentally-friendly soil stabilizers as part of a comprehensive dust control program.

Revised NOP, p. 3

4. Track-Out Devices: No figure is provided in the Revised NOP:

- **Preventing track-out of sand onto Grand Avenue in the City of Grover Beach and Pier Avenue in Oceano.** The OHMVR Division would install, operate, and maintain a rumble strip or cattle guard-like device at Pismo State Beach exits on Grand Avenue in the City of Grover Beach and Pier Avenue in the community of Oceano.

Revised NOP, p. 4.

However, the Initial Study indicates around 3 acres:

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"The proposed monitoring and track-out control components could occupy a fraction of the recreational acreage within the project area (three acres out of approximately 4,400 total acres of public park lands)... ." Initial Study, p. 73

The total is now around 283 acres for dust control measures.

5. Monitoring: The Revised NOP does not provide a figure for acres occupied by the installation, maintenance and operation of monitoring equipment for the dust control program.

- **Dust and meteorological monitoring at Oceano Dunes SVRA.** The OHMVR Division would install, maintain, and operate scientific monitoring equipment to investigate and evaluate dust levels and control measure effectiveness.

Revised NOP, p. 4.

However, the Initial Study indicates a range of 2.5-3.5 acres, or around 4 acres maximum. The "the monitoring program would occupy no more than 2.5 acres of land during any one phase; if phases 1 and 2 overlap the maximum amount of land that could be occupied by the monitoring program would be 3.5 acres." Initial Study, p. 18.

Now a total of 287 acres for the dust control project.

6. Existing Dust Control Activities: The Revised NOP does not provide an acreage figure for the existing activities that will be included by State Parks in this new Dust Control Project:

"The Oceano Dunes SVRA Dust Control Project also includes continuing existing dust control, monitoring, and track-out prevention activities currently taking place at Pismo State Beach and Oceano Dunes SVRA."
Revised NOP, p. 4

Point #5: The proposed project may have significant environmental impacts on the SVRA that should be mitigated by buying land for OHV riding areas to replace the OHV riding areas used for dust control project.

The EIR needs to assess the impact of this Dust Control Project on publicly provided recreation facilities that have been used historically for years, potential increased demand for the use of other recreational facilities, and the need for new SVRA land areas generated by this project. The "probable environmental effects" stated in the Revised NOP is that the "project could primarily disturb or modify undeveloped lands (e.g., open sand sheets, dune scrub vegetation) and *may result in the permanent conversion of land at Oceano Dunes SVRA from open sand to vegetation, as well as a reduction in the*

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amount of area open to vehicular recreation." Revised NOP, p. 4 (Emphasis added). In terms of geologic features, the "proposed dust control measures could occupy up to hundreds or thousands of acres of the Guadalupe-Nipomo Dunes Complex." Initial Study, p. 56.

The proposed project may also have a significant impact by shifting recreational users to other parks:

"The proposed monitoring and track-out control components could occupy a fraction of the recreational acreage within the project area (three acres out of approximately 4,400 total acres of public park lands) and would not have a significant effect on park facilities. The proposed dust control measures, however, may occupy large amounts of land in the project area (hundreds to thousands of acres, see Section 2.6.2) and could therefore indirectly cause a shift in visitor use patterns. The EIR will consider whether the proposed project would indirectly result in an increase in the use of other parks such that substantial deterioration of the facility would occur or be accelerated." Initial Study, p. 73.

As the courts have recognized, two million visitors each year use the SVRA, the only place in California for this unique park:

"The SVRA, formerly known as the Pismo Dunes State Vehicular Recreational Area, was created in 1974 to allow recreational use of dune buggies and OHV's near Pismo Beach State Park. It is the only place on the California coastline where the public can drive street legal vehicles on the beach. Approximately two million visitors use the SVRA each year." *Sierra Club v. Department of Parks & Recreation* (2912) 202 Cal. App. 4th 735.

The initial study recognized that OHV lands have already been reduced significantly before any of these additional measures:

"Between Pismo State Beach and Oceano Dunes SVRA, approximately 1,500 acres of land are managed for OHV recreation. From March 1 to September 30th of each year, this area is reduced to 1,250 acres in size due to the installation of fencing to protect the western snowy plover, a federally listed species, and California least tern, a state and federally listed species.

The area open to OHV recreation is bounded by a fence and consists of open sand and vegetation islands. Other ecosystems within Oceano Dunes SVRA include dune lakes, freshwater stream, coastal lagoon, wetlands, fore and back dunes, dune scrub vegetation, and riparian habitat.

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The proposed project area includes approximately 3,060 acres in Oceano Dunes SVRA. This area consists of open sand and vegetated dunes that are considered environmentally sensitive habitat under the SLO County LCP." Initial Study, p. 32

Public agencies have the power to mitigate or avoid a significant effect by exercising its express or implied powers provided by law. CEQA Guidelines § 21004 ("In mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than this division. However, a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law."); See also, CEQA Guidelines § 15040(c) ("Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency.")

CEQA Guidelines define mitigation measures: Avoiding the impact altogether; minimizing impacts by limiting the magnitude of the action; rectifying by repairing, rehabilitating or restoring the impacted environment; reducing or eliminating the impact over time by preservation and maintenance operations; or "*Compensating for the impact by replacing or providing substitute resources or environments.*" CEQA Guidelines § 15370 (Emphasis added); PRC § 21002 ("The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."); See also, § 21002.1. A mitigation measure is feasible when it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." CEQA Guidelines, § 15364; See also, *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683 ("When the city identifies an impact of a project, CEQA gives it only four choices: (1) to find, based on substantial evidence, that the impact is insignificant; (2) to find, based on substantial evidence, that although the impact is significant, no mitigation is feasible and the

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project is justified by overriding considerations in spite of this; (3) to require a mitigation measure and find, based on substantial evidence, that the mitigation measure renders the impact insignificant; or (4) to find that mitigation measures are within another agency's responsibility and that the other agency has adopted them or can and should do so. Caltrans's behavior does not create a fifth option.")

Particularly given State Parks' "legislative mandate to implement and administer a program to manage and enhance OHV recreation uses and motorized off-highway access to non-motorized recreation (Public Resources Code Sections 5090.01 et seq." (Initial Study, p. 25), the appropriate mitigation measure is "Compensating for the impact by replacing or providing substitute resources or environments." A proposed project that takes land used for recreational purposes should provide mitigation to preserve those recreational uses. *Citizens' Committee to Save Our Village v. City of Claremont* (1995) 37 Cal. App. 4th 1157. In *Citizens' Committee to Save Our Village*, the court did not address the issue of dedication for public use but focused on CEQA proceedings. For 85 years, Pomona College allowed public access to unimproved land for "passive recreational uses such as strolling, bird watching, picnicking, drawing or sketching and quiet relaxation." The property was now a project to construct an educational structure or building. A mitigated negative declaration protected the recreational uses:

"The public access/passive recreation issue was directly addressed during the administrative public hearings and in the mitigated negative declaration resulting therefrom: "The project has been designed to preserve the ability of the public to diagonally cross through the site . . . [, and] the center of the site will remain open for public use. . . . The proposed project will add benches and seating area and low level security lighting in order to encourage use of the area . . . [;] the project does not appear to impinge on any official public open space or college recreational facilities. As the site is in private ownership and as the pedestrian circulation through the site has been retained, it is found that there will not be a significant impact on the recreational opportunities with the incorporation of the following mitigation measure." City and College agreed to mitigation measure I: "The pedestrian paths through the site and courtyard area as shown on the site plan approved by the architectural commission will remain open to the public without fences or gates. This area may be closed to pedestrians only during construction activities. Prior to issuance of a certificate of occupancy a document agreeing to this and binding on the college shall be approved by the city attorney and recorded by the applicant.

...In this case, both City and College proceeded precisely as required in preparing the MND and circulating same for public comment. The MND is comprehensive and detailed with respect to appellants' contentions regarding public access, recreation and significant vegetation. These issues were adequately addressed

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and adverse impacts mitigated by the MND." *Citizens' Committee to Save Our Village v. City of Claremont* (1995) 37 Cal. App. 4th 1157.

Recreational impacts must be sufficiently addressed. "An analysis which understates the severity of a project's impacts "impedes meaningful public discussion and skews the decision maker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 [222 Cal. Rptr. 247].)" *Cleveland National Forest Foundation v. San Diego Assn of Governments* (2014) 231 Cal. App. 4th 1056

Point #6: A Program EIR needs to be sufficiently specific and comprehensive with standards in order to cover future site-specific actions.

Center for Biological Diversity v. Department of Fish and Wildlife (2015) --- Cal.App.4th --- (3rd Dist) provides guidance on the detail and extent of analysis required in a program EIR: "In this manner, the EIR disclosed and evaluated all known impacts from hatchery operations and stocking to each decision species. It did so comprehensively and specifically to each species. It allows the Department to go forward with its enterprise, knowing the likely impacts from any stocking decision it makes should it find a decision species in the water body to be stocked.... Unlike in *Mammoth Lakes*, the program EIR here analyzes every impact that reasonably could occur by stocking fish in any water body in the state based on the information currently known." Specific analysis and standards are required particularly when a program EIR is used to avoid subsequent EIRs "outside a formal CEQA process and beyond public review." "When a program EIR is used to avoid preparing subsequent EIR's, such as here, the public agency must examine site-specific program activities "in the light of the program EIR to determine whether an additional environmental document must be prepared." (CEQA Guidelines, § 15168, subd. (c).) If the site-specific activity will not create effects or require mitigation measures that were not discussed in the program EIR, the public agency is not required to prepare any other site-specific environmental document. (CEQA Guidelines, § 15168, subd. (c)(2).)" See also, *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511 ("However, the Guidelines also state a program EIR "will be most helpful in dealing with subsequent activities if it deals with the effects of the program *as specifically and comprehensively as possible*. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required." (Guidelines, [§ 15168, subd. \(c\)\(5\)](#), italics added.))" (Emphasis in original); CEQA Guidelines § 15168.

Point #7: The economic impact to the community resulting from decreased riding areas should be evaluated when considering whether the decreased riding areas constitute a significant impact.

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The EIR must discuss the economic changes related to the proposed physical changes in the SVRA physical environment, that is, the reduced riding area. CEQA Guidelines define "significant effect on the environment" to mean:

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. *A social or economic change related to a physical change may be considered in determining whether the physical change is significant.*" § 15382 (Emphasis added); See also, § 15064 (e) (Economic and social changes resulting from or social may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. *Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.*") (Emphasis added); § 15131.

Decreased riding areas can result in economic impacts to the local community from reduced tourism; or, could result in overcrowding with social effects on people. For example, a 2011 Report found:

- (1) "Survey respondents were specifically asked if they would still visit San Luis Obispo County if the Oceano Dunes Park was not in existence. Two-thirds (67%) said they would not."
- (2) "The overall Economic Impact of visitors to the Oceano Dunes Park is estimated to be \$160M (This total includes Direct Spending, Indirect Spending and Induced Spending). Direct Spending alone is estimated at \$98M."
- (3) "Overall Economic Impact is estimated to be \$171M (Direct + Indirect + Induced Spending). Total economic impact by day visitors is estimated to be \$10.6m and overnight visitor impact was \$160.9M."

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Strategic Marketing Group, *Oceano Dunes SVRA – Economic Impact Analysis Report 2010-2011*, p. 4 (available: http://ohv.parks.ca.gov/pages/1170/files/oceano_dunes-svra_eis-finalreport_12-1-11.pdf)

Physical changes that cause adverse social or economic effects on people may be considered when determining whether the physical change is significant effect, which may be direct or indirect:

“CEQA requires a governmental agency [to] prepare an environmental impact report (EIR) whenever it considers approval of a proposed project that ‘may have a significant effect on the environment.’ ([Pub. Resources Code,] § 21100, italics added.)” (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas, supra*, 29 Cal.App.4th at p. 1601.) CEQA does not limit consideration of a project's effects on the environment to only those that are “direct” or “primary.” The Guidelines define “ ‘[s]ignificant effect on the environment’ ” as “a substantial, or potentially substantial, in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. *A social or economic change related to a physical change may be considered in determining whether the physical change is significant.*” (Guidelines, § 15382, italics added.) If a project causes a direct or indirect in a physical condition in an area, any social impact on humans related to that physical change may be considered by a lead agency in determining whether the physical change is “significant” under CEQA. (Guidelines, §§ 15360 [significant effects may be either direct or indirect], 15064, subd. (e) [“If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.”]; see Pub. Resources Code, § 21065 [defining a “project” as an activity that may cause “either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment”].) The Guidelines define the “environment” as “the physical conditions which exist within the area which will be affected by a proposed project ... [and] includes both natural and man-made conditions.” (Guidelines, § 15360; see Pub. Resources Code, § 21060.5.)” *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal. App. 4th 1013 (Emphasis in original).

Even years ago, "Pismo Beach is among the most popular units of the State Park System with an annual attendance of more than two million visitors." General Development Plan, p. 21. OHV riding is one of the most popular activities and Oceano Dunes is the "only California State Park where vehicles may be driven on the beach" (http://www.parks.ca.gov/?page_id=406):

"The beach at Pismo is unique because its hard surface supports vehicle travel during all seasons of the year. Beach touring is a rare and memorable outdoor recreation experience that attracts people from all parts of the country. Nowhere else in California can one enjoy the thrill of driving for miles on the natural sand beach with the surf breaking just a few yards away. This has always been among the most popular activities on the state beach. On major holidays vehicles, are stretched bumper to bumper for five or six miles along the beach." General Development Plan, p. 25.

Point #8: EIR must state alternatives considered and rejected as infeasible.

This EIR must analyze a reasonable range of project alternatives. *Cleveland National Forest Foundation v. San Diego Assn of Governments* (2014) 231 Cal. App. 4th 1056. "In general, an EIR should set forth the alternatives that were considered by the lead agency and rejected as infeasible during the scoping process, and the reasons underlying the agency's determination." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553.

Point #9: EIR must analyze cumulative impacts.

An EIR must discuss cumulative impacts:

"An EIR must "discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable," which "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." 13 (CEQA Guidelines, §§ 15130, subd. (a), 15065, subd. (a)(3); see Pub. Resources Code, § 21083, subd. (b)(2).) An adequate discussion of significant cumulative impacts ordinarily includes either "[a] list of past, present, and probable future projects producing related or cumulative impacts" or "[a] summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect." (CEQA Guidelines, § 15130, subd. (b)(1).) "Previously approved land use documents, including,

but not limited to, general plans ... , may be used in cumulative impact analysis" in an EIR. (§ 21100, subd. (e); see CEQA Guidelines, § 15130, subd. (d).)" *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council* (2010) 190 Cal. App. 4th 1351; See also PRC § 21083(b)(2); CEQA Guidelines § 15142.

Cumulative impacts are defined as:

"Cumulative impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines, § 15355.

Cumulative impacts include dirt roads, paved roads and new housing projects in the area. The Phase 1 Particulate Matter Study initiated by the San Luis Obispo County Air Pollution Control District recommended that PM reduction efforts be focused not on off-highway vehicle activity, but rather on dirt roads that have a lot of traffic. (study: http://slocleanair.org/images/cms/upload/files/air/pdf/pm_report2006_rev1.pdf) These dirt roads are not within the Oceano Dunes park.

Point #10: State Parks has already essentially approved the dust control measures over the past years before complying with CEQA by addressing alternatives and mitigation measures.

State Parks has preapproved this dust control project before complying with CEQA by drafting an EIR. *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116. This is contrary to CEQA's requirement that a public agency must prepare and certify an EIR on any project that the agency proposes to carry out or approve if that project may have significant environmental effects. PRC, §§ 21100(a), 21151(a).

CEQA Guidelines § 15352 define approval as "the decision by a public agency which *commits the agency to a definite course of action in regard to a project intended to be carried out by any person.* The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval." (Emphasis added)

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Guideline § 15004 sets forth factors for "choosing the precise time for CEQA compliance." As the courts have stated:

"In *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376 [253 Cal. Rptr. 426, 764 P.2d 278] (commonly known as *Laurel Heights I*), again discussing the proper scope of an EIR regarding future actions, we summed up the issue and attempted to state a rule, as follows: "We agree that environmental resources and the public fisc may be ill served if the environmental review is too early. On the other hand, the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early stage of the project. ... For that reason, "EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design." (Id. at p. 395.)⁹ We also observed that at a minimum an EIR must be performed before a project is approved, for "[i]f post approval environmental review were allowed, EIR's would likely become nothing more than post hoc rationalizations to support action already taken." (*Laurel Heights I*, at p. 394.)

...A public entity that, in theory, retains legal discretion to reject a proposed project may, by executing a detailed and definite agreement with the private developer and by lending its political and financial assistance to the project, have as a practical matter committed itself to the project. When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending it over objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project's final approval.

...We note as well that postponing EIR preparation until after a binding agreement for development has been reached would tend to undermine CEQA's goal of transparency in environmental decision making. Besides informing the agency decision makers themselves, the EIR is intended "to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action." (*No Oil, Inc.*, *supra*, 13 Cal.3d at p. 86; accord, *Laurel Heights I*, *supra*, 47 Cal.3d at p. 392.) When an agency reaches a binding, detailed agreement with a private developer and publicly commits resources and governmental prestige to that project, the agency's reservation of CEQA review until a

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later, final approval stage is unlikely to convince public observers that before committing itself to the project the agency fully considered the project's environmental consequences. Rather than a "document of accountability" (*Laurel Heights I*, at p. 392), the EIR may appear, under these circumstances, a document of post hoc rationalization.

...In applying this principle to conditional development agreements, courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the project. (See Cal. Code Regs, tit. 14, § 15126.6, subd. (e).) In this analysis, the contract's conditioning of final approval on CEQA compliance is relevant but not determinative." *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.

State Parks has already committed itself to the Dust Control Measures, which include existing measures used at SVRA such as re-vegetation, set forth in this project before fully evaluating the environmental effects. State Parks involvement in this project for years before drafting an EIR constituted de facto approval. State Parks has agreed to allow these measures, conditioned on future compliance with CEQA. State Parks executed two agreements with the SLO APCD (the "District"): A proposed consent decree and a "First Amendment to the Agreement Set Forth in the Proposed Consent Decree Dated March 26, 2014." (available at this link: <http://www.slocleanair.org/images/cms/upload/files/First%20Amendment%20to%20Consent%20Decree%20-%20Signed%20%26%20Adopted%20-%20209-24-14.pdf>) These agreements included statements of working on the mitigation measures before drafting this EIR: "given the interest in acting immediately, the District and State Parks, in consultation with CARB, have agreed to take action to reduce PM10 emissions as soon as possible. This will involve an iterative process of mitigation actions, evaluation, and revision... ." (Proposed Consent Decree, ¶ 3) In addition, the District and State Parks "will hold regular meeting at least quarterly to share and discuss information regarding mitigation actions and progress achieved in reducing PM air quality impacts... ." (Proposed Consent Decree, ¶ 3)

In addition, State Parks has discussed mitigation measures with the California Coastal Commission in annual reviews. (Staff Reports for this year's annual review are here: <http://documents.coastal.ca.gov/reports/2015/2/w14a-2-2015.pdf>. State Parks has applied for emergency Coastal Development Permits to "authorize particular dust mitigation measures": "DPR is still finalizing its PRMP, and a draft EIR is expected to be

released in early 2015. Therefore, the CDP application remains unfiled. However, because Parks needed to implement monitoring studies and other measures for Rule 1001 compliance, DPR began applying for emergency CDPs to authorize particular dust mitigation measures." (Staff Report, p. 24) When discussing hay bales mitigation measure, an exhibit to the Staff Report states: "These efforts are part of a longer-range 5-year mitigation program presently being evaluated in a Program EIR currently under development." (Staff Report, Exhibit 6, p. 7) State Parks has thus proceeded with these measures on the assumption that this project will go forward as proposed.

Point #11: The EIR needs to establish the location, nature and acreage of the "re-vegetation" component of this project.

State Parks discusses the "re-vegetation" part of this project in both terms of limiting new plantings to existing vegetation islands and also in terms of simply planting vegetation on new locations of existing barren or open sands, which makes it unclear as to the use, location and size of "re-vegetation."

State Parks states the re-vegetation is for the existing vegetation islands. The Initial Study states that some "Existing Activities [will be] Incorporated Into the Proposed Project:"

"The OHMVR Division currently undertakes the following dust-control related activities that will be incorporated into the proposed project and the Oceano Dunes SVRA PMRP:

"...Re-vegetation and restoration projects that are designed to protect and enhance the habitat characteristics of the vegetation islands located within Oceano Dunes SVRA or to protect sensitive habitat areas or critical park infrastructure." Initial Study, p. 10 (Emphasis added)

State Parks continues that it has "restored approximately 70 acres of dune habitat, or approximately 12 acres per year, as shown in Table 2-2 (see also Figure 2-5 for *vegetation island locations*)." Initial Study, p. 13 (Emphasis added) This suggests that the re-vegetation part of this project is limited to planting new vegetation in existing vegetation islands shown in Figure 2-5:

Figure 2-5 shows the location of vegetation islands:

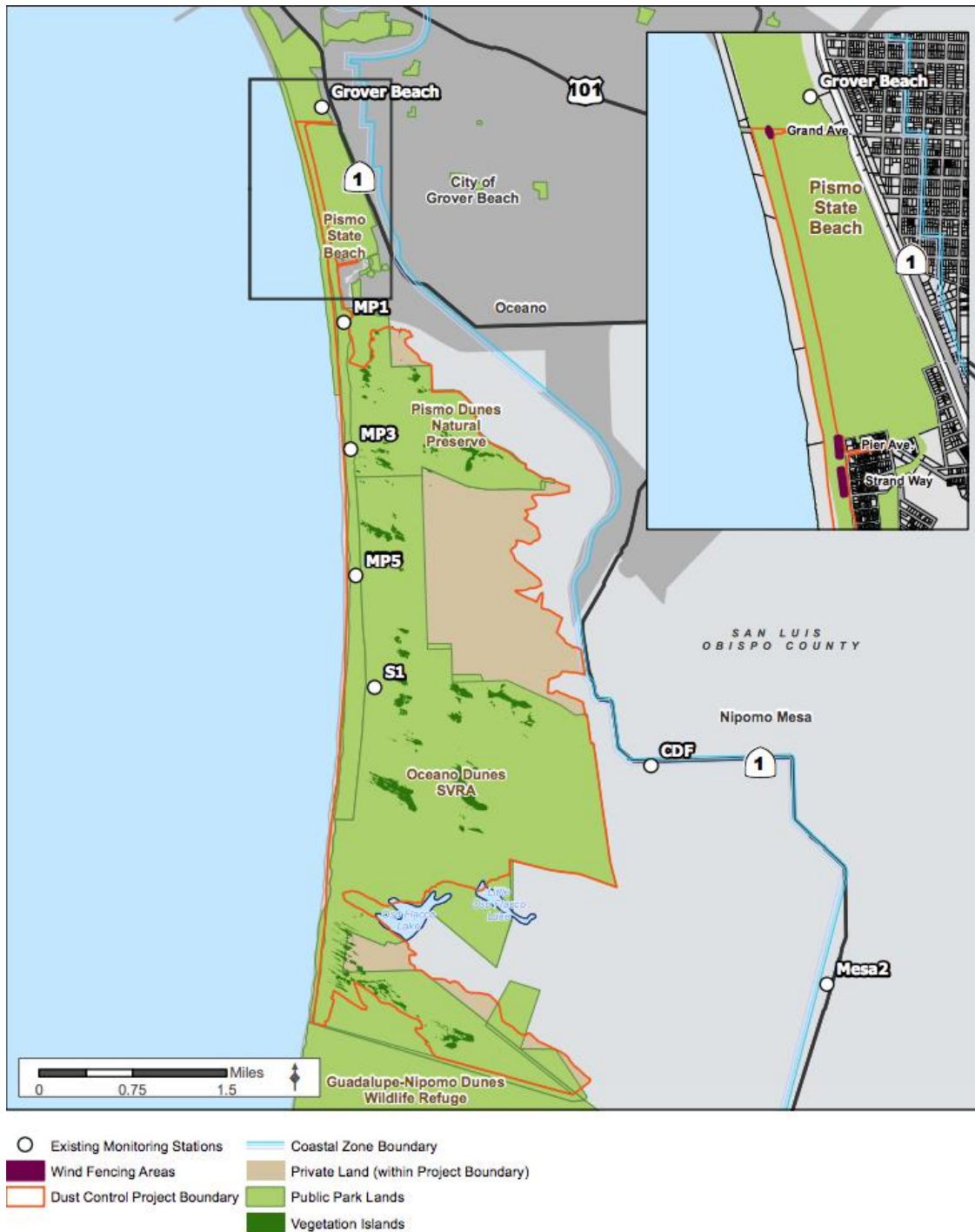


Figure 2-5 Existing Monitoring Stations and Dust Control Related Management Actions

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Initial Study, p. 12

Table 2-2 lists the "re-vegetated acreage" or restoration of vegetation islands:

Restoration Area	Re-vegetated Acreage
Barbeque Flats Island	2
Pipeline Island	5
Maidenform Area	8
Conoco Phillips Access Road	12
Boy Scout Island	14
40 Acre Wood site, near Oso Flaco Lake	28
Total Re-vegetated Acreage	69

Initial Study, p. 13.

However, State Parks then indicates that re-vegetation is not limited to the locations and acreage of existing vegetation islands provided in the referenced figure and table, but includes "open sand areas:"

"These activities [restoration by re-vegetation] are part of the ongoing management of Oceano Dunes SVRA and will reduce sand transport and downwind PM10 by *covering open sand areas with vegetation* and reducing the amount of wind that reaches *open sand surfaces in and within the vicinity of the revegetated areas*. As such, these activities would be incorporated into the PMRP and are therefore within the CEQA scope of the proposed project. *Existing and planned re-vegetation projects, however, have and would continue to be performed in a manner consistent with Oceano Dunes SVRA's Coastal Development Permit 4-82-300-A5 and would not require a new or amended coastal development permit.*" Initial Study, p. 13

When discussing the "Dust Control Program," State Parks indicates that "re-vegetation" will occur in new areas that do not currently have vegetation:

"The OHMVR Division would install, operate, and maintain two different kinds of dust control measures:

- Re-vegetation measures would consist of planting of sterile annual grasses, seeds, and seedlings, *either in open sand areas or in areas adjacent to existing vegetation.*" Initial Study, p. 23

The Initial Study also characterizes the additional 20 acres a year of vegetation plantings in open sand areas as "re-vegetation," indicating that "re-vegetation" simply means the plantings of vegetation on barren land:

"As discussed in Section 2.4.1 Oceano Dunes SVRA has averaged 12 acres of re-vegetation over the last six years. The OHMVR Division estimates that at maximum *an additional 20 acres of open sand areas may be able to re-vegetated in a single year for dust control purposes (this re-vegetation would be in addition to projects performed in a manner consistent with Oceano Dunes SVRA's Coastal Development Permit 4-82-300-A5)*. Thus, approximately *32 acres of re-vegetation* may cumulatively occur per year at Oceano Dunes SVRA with the proposed project." Initial Study, p. 24.

Point #12: State Parks needs to first study the issue of protecting public safety given the reduction in available camping and OHV recreation areas that will increase congestion and safety concerns.

The "*protection of public safety, the appropriate utilization of lands, and the conservation of land resources are of the highest priority in the management of the state vehicular recreation areas...*" PRC, § 5090.35 (Emphasis added).

It is not uncommon for congestion to increase public safety issues. The General Development Plan recognizes that overcrowded conditions are linked to congestion, safety, and health issues:

Overcrowded conditions reach their peak at Pismo State Beach and at Pismo Dunes State Vehicular Recreation Area during the major summer holidays, when tens of thousands of people converge in pursuit of diversified recreational experiences. These overcrowded conditions have resulted in problems involving conflicts of recreational use, congestion, safety, and health. Therefore, one purpose of this plan is to recommend an immediate course of action to remedy these existing problems.

General Development Plan, p. 3

Given that the "probable environmental effects" stated in the Revised NOP is that the "project ... *may result in the permanent conversion of land at Oceano Dunes SVRA from open sand to vegetation, as well as a reduction in the amount of area open to vehicular recreation,*" the funneling of OHV users and campers into a smaller recreational area raises issues of congestion and safety that should be studied first. Revised NOP, p. 4 (Emphasis added).

Sincerely,



Jim Suty

President – Friends of Oceano Dunes

CC: Tom Roth
FoOD BOD

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Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 09, 2015 10:06 AM
To: Christopher Dugan
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Grossman, Kaitlin@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Thursday, March 05, 2015 9:14 AM
To: Marshall, Brent@Parks; Glick, Ronnie@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Tom Wallace [<mailto:tomwallaceghs@gmail.com>]
Sent: Wednesday, March 04, 2015 5:12 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

Attn: Ronnie Glick,
Senior Environmental Scientist
Oceano Dunes District

So far, Gov. Brown has wasted 2 million taxpayer dollars on hay bales and fences that do little to stop this ongoing dust pollution.

Wildlife is killed, plants are wiped out and beach erosion is caused by ATVs, trucks and motorcycles.

State parks is proposing measures ranging from temporary installation of wind fencing or straw bales to methods for preventing sand from being trucked out onto Grand and Peer avenues.

Other proposals include planting up to 20 acres of mature vegetation per year in the project area and potentially using soil stabilizers on the dunes.

The state will continue this boondoggle in an effort to appease the residents of the Mesa. The state, of course, rakes in millions from the continued destruction of the dunes from these vehicles.

We do think the planting of native vegetation and using soil stabilizers is in order. We also feel putting a moratorium on the use of these destructive vehicles during windy times of the year, and on certain windy days would be beneficial.

Our health and our quality of life is jeopardized by this unnecessary and dangerous exercise in futility, so a few can benefit. Most of these destroyers of the dunes are not local; but from Kern County, so they have no interest in preserving our dunes are beaches.

Tom and Margaret Wallace
1773 Kyle Court
Nipomo, California.
We live on the Nipomo Mesa.

--

Tom & Margaret Wallace
email: tomwallaceGHS@gmail.com

March 5, 2015

To: Mr. Ronnie Glick, Sr. Environmental Scientist
The California Department of Parks and Recreation (CDPR), Off Highway Motor Vehicle
Recreation Division (OHMVR), Oceano Dunes District
340 James Way, Ste. 270
Pismo Beach, CA 93449

Subject: Oceano Dunes SVA Dust Control Project Revised NOP

As a life-long off highway vehicle enthusiast and frequent visitor at the Oceano Dunes SVRA, I am respectfully submitting my public comments in regards to the Oceano Dunes SVRA Dust Control Project EIR. I trust that my comments, as well as others, will be taken into consideration as this complex project proceeds. I also trust that as a stakeholder in this process, I and other concerned parties will be kept abreast of developments as they occur so that we are afforded an opportunity to respond as necessary.

I believe everyone agrees that there are dust control issues that need to be addressed, however, there are a few facts I would like to point out – with comments and possible solutions. First and foremost, the dunes and the wind have been present since the beginning of time; certainly before developers decided to build residential units on the Nipomo Mesa. There have also been habitants and animals that roamed the dunes “kicking up dust” since the beginning of time.

It all began with the Native Chumash settling in the dunes, followed by European explorers – members of Don Gaspar de Portola’s overland expedition of 1769. Following these early settlements and explorations, the dunes became home to a group of free thinking people who identified themselves as the “Dunites”. That being said, there have always been inhabitants of the dune area, which likely disturbed the stability of the sand.

Regarding the air quality on the Nipomo Mesa, my first question would be why the developers did not take into consideration that they were building downwind from thousands of acres of sand. Common knowledge indicates they should have known there would be sand and dust issues. Developers could have mitigated this issue in the beginning by building wind fences on the mesa itself. Residents who purchased homes on the Mesa also should have known about the blowing sand. I liken it to buying a house at the end of a busy runway, then demand that

the airport be shut down, or mandate airlines to develop quieter power plants. The bottom line is that the sand, wind, animals, and OHV's have been here long before the developers and residents on the Nipomo Mesa.

The second major issue is that our local economies are based primarily on visitors to the SVRA. According to the *Oceano Dunes SVRA Economic Impact Report 2010-2011*, ATV riding in the SVRA accounts for 81% of participation in the Park. Day visitor out of county and overnight visitor out of county rates for the same are 81% and 85% respectfully. These visitors spend millions of dollars while they are here to experience the dunes. That in turn produces enormous tax revenues for the county and ALL of the cities near and far from the SVRA. Those tax revenues fund important infrastructures such as police and fire services. If county and city-wide tax revenues drop, there will be a direct impact on those types of necessary services. Likewise, the visitors create countless jobs, which, impacts our social fabric as a whole. If our economy falters and thereby reduces our tax revenue based on a ebb of visitors, the direct impact on all of us – including Nipomo Mesa residents could be catastrophic, i.e. longer response times to emergencies, etc.

PROPOSED PROJECT ACTIVITIES:

- I am in strong opposition to planting up to 20 acres of native vegetation per year at Oceano Dunes SVRA over a five year period. That would reduce the ever-shrinking riding area by 100 acres. It would also mean that OHV riders, vendors, and concessionaires would be forced to move their staging areas further down the beach, causing an undue hardship on everyone.
- Wind fencing and or straw bales is a more balanced approach, and could be done without limiting even more riding area.
- Applying soil stabilizers could also be a balanced approach, however, there doesn't appear to be any scientific studies supporting toxicity issues. Do we really want to coat the sand with stabilizers only to find out years from now that the material used was toxic?
- Installing rumble strips at both beach entrances also appears to be a balanced approach.

A truly balanced approach to any sort of dust control project means exactly that – balanced. By reducing the riding area any more that has already been implemented, the consequences will clearly become an “imbalanced” approach. It will affect nearly every aspect of this unique and popular area in this great state. A thriving local economy with a stable tax base and people's livelihoods are at stake. Whatever measures are ultimately chosen, please note that our local

vendors, pay a very high percentage of their gross sales to fund the Park's activities which, includes dust control measures.

I respectfully ask that you consider these comments and submit them into public record.

Regards,

James Green
Arroyo Grande, CA

Christopher Dugan

From: Mark Dixon <mark@offroadtoys.com>
Sent: Sunday, March 08, 2015 9:39 PM
To: CoastalODSVRAcomments; OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA

To whom it may concern,

The new rules/laws that have been implemented at the Oceano Dunes SVRA are ludicrous. I was visiting the park over the Presidents day weekend with my family along with a group of friends and there families when I first got wind of these new rules. Someone is going to have to make some major changes in these new rules, you aren't even allowing 2 offroad vehicles per camp site, my family alone brings 4 vehicles. And to shut down the beach to all people when you hit the limit, even for people who have reservations just isn't right! First of all when someone makes a reservation we expect to have a camping spot, people come from long distances to visit the part and there will be some major issues if we are told to turn around and home because it it full. Secondly for the time being you are going to have to figure out a way to count the number of offroad vehicles that are leaving as well.

If there is someone else we need to write to get these rules changed, please let me know.

Best regards,
Mark Dixon

Christopher Dugan

From: Barbara Fitzgerald <patandbarbaraf@sbcglobal.net>
Sent: Sunday, March 08, 2015 11:12 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

Congresswoman Capps

Please be aware of the problems that have been caused and identified by research of the silica in the dust stirred up by ORV Park area in Oceano Dunes. We as residents of the area depend on your input and oversight of this problem. If the cancer causing dust has affected our residents it seems to be your duty to enforce the laws on the books. We hope you will take this problem under review and correct it.

Patrick and Barbara Fitzgerald
325 Surf Ave.
Oceano, CA 93445

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 09, 2015 10:12 AM
To: Christopher Dugan
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP
Attachments: Vegetated Islands Report = 2007.pdf

From: rachelle toti [<mailto:rachelletoti@gmail.com>]
Sent: Sunday, March 08, 2015 7:20 PM
To: OHV, OHVINFO@Parks
Cc: Glick, Ronnie@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

March 8, 2015

Comments on Oceano Dunes SVRA Dust Control Project Revised NOP

Dear Mr. Glick,

I attended the Feb. 17, 2015 public meeting on this NOP and provided comments then. The following is a summary of some of those comments and some additional thoughts.

It is encouraging that the timeframe for implementation has been reduced from 25 years to 5 years. It is also promising that some new ways of addressing the wind and soil erosion are being explored. Now that La Grande tract has been identified as the area with PM 10 readings 2 ½ to 8 times more emissive, than non-riding areas, you know where to apply mitigation.

However, this project does not include approximately 1/3 of the La Grande tract. Which is not explained in the description. Also, non-riding area which has been shown to be the least emissive, makes up about 1/3 of the total acreage. Also not explained in the project description. Your map appears to draw a straight line to the CDF monitor. Trying to influence the monitor will not solve the air quality problem.

Planting vegetation is the most frequently recommended solution to the dust. However, fore dunes need to be the first step. By starting your project area 1,100 feet from the surf line, you have eliminated the beginning of the fore dunes, as seen on the adjacent Pismo Dune Preserve. These are about 400 to 500 feet from the surf line. According to the 2007 CGS Vegetated Islands report, establishing the fore dunes is the first step to breaking the wind speed and allowing plants to grow farther inland.

As I pointed out in the Feb. 17th meeting, re-establishing fore dunes, would not impact the Western Snowy Plover, as they nest closer to the ocean as evidenced by the location of the seasonal enclosure at the south end of the park.

The amount of vegetation that you plan to plant is uncertain. "Up to 20 acres per year" could mean anywhere from 2 acres to 20. Maybe 100 acres would be done over 5 years, or maybe it would be 10 acres over five years. This problem needs to be addressed with a more serious plan. I would propose a starting point

of 20% of the La Grande tract or about 100 acres, as a first year goal. This could include the fore dunes and some large vegetation islands.

According to the 2007 Vegetated Islands report pages 90 to 95, State Parks has already completed a similar project in 1989-1990. Restoration of the fore dunes north of Oso Flaco Lake was undertaken and accomplished over a number of years. See attached. I know neither you or Brent Marshall were employed at the ODSVRA, back then, but there must be some records some where you could locate to learn how to stop moving sand.

Temporarily deploying wind fences and hay bales then removing them, year after year seems like a waste of time and money. It was already shown that the fences become buried very quickly. They break and new fencing is needed. A permanent solution is what is needed. Further, the area covered is not large enough to stop the formation of the dust plume.

Page 2
NOP Comments

Soil stabilizer may be an effective tool. As I stated in the meeting, I think you should add some plant seedlings into the test area and evaluate if the soil stabilizer helps them retain water and stay in place. It was mentioned that soil stabilizer needs 800 to 1500 gallons of water to activate it. This could be a problem, given that the County is in a drought. The simple solution to that problem is to use sea water.

In conclusion, this project does not appear to meet the requirements of Rule 1001 and does not appear sufficient enough to actually reduce the particulate matter air pollution to acceptable levels year around. The Public Resource Code sections 5090.35 (a), (b) (2) and (b) (3) all require that if a soil conservation standard is not being met, the area shall be temporarily closed to repair and prevent accelerated erosion. This plan does not comply with the State Law concerning OHV Park management.

Thank you for the opportunity to comment.

Sincerely,

Rachelle Toti

Christopher Dugan

From: Marshall, Brent@Parks <Brent.Marshall@parks.ca.gov>
Sent: Tuesday, March 10, 2015 11:28 AM
To: Paula Hartman; Christopher Dugan; Glick, Ronnie@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

Brent C. Marshall
District Superintendent
Oceano Dunes District
California State Parks
805.773.7178
Brent.Marshall@parks.ca.gov

-----Original Message-----

From: Grossman, Kaitlin@Parks On Behalf Of OHV, OHVINFO@Parks
Sent: Monday, March 09, 2015 2:37 PM
To: Marshall, Brent@Parks
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

-----Original Message-----

From: Ken Hallberg [<mailto:hallberk@gmail.com>]
Sent: Monday, March 09, 2015 1:22 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

I support any measures to reduce the dust in the area. The ATV-ers argue that the dust problem is offset by how their events contribute to the local economy. That may be, but I argue that we homeowners contribute more to the economy by our greater purchase of goods and services, such as frequenting restaurants, furniture and appliance sales, medical care, theater, concerts, as well as our property taxes contributing to local coffers. Also, ATV events benefit local businesses only during their scheduled activities, whereas homeowners' contributions to businesses occur daily and year-round.

Because we live here, we homeowners have a larger and more sustained impact in supporting the local economy. We also have a greater interest in maintaining the health of the dunes and the quality of our air.

Thank you.

Joanna Hallberg
Nipomo

Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Monday, March 09, 2015 12:26 PM
To: Christopher Dugan
Subject: FW: "Oceano Dunes SVRA Dust Control Project Revised NOP"

From: Marshall, Brent@Parks
Sent: Monday, March 09, 2015 12:25 PM
To: Glick, Ronnie@Parks
Subject: FW: "Oceano Dunes SVRA Dust Control Project Revised NOP"

Brent C. Marshall
District Superintendent
Oceano Dunes District
California State Parks

From: Browne, Mari-Beth@Parks on behalf of OHV, OHVINFO@Parks
Sent: Monday, March 09, 2015 11:11 AM
To: Marshall, Brent@Parks
Subject: FW: "Oceano Dunes SVRA Dust Control Project Revised NOP"

From: Marsha Lilly [<mailto:marshalilly35@yahoo.com>]
Sent: Monday, March 09, 2015 11:04 AM
To: OHV, OHVINFO@Parks
Subject: "Oceano Dunes SVRA Dust Control Project Revised NOP"

The proposed dunes dust plan is simply another attempt to "kick the can down the road" for yet another five years of harmful vehicular activities on the beach and dunes. This is an insult to the potential for damaged lungs (both human and other creatures with lungs). It offers more of the same unproductive "solutions" that do not and, in truth, will not work. (1) Replanting 20 acres? Aren't there 1500 acres out there being stirred up by thousands of off roaders? This is likened to putting a band aid on a large laceration. (2) Wind fencing and straw bales to stop winds strong enough to build dunes? They too will be covered with sand in short order, as always. (3) Testing soil stabilizers to see if they work well enough to use safely as soil stabilizers to stabilize the soil? Are we to trust this OHMVR experiment? There is no reason to believe the use of this foreign matter will work; and, further, won't do even more harm to the environment.

No. It's time the Off Highway Division of State Parks does what it was mandated to do; to "contain a nuisance" that is damaging the environment and disrupting community values.

The only reasonable solution to the enormity of the problems caused by its presence there is MORATORIUM. No words like If, temporary, possible, or probable, as this NOP is suggesting, should be used in an attempt to make any proposal appear remotely viable. Again, stop the vehicular activity on the dunes; the only beach and dunes on the California coast plagued with health threatening silica.

Marsha Lilly
President, Safe Beach Now

n 343 5561

1250 Black Sage
Cin

Black Lake.
Golf course

Willow, NIPOMO

CA 93444

RECEIVED
OCEANO DUNES DIS

2085 MAR -9 PM 3:33

ear M Glick,

Dust from State Park Oceano
caused by DUNE BUGGIES

I worked on this problem for
you & for nowhere. The State
waste 171 million from renting
DUNE beaches to the public
even though we pay all the
police, fire, ambulance etc etc
we are not ^(allowed) able to walk on
our beaches from Grover Beach
7 miles to Oso Flaco Beach.

The dust rises 260' in
the air (you can see it at
so trees going towards Black
K. wood

Then curves off & follows
 south on 101 to Santa
 Maria. I called Manager
 Santa Maria City & he
 did a test & found
 the dust was on main
 street Santa Maria!!

It seems to all of us
 ridiculous to plant green
 plants, little trees or hay
 stacks to stop the dust
 rising 260'. Ugly Red
 fencing now stop residents
 from even being able to
 see ocean waves. Oso Place
 used to be tranquil, not
 any more - it's along a
 speedway with screeching
 tires. (hundreds) We
 understand people are
 putting their children 4, 5 or 6
 in the dune buggies. 1000

We have the worst air,
seas & beaches on the
west coast of America

The trailers bury
sewage in the sand!

I write this in complete
frustration. County Health
officer does nothing but
takes home \$200,000 Salary.

I'm 81 have a breathing,
eat problem which will
probably kill me. My patio
furniture is constantly
covered in black dust.

We all spent a lot of
money on houses to be near
the coast. But now all
that is left is Shell &
Pismo - the rest of the coast
is gone to us.

11 - (Shoreline News)

s. Una Skadden
50 Black Sage Cir
Pismo, CA 93444

SANTA BARBARA
CA 931
05 MAR 2015 PM 11

RECEIVED
OCEANO DUNES DIS.

2015 MAR -9 AM 11:05

Ronnie Glick
Senior Environmental Scientist
Oceano Dunes District
340 James Way
Suite 270
Pismo Beach



5014450826054



Christopher Dugan

From: Glick, Ronnie@Parks <Ronnie.Glick@parks.ca.gov>
Sent: Tuesday, March 10, 2015 9:50 AM
To: Christopher Dugan
Subject: Fwd: Oceano Dunes SVRA Dust Control Project Revised NOP

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "OHV, OHVINFO@Parks"
Date: 03/10/2015 8:32 AM (GMT-08:00)
To: "Marshall, Brent@Parks" , "Glick, Ronnie@Parks"
Subject: FW: Oceano Dunes SVRA Dust Control Project Revised NOP

From: Yvonne Williams [<mailto:williams.yvonne.e@verizon.net>]
Sent: Monday, March 09, 2015 4:58 PM
To: OHV, OHVINFO@Parks
Subject: Oceano Dunes SVRA Dust Control Project Revised NOP

Dear Mr. Glick:

I am a resident of the Nipomo Mesa who is deeply concerned about worsening air quality problems. I am writing to submit comments on State Parks proposed "Notice of Preparation". In particular to comment regarding proposed additional dust control measures, consisting of planting more native vegetation, and additional wind fencing or straw bales to be placed on the Oceano Dunes, proposed to help reduce airborne particles from polluting our air. But the presentation given in Grover Beach on February 17, 2015 does not address why State Parks expects these additional measures, which have already been in use at the dunes, to be any more effective than previous attempts.

Last month when I attended a meeting of the California Coastal Commission there were staff reports about these same measures having been implemented over the past three years with little or no success in terms of reducing airborne pollution. Air quality standards continue to be violated frequently on the Nipomo Mesa particularly around mid-day. We have heard many times that State Parks' hands are tied because you are required by state law to operate the OHV riding area. In response we would remind you that there is also a Consent Decree to be complied with that orders effective steps be taken to reduce airborne pollution emanating from the dunes. Compliance with that decree is long overdue.

My questions/concerns on the NOP are these:

- 1) Why implement more of the same measures when they have already been shown to be ineffective in reducing airborne particulate matter blowing off the dunes?
- 2) May we count on the EIR to evaluate any more viable solutions?

During public comment at the recent Coastal Commission meeting I stated there has been much concern for nesting birds on the dunes, with the closure of certain areas during their nesting season. With all of the information State Parks has available to date about how the prevailing winds blow off the La Grande tract of the dunes and carry airborne dust directly onto the Nipomo Mesa, why is it not possible to pinpoint similar areas that should also be roped off during peak riding season to protect human beings who live and work downwind of the riding areas? Or at the very least, areas where proposed new vegetation is planted should be roped off temporarily, because the NOP acknowledges frequent OHV riding destroys such vegetation. If plantings are done they will be quickly destroyed in open riding areas before they can ever become fully established.

Finally please advise what manner of Public Notice you are using to inform us of so called public meetings that are being held as you work through this process? As a daily reader of the SLO Tribune newspaper, nightly viewer of at least two local news stations, and weekly reader of the Nipomo Adobe Press, I had no advance knowledge of the public meeting that was held February 17 in Grover Beach. The Adobe Press later reported only three members of the public attended that meeting. Clearly many of our fellow residents did not know about it or we would have been there to listen and make comments. Please advise how your agency informs the public in advance of scheduled meetings. If there is a mailing list that we may be added to please advise.

Thank you for your time and attention. We look forward to learning more about next steps.

Yvonne Williams
Nipomo

Christopher Dugan

From: Marshall, Brent@Parks <Brent.Marshall@parks.ca.gov>
Sent: Tuesday, March 10, 2015 11:29 AM
To: Paula Hartman; Christopher Dugan; Glick, Ronnie@Parks
Subject: FW: Comment to Oceano Dunes SVRA Dust Control Project Revised NOP

Brent C. Marshall

District Superintendent
Oceano Dunes District
California State Parks
805.773.7178

Brent.Marshall@parks.ca.gov

From: Grossman, Kaitlin@Parks **On Behalf Of** OHV, OHVINFO@Parks
Sent: Tuesday, March 10, 2015 8:32 AM
To: Marshall, Brent@Parks
Subject: FW: Comment to Oceano Dunes SVRA Dust Control Project Revised NOP

From: landandclam@gmail.com [<mailto:landandclam@gmail.com>] **On Behalf Of** Nell Langford
Sent: Monday, March 09, 2015 4:52 PM
To: OHV, OHVINFO@Parks
Subject: Re: Comment to Oceano Dunes SVRA Dust Control Project Revised NOP

OHVInfo@parks.ca.gov

March 9, 2015

From: Dr. Nell Langford

PO Box 27

Pismo Beach CA 93449

805 773 4771

Comment to Oceano Dunes SVRA Dust Control Project Revised NOP

First, the remedies proposed for the health threatening dust on the Mesa from vehicular activity on the dunes are not feasible, practical, or effective. The misguided and devious plan is to continue to allow vehicles to break the dune crust and instead try to slow the wind by planting (which takes years to show results, and is proposed only for a small non-riding area); fencing (which the sand covers in a matter of weeks, requiring machinery to prop back up); and spraying (foreign matter of unknown consequence...sprayed like hair spray to make the sand stay put).

Second, the remedy proposed for the health threatening dust to the Oceano Beach neighborhood from vehicular activity on the beach and Pier Avenue is likewise not feasible, practical or effective. Also misguided and devious, here the plan is to continue to allow vehicles and massive earth shattering equipment to daily break the dune crust, remove the protective foredunes, dig a deep ditch called a sand ramp, and alter the high tide line to allow wave run-up to fill the ditch with ocean water because so many vehicles get stuck. While continuing these practices, the proposal is to install a rumble-guard to collect sand off vehicles tires as they exit the beach on to Pier Avenue (like a rug that accumulates the sand off one's shoes.)

This rumble-guard proposal is not feasible to remedy the problem of the Pier Avenue track-out. Like a rug, it needs to be emptied. The burgeoning sand hill will require heavy, loud equipment to pull the rug up, fill dump trucks (and possible dump runs to the Santa Maria toxic disposal to remove the toxic material collected) while traffic waits, dripping toxins onto the beach.

The rumble-guards are not a solution to our air quality problem, but are yet another noisy nuisance, especially at night, to further devalue our properties and pose yet another serious hazard to public health and welfare. Please note the California Noise Control Act, California Health and Safety Code Sections 46000-46080. Californians are entitled to a peaceful and quiet environment without the intrusion and bombardment of noises (such as trucks going over rumble-guards all night long).

Furthermore, the proximity of the Pier Avenue Ramp to private properties is in violation of the Coastal Act; the continued use of the Pier Avenue Ramp for ingress and egress to the ODSVRA is in violation of Coastal Development permit 4-82-300; the permit for the ramp has expired; sea level rise requires a re-evaluation of the constant excavation to maintain the ramp; the construction and maintenance of a rumble-guard is a development and as such requires a coastal development permit, together with public hearings and coastal appeal.

There is nothing in the proposal to try to lesson the dust in the homes and lungs immediately downwind from the beach. In addition to the traffic itself, OHV's daily heavy equipment activities contribute to the dust which exceeds state health standards equivalent to those at Mesa 2.

There is only one remedy for our health threatening air pollution caused by vehicular activity on the beach and dunes, and that is a moratorium. Stop the vehicular activity on the beach and dunes.

Sincerely

Nell Langford

On Mon, Mar 9, 2015 at 4:33 PM, Nell Langford <drnell@thegrid.net> wrote:

See Attached

Comment by Dr. Nell Langford

APPENDIX B

BIOLOGICAL RESOURCES – SPECIAL STATUS SPECIES TABLES

**B1: Special-Status Plant Species with the Potential to Occur in the
Dust Control Program Area**

**B2: Special-Status Wildlife Species with the Potential to Occur in
the Dust Control Program Area**

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Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
red sand verbena <i>Abronia maritima</i>	CRPR 4.2	Along coast from SLO County to Mexican border.	Coastal dunes, 0-100 m.	Perennial herb, Feb.-Nov.	Absent- On-site surveys and CNDDDB records.	3, 4, 5, 6
Hoover's bent grass <i>Agrostis hooveri</i>	CRPR 1B.2	Endemic, coastal SLO and SB Counties.	Closed cone coniferous forest, chaparral, cismontane woodland or valley and foothill grassland usually on sandy soils; 6-610 m.	Perennial herb, Apr.-Jul.	None- No suitable habitat and no records from area.	2, 3
Douglas' fiddleneck <i>Amsinckia douglasiana</i>	CRPR 4.2	Endemic, west of the Sierras from Monterey County to Santa Barbara & in Tehachapi Ranges.	Cismontane woodland or valley and foothill grassland on Monterey shale; 0-1950 m.	Annual herb, Mar.-May	None- No suitable habitat and no records from area.	3
aphanisma <i>Aphanisma blitoides</i>	CRPR 1B.2	Southern California coast and offshore islands from Santa Maria to Mexican border.	Coastal bluff scrub, coastal dunes or coastal scrub on sandy soils; 1-305 m.	Annual herb, Mar.-Jun.	Absent- Does not occur within the project area.	2, 3
Eastwood's brittle-leaf manzanita <i>Arctostaphylos crustacea</i> ssp. <i>eastwoodiana</i>	CRPR 1B.1	Endemic to coastal SB County.	Chaparral (maritime, sandy); 90-365 m.	Perennial evergreen shrub, March	None- Outside of species range.	3
Santa Lucia Manzanita <i>Arctostaphylos luciana</i>	CRPR 1B.2	Endemic to SLO County.	Chaparral or cismontane woodland on shale; 350-850 m.	Perennial evergreen shrub, Dec.-Mar.	None- No suitable habitat and no records from area.	2
Morro Manzanita <i>Arctostaphylos morroensis</i>	FT, CRPR 1B.1	Endemic to SLO County.	Chaparral (maritime), cismontane woodland, coastal dunes (pre-Flandrian) or coastal scrub on Baywood fine sand; 5-205 m.	Perennial evergreen shrub, Dec.-Mar.	None- No suitable habitat and no records from area.	2
oso manzanita <i>Arctostaphylos osoensis</i>	CRPR 1B.2	Endemic to SLO County.	Chaparral or cismontane woodland on dacite porphyry buttes; 95 to 500 m. (312-1,640 m.).	Perennial evergreen shrub, Feb.-Mar.	Absent- Does not occur within the project area. No suitable habitat present.	5
pecho Manzanita <i>Arctostaphylos pechoensis</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Closed-cone coniferous forest, chaparral or coastal scrub on siliceous shale; 125-850 m.	Perennial evergreen shrub, Nov.-Mar.	None- No suitable habitat and no records from area.	2

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
Santa Margarita manzanita <i>Arctostaphylos pilosula</i>	CRPR 1B.2	Endemic, occurs in SLO, SB and Monterey Counties.	Broad-leaved upland forest; closed-cone coniferous forest, chaparral or cismontane woodland sometimes on sandstone; 170-1100 m.	Perennial evergreen shrub, Dec.-May	Absent- Does not occur within the project area.	2, 3, 5
La Purisima Manzanita <i>Arctostaphylos purissima</i>	CRPR 1B.1	Endemic to SB County.	Chaparral (sandy), coastal scrub.	Perennial evergreen shrub, Nov.-May	None- Outside of species range.	2, 3
sand mesa manzanita <i>Arctostaphylos rudis</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Chaparral (maritime) or coastal scrub on sandy soils; 25-322 m.	Perennial evergreen shrub, Nov.-Feb.	Absent- Does not occur within the project area.	2, 3
marsh sandwort <i>Arenaria paludicola</i>	FE, SE, CRPR 1B.1	Remaining extant occurrences are in SLO and Los Angeles Counties.	Sandy openings in marshes and swamps (fresh water or brackish); 3-170 m.	Perennial stoloniferous herb, May-Aug.	Absent- Does not occur within the project area. Is considered extant at Oso Flaco Lake, but no suitable habitat within project area.	1a, 2, 3
Miles' milk-vetch <i>Astragalus didymocarpus</i> var. <i>milesianus</i>	CRPR 1B.2	Endemic to SLO, SB and Ventura Counties.	Coastal scrub (clay); 20-90 m.	Annual herb, Mar.-Jun.	None- No suitable habitat and no records from area.	2
Ocean bluff Milkvetch <i>Astragalus nuttallii</i> var. <i>nuttallii</i>	CRPR 4.2	Endemic to coast from San Francisco to SB County.	Coastal bluff scrub or coastal dunes; 3-120 m.	Perennial herb, Jan.-Nov.	Absent- Does not occur within the project area.	3, 4, 5
Coulter's saltbrush <i>Atriplex coulteri</i>	CRPR 1B.2	Along coast from San Luis Obispo to Mexican border.	Coastal bluff scrub, coastal dunes, coastal scrub or valley and foothill grassland on alkaline or clay soils; 3-460 m.	Perennial herb, Mar.-Oct.	None- No suitable habitat and no records from area.	2
Davidson's saltscale <i>Atriplex serenana</i> var. <i>davidsonii</i>	CRPR 1B.2	Along coast from Santa Maria to San Diego.	Coastal bluff scrub or coastal scrub on alkaline soils; 10-200 m.	Annual herb, April-Oct.	None- No suitable habitat and no records from area.	2
San Luis Obispo mariposa lily <i>Calochortus obispoensis</i>	CRPR 1B.2	Endemic to SLO County.	Chaparral, coastal scrub or valley and foothill grassland often on serpentine soils; 50-730 m.	Perennial bulbiferous herb, May-Jul.	None- No suitable habitat and no records from area.	2

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
La Panza mariposa lily <i>Calochortus simulans</i>	CRPR 1B.3	Endemic to SLO and SB Counties.	Chaparral, cismontane woodland, lower montane coniferous forest or valley and foothill grassland on sandy, often granitic and sometimes serpentinite soils; 395-1100 m.	Perennial bulbiferous herb, Apr.-Jun.	None- No suitable habitat and no records from area.	2, 3
Cambria morning-glory <i>Calystegia subacaulis</i> subsp. <i>episcopalis</i>	CRPR 4.2	Endemic to SLO and SB Counties.	Chaparral, cismontane woodland, coastal prairie or valley and foothill grassland usually on clay soils; 30-500 m.	Perennial rhizomatous herb, Mar.-May	None- No suitable habitat and no records from area.	2
San Luis Obispo owl's clover <i>Castilleja densiflora</i> spp. <i>obispoensis</i>	CRPR 1B.2	Endemic to SLO County.	Meadows and seeps or valley and foothill grassland sometimes on serpentinite soils; 10-400 m.	Annual herb, Mar.-May	None- No suitable habitat and no records from area.	2, 3
Monterey Coast paintbrush <i>Castilleja latifolia</i> ssp. <i>latifolia</i>	CRPR 4.3	Endemic to central coast.	Closed-cone coniferous forest, cismontane woodland (openings), coastal dunes or coastal scrub on sandy soils; 0-185 m.	Perennial herb (hemiparasitic), Feb.-Sep.	Absent- Does not occur within the project area.	4, 5
California jewelflower <i>Caulanthus californicus</i>	FE	Santa Barbara Canyon, the Carrizo Plain in San Luis Obispo County, and the Kreyenhagen Hills in Fresno County	Nonnative Grassland, Upper Sonoran Subshrub Scrub, and Cismontane Juniper Woodland; 75-90 m.	Annual herb, Feb-Mar.	None- No suitable habitat and no records from area.	1
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	CRPR 1B.2	Endemic to the San Francisco Bay Area, Monterey coast and SLO County.	Valley and foothill grassland (alkaline); 0-230 m.	Annual herb, May-Nov.	None- No suitable habitat and no records from area.	2
coastal goosefoot <i>Chenopodium littoreum</i>	CRPR 1B.2	Endemic to SLO, SB and Los Angeles Counties.	Coastal dunes; 10-30 m.	Annual herb, Apr.-Aug.	Moderate- Occurs nearby at Oso Flaco and Jack Lakes.	2, 3
Brewer's spineflower <i>Chorizanthe breweri</i>	CRPR 1B.3	Endemic to SLO and Monterey Counties.	Closed-cone coniferous forest, chaparral, cismontane woodland or coastal scrub on serpentinite, rocky or gravelly soils; 45-800 m.	Annual herb, Apr.-Aug.	None- No suitable habitat and no records from area.	2

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

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Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
Douglas's spineflower <i>Chorizanthe douglasii</i>	CRPR 4.3	Endemic to SLO, San Benito and Monterey Counties.	Chaparral, cismontane woodland, coastal scrub or lower montane coniferous forest on sandy or gravelly soils; 55-1600 m.	Annual herb, Apr.-Jul.	Absent- Does not occur within the project area.	4
straight-awned spineflower <i>Chorizanthe rectispina</i>	CRPR 1B.3	Endemic to SLO, SB and Monterey Counties.	Chaparral, cismontane woodland or coastal scrub; 85-1035 m.	Annual herb, Apr.-Jul.	None- No suitable habitat and no records from area.	2
Bolander's water hemlock <i>Cicuta maculata</i> var. <i>bolanderi</i>	CRPR 2.1	Endemic to the San Francisco Bay Area, Sacramento Valley and central coast.	Coastal, fresh or brackish water marshes and swamps' 0-200 m.	Perennial herb, Jul.-Sep.	None- Presumed extirpated from SLO County.	2
Chorro Creek bog thistle <i>Cirsium fontinale</i> var. <i>obispoense</i>	FE, SE, CRPR 1B.2	Endemic to SLO County.	Chaparral, cismontane woodland, coastal scrub or valley and foothill grassland in serpentine seeps and drainages; 35-380 m.	Perennial herb, Feb.-Sep.	None- No suitable habitat and no records from area.	2
surf thistle <i>Cirsium rhotophilum</i>	ST, CRPR 1B.2	Endemic to SLO and SB Counties.	Coastal bluff scrub or coastal dunes; 3-60 m.	Perennial herb, Apr.-Jun.	Absent- Does not occur within the project area.	2, 3, 5, 6
La Graciosa thistle <i>Cirsium scariosum</i> var. <i>loncholepis</i>	FE, ST, CRPR 1B.1	Endemic to SLO, SB and Monterey Counties.	Cismontane woodland, coastal dunes, coastal scrub, marshes and swamps (brackish) or valley and foothill grassland on mesic, sandy soils; 4-220 m.	Perennial herb, May-Aug.	Moderate- Known to occur nearby at Oso Flaco Lake, near Jack Lake, in the Callander Dunes and at the Dune Lake complex from CDPR surveys and CNDDDB records.	1, 2, 3, 5
seaside cistanthe <i>Cistanthe maritima</i>	CRPR 4.2	Along southern coast from Santa Maria to Mexican border.	Coastal bluff scrub, coastal scrub or valley and foothill grassland on sandy soils; 5-300 m.	Annual herb, Feb.-Aug.	None- Outside of species range.	3
California saw-grass <i>Cladium californicum</i>	CRPR 2.2	Eastern and southern California.	Alkaline or freshwater meadows and seeps; 60-865 m.	Perennial rhizomatous herb, Jun.-Sep.	Absent- Does not occur within the project area.	2, 3
Pismo clarkia <i>Clarkia speciosa</i> ssp. <i>immaculata</i>	FE, CRPR 1B.1	Endemic to SLO County.	Chaparral (margins, openings), cismontane woodland or valley and foothill grassland on sandy soils; 25-185 m.	Annual herb, May-Jul.	None- No native grasslands within project area.	1, 2, 3

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
Saltmarsh bird's beak <i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	SE FE	Central and southern California coast.	Coastal dunes and coastal swamps; 0-30 m.	Annual herb, May-Oct.	Absent- Does not occur within the project area.	1
seaside bird's beak <i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	CRPR 1B.1	Endemic to SB and Monterey Counties.	Closed-cone coniferous forest, chaparral (maritime), cismontane woodland, coastal dunes or coastal scrub on sandy, often disturbed sites; 0-425 m.	Annual herb, Apr.-Oct.	None- Outside of species range.	2
branching beach aster <i>Corethrogyne leucophylla</i>	CRPR 3.2	Endemic to coast from Santa Cruz to Santa Maria.	Closed-cone coniferous forest or coastal dunes; 3-60 m.	Perennial herb, May-Dec.	Absent- Does not occur within the project area.	3
Gaviota tarplant <i>Deinandra increscens</i> ssp. <i>villosa</i>	FE, CE, CRPR 1B.1	Endemic to SB County.	Coastal bluff scrub, coastal scrub or valley and foothill grassland; 35-430 m.	Annual herb, May-Oct.	None- Outside of species range.	2, 3
paniculate tarplant <i>Deinandra paniculata</i>	CRPR 4.2	Several counties in southern California.	Coastal scrub, valley and foothill grassland, and vernal pools, usually on vernal mesic and sometimes on sandy sites; 25- 940 m.	Annual herb, Apr.-Nov.	Absent- Does not occur within the project area.	5
dune larkspur <i>Delphinium parryi</i> ssp. <i>Blochmaniae</i>	CRPR 1B.2	Endemic to SLO, SB and Ventura Counties.	Chaparral (maritime), coastal dunes; 0-200 m.	Perennial herb, Apr.-May	Moderate-known to occur nearby, south of Oso Flaco Lake, at the Callander Dunes and east of the Oceano Dunes SVRA boundary from CNDDB records.	2, 3
beach spectaclepod <i>Dithyrea maritima</i>	ST, CRPR 1B.1	Southern coast and off-shore islands from San Luis Obispo to Los Angeles.	Coastal dunes, coastal scrub (sandy); 3-50 m.	Perennial rhizomatous herb, Mar.-May	Moderate-known to occur nearby at Oso Flaco Lake and south of Oso Flaco Lake from CDPR and CNDDB records.	2, 3, 5, 6
Blochman's dudleya <i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	CRPR 1B.1	Along coast from west of Paso Robles to Mexican border.	Coastal bluff scrub, chaparral, coastal scrub or valley and foothill grassland on rocky, often clay or serpentinite soils; 5-450 m.	Perennial herb; Apr.-Jun.	None- No suitable habitat and no records from area.	2, 3

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Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
Blochman's leafy daisy <i>Erigeron blochmaniae</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Coastal dunes, coastal scrub; 3-45 m.	Perennial rhizomatous herb; Jun.-Aug.	High- Suitable dune habitat present. Occurs in two areas just south of the project according to 2012 vegetation mapping, CDPR and CNDDB records.	2, 3, 4, 5
Indian Knob mountainbalm <i>Eriodictyon altissimum</i>	FE, SE, CRPR 1B.1	Endemic to SLO County.	Chaparral (maritime), cismontane woodland or coastal scrub; 80-270 m.	Perennial evergreen shrub, Mar.-Jun.	None- No suitable habitat and no records from area.	3
Hoover's button-celery <i>Eryngium aristulatum</i> var. <i>Hooveri</i>	CRPR 1B.1	Extant occurrences in Alameda, San Benito, San Diego and SLO Counties.	Vernal pools, 3-45 m.	Annual/perennial herb, Jul.-Aug.	None- No suitable habitat and no records from area.	2
suffrutescent wallflower <i>Erysimum suffrutescens</i>	CRPR 4.2	Endemic to and southern coast.	Coastal bluff scrub, chaparral (maritime), coastal dunes or coastal scrub; 0-150 m.	Perennial herb, Jan.-Jul.	Absent- Does not occur within the project area.	3, 4, 5
Mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	CRPR 1B.1	Endemic to central and southern coast.	Chaparral (maritime), cismontane woodland, coastal scrub on sandy or gravelly soils; 70-810 m.	Perennial herb, Feb.-Sep.	Absent- Does not occur within the project area.	2
Kellogg's horkelia <i>Horkelia cuneata</i> var. <i>sericea</i>	CRPR 1B.1	Endemic to coast from San Francisco Bay Area to vicinity of Lompoc.	Closed-cone coniferous forest, chaparral (maritime), coastal dunes or coastal scrub in sandy or gravelly openings; 10-200 m.	Perennial herb, Apr.-Sep.	Absent- Does not occur within the project area.	2, 3, 4
Southwestern spiny rush <i>Juncus acutus</i> ssp. <i>leopoldii</i>	CRPR 4.2	Central and southern coast.	Coastal dunes (mesic), meadows and seeps (alkaline seeps) or marshes and swamps (coastal salt); 3-900 m.	Perennial rhizomatous herb; Mar.-Jun.	Absent- Does not occur within the project area.	4
Jones' layia <i>Layia jonesii</i>	CRPR 1B.2	Endemic to SLO County.	Chaparral or valley and foothill grassland or clay or serpentinite soils; 5-400 m.	Annual herb, Mar.-May	None- No suitable habitat and no records from area.	2
fuzzy prickly phlox <i>Linanthus californicus</i>	CRPR 4.2	Endemic to SLO and SB Counties.	Coastal dunes, 1-30 m.	Perennial deciduous shrub, Mar.-Aug.	Absent- Does not occur within the project area.	4

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
San Luis Obispo County lupine <i>Lupinus ludovicianus</i>	CRPR 1B.2	Endemic to SLO County.	Chaparral or cismontane woodland on sandstone or sandy soils; 50-525 m.	Perennial shrub, Apr.-Jul	None- No suitable habitat and no records from area.	2
Nipomo Mesa lupine <i>Lupinus nipomensis</i>	FE, SE, CRPR 1B.1	Endemic to SLO County.	Coastal dunes; 10-50 m.	Annual herb, Dec.-May	High- Known to occur nearby, near Jack Lake, near Black Lake, at the Callander Dunes from SLO County Land Conservancy and CNDDDB records.	1, 2, 3
dunedelion <i>Malacothrix incana</i>	CRPR 4.3	Endemic to central and southern coast and off-shore islands.	Coastal dunes or coastal scrub; 2-35 m.	Perennial herb, Jan.-Oct.	Absent- Does not occur within the project area.	4, 5, 6
crisp monardella <i>Monardella undulata</i> ssp. <i>crispa</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Coastal dunes or coastal scrub; 10-120 m.	Perennial rhizomatous herb, Apr.-Aug.	Present- Occurs within the vegetation island habitats of the project area according to 2012 vegetation mapping and CNDDDB records.	2, 3, 4, 5
San Luis Obispo monardella <i>Monardella undulata</i> ssp. <i>undulata</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Coastal dunes or coastal scrub (sandy); 10-200 m.	Perennial rhizomatous herb, May-Sep.	Moderate- Known to occur nearby in the Pismo Dunes Natural Preserve, near Jack Lake, near Black Lake, in the Callander Dunes, in the Oso Flaco Lake area and south of Oso Flaco Lake from CNDDDB records.	2, 3, 5

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
California spineflower <i>Mucronea californica</i>	CRPR 4.2	Endemic to central and southern California.	Chaparral, cismontane woodland, coastal dunes, coastal scrub or valley and foothill grassland on sandy soils; 0-1400 m.	Annual herb, Mar.-Aug.	Absent- Does not occur within the project area.	3, 5
Gambel's watercress <i>Nasturtium gambelii</i>	FE, ST, CRPR 1B.1	Central and southern coast.	Marshes and swamps (freshwater or brackish).	Perennial rhizomatous herb, Apr.-Oct.	Absent- Does not occur within the project area. Is considered extant at Oso Flaco Lake, but no suitable habitat within project area.	1, 2, 3, 5
Spreading navarretia <i>Navarretia fossalis</i>	FT	Southern California	Chenopod scrub, marshes and swamps, playas, vernal pools.	Annual herb, Apr.-Jun.	None- No suitable habitat and no records from area.	1
coast woolly-heads <i>Nemacaulis denudata</i> var. <i>denudata</i>	CRPR 1B.2	Central and southern coast.	Coastal dunes; 0-100 m.	Annual herb, Apr.-Sep.	Low- Suitable habitat, but no records from area.	3
short-lobed broomrape <i>Orobanche parishii</i> ssp. <i>brachyloba</i>	CRPR 4.2	Central and southern coast and off-shore islands.	Coastal bluff scrub, coastal dunes or coastal scrub on sandy soils; 3-305 m.	Perennial herb (parasitic), Apr.-Oct.	Absent- Does not occur within the project area.	2, 3
Hickman's popcorn flower <i>Plagiobothrys chorisianus</i> var. <i>hickmanii</i>	CRPR 4.2	Endemic to San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey and SLO Counties.	Closed-cone coniferous forest, chaparral, coastal scrub, marshes and swamps or vernal pools; 15-185 m.	Annual herb, Apr.-Jun.	Absent- Does not occur within the project area.	4
sand almond <i>Prunus fasciculata</i> var. <i>punctata</i>	CRPR 4.3	Endemic to SLO and SB Counties.	Chaparral (maritime), cismontane woodland, coastal dunes or coastal scrub on sandy soils; 15-200 m.	Perennial deciduous shrub, Mar.-Apr.	Absent- Does not occur within the project area.	3, 4
Hoffmann's sanicle <i>Sanicula hoffmannii</i>	CRPR 4.3	Endemic to central coast and off-shore islands.	Broad-leaved upland forest, chaparral or coastal scrub often on serpentinite or clay soils; 30-300 m.	Perennial herb, Mar.-May	None- No suitable habitat and no records from area.	3
black-flowered figwort <i>Scrophularia atrata</i>	CRPR 1B.2	Endemic to SLO and SB Counties.	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub or riparian scrub; 10-500 m.	Perennial herb, Mar.-Jul.	Low- Suitable habitat occurs; however mostly occurs on much older sand dunes than are present in the area.	2, 3

Appendix B: Biological Resources – Special Status Species Tables

B1: Special-Status Plant Species with the Potential to Occur in the Dust Control Program Area

Table B1. Special-status Plant Species with the Potential to Occur in the Dust Control Program Area						
Species	Listing Status ¹	Range in California	Habitat	Life Form/ Blooming Period	Potential to Occur	Sources
dune ragwort <i>Senecio blochmaniae</i>	CRPR 4.2	Endemic to SLO and SB Counties.	Coastal dunes, 0-100 m.	Perennial herb, May-Oct.	Absent- Does not occur within the project area.	3, 4, 5
San Bernardino aster <i>Symphotrichum defoliatum</i>	CRPR 1B.2	Endemic to southwestern California.	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps or valley and foothill grassland (vernally mesic) near ditches, streams or springs; 2-2040 m.	Perennial rhizomatous herb, Jul.-Nov.	Absent- Does not occur within the project area.	2, 3
¹ Listing Status Key: FE – Federal Endangered FT – Federal Threatened FC – Federal Candidate SE – State Endangered ST – State Threatened SC – State Candidate		California Rare Plant Rank: CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere. CRPR 2: Plants rare, threatened, or endangered in Calif. but common elsewhere. CRPR 3: More information about this plant needed (Review List). CRPR 4: Limited distribution (Watch List). CRPR Threat Code extensions and their meanings: .1 – Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) .2 – Fairly endangered in California (20-80% occurrences threatened) .3 – Not very endangered in California (<20% of occurrences threatened or no current threats known).				

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Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Listing Status	Range in California	Habitat	Potential to Occur	Sources
Fish					
steelhead - south/central California coast ESU <i>Oncorhynchus mykiss irideus</i>	FT, CSSC	Coastal river basins from the Russian River south to Soquel and Aptos Creek, and the drainages of San Francisco and San Pablo Bays, including the Napa River.	Hatches in fresh water, lives adult life in the ocean, and returns to natal stream or river to spawn; spawning and rearing habitat is consists of perennial streams with clear, cool to cold, fast flowing water with a high dissolved oxygen content and abundant gravels and riffles.	None- There are no rivers or streams in the project area and this species is not known from the area.	2, 3
Arroyo chub <i>Gila orcuttii</i>	CSSC	Native to streams from Malibu Creek to San Luis Rey River Basin; introduced into streams in Santa Clara, Ventura and Santa Ynez.	Slow water stream sections with mud or sand bottoms; feeds heavily on aquatic vegetation and associated invertebrates.	None- There are no rivers or streams in the project area and this species is not known from the area.	2
unarmored threespine stickleback <i>Gasterosteus aculeatus williamsoni</i>	FE, SE	Weedy pools, backwaters and among emergent vegetation in small southern California streams.	Cool, clear water with abundant vegetation	None- There are no rivers or streams in the project area and this species is not known from the area.	2
tidewater goby <i>Eucyclogobius newberryi</i>	FE, CSSC	Occurs in brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River.	Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	None- There are no streams or lagoons in the project area and this species is not known from the area.	1, 2, 3
Invertebrates					
monarch butterfly <i>Danaus plexippus</i>		Overwinters along the western coast from Mendocino in northern California, south to Baja California, Mexico.	Roost habitat consists of wind-protected tree groves, typically eucalyptus, Monterey pine, Monterey Cypress, with nectar and water sources nearby.	None- No roost habitat occurs inside the project limits.	2
Amphibians/Reptiles					
California tiger salamander <i>Ambystoma californianse</i>	FT, ST, CSSC	Endemic, found in isolated populations the Central Valley and Central Coast ranges.	Needs underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal wetlands for breeding.	None- No suitable habitat and not known from project area.	1, 2

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
California red-legged frog <i>Rana draytonii</i>	FT, CH, CSSC	Historically, this species was found along the coast and Coast Ranges from Mendocino County in northern California south to northern Baja California, and inland east through the northern Sacramento Valley into the foothills of the Sierra Nevada mountains, south to Tulare county, and possibly Kern county.	Inhabits lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Moderate- Occurs in the Oso Flaco Lake complex, in Little Oso Flaco Lake, in Jack Lake, in Little Oso Flaco Creek and in Arroyo Grande Creek. Could make overland migrations across project area.	1, 2, 3
Western spadefoot <i>Spea hammondi</i>	CSSC	Ranges from near Redding south throughout the Great Valley and its associated foothills, through the South Coast Ranges into coastal southern California south of the Transverse mountains and west of the Peninsular mountains, into northwest Baja California.	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands; needs vernal pools for egg laying and breeding.	Moderate- Observed at Oso Flaco Lake in February and March of 2000. Could make overland migrations across project area.	2, 3, 4
Western pond turtle <i>Emys marmorata</i>	CSSC	From Oregon border of Del Norte and Siskiyou Counties south along the coast to San Francisco Bay, inland through the Sacramento Valley and on western slope of Sierra Nevada.	Ponds, marshes, rivers, streams, and irrigation canals with muddy or rocky bottoms and with watercress, cattails, water lilies, or other aquatic vegetation in woodlands, grasslands, and open forests.	None- No pond, marsh, river, stream or irrigation canal habitat within the project limits.	2, 3, 4
silvery legless lizard <i>Anniella pulchra pulchra</i>	CSSC	Occurs from the southern edge of the San Joaquin River in northern Contra Costa County south to northwestern Baja California Del Norte just south of Colonia Guerrero. Five lineages; Lineage D occurs in project area.	Dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and riparian habitats with moist, sandy soils.	Moderate- Has been observed at Oso Flaco Lake, Little Oso Flaco Lake, Jack Lake and near Lettuce Lake. Not known to occur in the project area, but suitable habitat is present.	2, 3, 4
coast (California) horned lizard <i>Phrynosoma blainvillii</i>	CSSC	Historically, found along the Pacific coast from the Baja California border west of the deserts and the Sierra Nevada, north to the Bay Area, and inland as far north as Shasta Reservoir, and south into Baja California. Ranges up onto the Kern Plateau east of the crest of the Sierra Nevada. Current range is more fragmented.	Chaparral, grasslands, coniferous forests in fine, loose soils.	Moderate- Has been observed at Oso Flaco Lake and Little Oso Flaco Lake. Not known to occur in the project area, but moderately suitable habitat is present.	2, 3, 4

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
two-striped garter snake <i>Thamnophis hammondi</i>	CSSC	Coastal California from vicinity of Salinas to northwest Baja California, from sea level to about 7,000 feet.	Highly aquatic, found in or near permanent fresh water, often along streams with rocky beds and riparian growth.	None- No permanent fresh water habitats present.	2, 3
Birds					
American white pelican <i>Pelecanus erythrorhynchos</i>	CSSC (nesting)	Year-round resident along the Coast and Central Valley from the San Francisco Bay Area south to the border with Mexico; and a summer resident in the northeast corner of California.	White pelicans nest on the ground in colonies on earthen, sandy or rocky, islands, peninsulas or tule mats. They forage in shallow inland waters or shallow coastal marine waters.	None- No suitable breeding or foraging habitat is present within the project limits.	3
California brown pelican <i>Pelecanus occidentalis californicus</i>	CFP	Year-round resident along southern California coast, migrant elsewhere along coast.	Colonial nester on coastal islands just outside the surf line.	None- No suitable breeding or foraging habitat is present within the project limits.	5
least bittern <i>Ixobrychus exilis</i>	CSSC	Year-round resident in southern California, summer resident in the Central Valley.	Colonial nester in marshlands and borders of ponds and reservoirs which provide ample cover; nests usually placed low in tules, over water.	None- No suitable breeding or foraging habitat is present within the project limits.	3
wood stork <i>Mycteria americana</i>	CSSC	Migrant in southern California, vagrant elsewhere.	Freshwater and saltwater sloughs, shallow ponds and marshes.	None- No suitable breeding or foraging habitat is present within the project limits.	3
brant <i>Branta bernicla</i>	CSSC	Winters along entire California coast.	Requires well-protected, shallow marine waters with inter-tidal eel grass beds, primarily within bays and estuaries; primary food is eel grass.	None- No suitable breeding or foraging habitat is present within the project limits.	3
redhead <i>Aythya americana</i>	CSSC	Year-round resident in central valley, winter resident elsewhere in state.	Nests on marshy lakes and ponds, winters in large flocks on sheltered bays and lakes.	None- No suitable breeding or foraging habitat is present within the project limits.	3
Northern harrier <i>Circus cyaneus</i>	CSSC	Throughout lowland California; has been recorded in fall at high elevations.	Grasslands, meadows, marshes, and seasonal and agricultural wetlands.	Present- observed in the 2006 through 2009 point count surveys and is known to breed in the project area.	3, 5

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
white-tailed kite <i>Elanus leucurus</i>	CFP	Lowland areas west of Sierra Nevada from head of Sacramento Valley south, including coastal valleys and foothills, to western San Diego County at Mexico border.	Low foothills or valley areas with valley or live oaks, riparian areas, and marshes near open grasslands for foraging.	Present- Occasionally seen in project area, but not in recent years.	3
golden eagle <i>Aquila chrysaetos</i>	CFP	Foothills and mountains throughout California.	Nests on cliffs and escarpments or in tall trees overlooking open country; forages in annual grasslands, chaparral, and oak woodlands with plentiful medium and large-sized mammals.	None- No suitable breeding and only marginal foraging habitat is present within the project limits.	3
bald eagle <i>Haliaeetus leucocephalus</i>	SE, CFP	Year-round resident in northwestern and northeastern California, winter resident elsewhere in the state.	Ocean shore, lake margins and rivers for both nesting and wintering; most nests are within 1 mile of water.	Low- No suitable breeding habitat is present within the project limits. Suitable foraging habitat is in the project vicinity.	5
American peregrine falcon <i>Falco peregrines ssp. anatum</i>	CFP	Year-round resident throughout California.	Nests on cliffs or man-made structures such as buildings and bridges; feeds on birds.	Moderate- Has been observed in flight and hunting within Oceano Dunes SVRA, but not nesting.	2, 3, 5
California black rail <i>Laterallus jamaicensis ssp. coturniculus</i>	ST, CFP	This endemic subspecies of the black rail (<i>Laterallus jamaicensis</i>) occurs in the San Francisco Bay region, parts of the Central Valley and at the southeastern border of the State.	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. It needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	None- Occurs historically at Oso Flaco Lake, but no suitable habitat occurs within the project limits.	2, 3
California clapper rail <i>Rallus longirostris obsoletus</i>	ST, FE	Found year-round along California coastal saline emergent wetlands.	Coastal wetlands and brackish waters.	None- No suitable habitat occurs within the project limits.	3
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT, CSSC	Pacific population of western snowy plover occurs along the entire coastline.	Occurs on sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Present- Known to nest in the project area.	1, 2, 3
California least tern <i>Sternula antillarum browni</i>	FE, SE, CFP	Nests along the coast from San Francisco Bay south to Northern Baja California.	Colonial breeder on bare or sparsely vegetated flat substrates, sandy beaches, alkali flats, landfills or paved areas.	Present- Known to nest in the project area.	1, 2, 3

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
black tern <i>Chidonias niger</i>	CSSC	Breeds primarily in Modoc Plateau region, with some breeding in the Sacramento and San Joaquin valleys.	Freshwater lakes, ponds, marshes and flooded agricultural fields; at coastal lagoons or estuaries during migration.	None- No suitable habitat is present within the project limits.	3
black skimmer <i>Rynchops niger</i>	CSSC	Summer resident in southern California, winter resident on central coast.	Nests on gravel bars, low islets and sandy beaches, in unvegetated sites; colonies usually less than 200 pairs.	Low- No CNDDDB occurrences within the project limits or nearby. Moderately suitable nesting and foraging habitat is present.	3
marbled murrelet <i>Brachyramphus marmoratus</i>	FT, SE	Nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz.	Nests in old-growth redwood dominated forests, up to six miles inland, often in Douglas fir.	None- No CNDDDB occurrences within the project limits or nearby and no suitable nesting or foraging habitat present.	3
western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	FPT, SE	Breeds at isolated locations in central and southern California.	Riparian forest nester, along the broad, lower flood bottoms of large river systems; nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles or wild grape.	Low- Observed at Oso Flaco Lake in 1999 and at Oceano Lagoon in 2010. No CNDDDB occurrences within the project limits. Marginal nesting habitat is present.	2, 3
western burrowing owl <i>Athene cunicularia</i>	CSSC	Lowlands throughout California, including Central Valley, northeastern plateau, southeastern deserts, and coastal areas; rare along south coast.	Level, open, dry, heavily grazed or low stature grassland or desert vegetation with available burrows.	Moderate- Observed at Oso Flaco Lake in 1999 and at Oceano Lagoon in 2010.	2, 3, 5
Vaux's swift <i>Chaetura vauxi</i>	CSSC	A summer (breeding) migrant in northern California and coastal California from the Oregon border to Monterey County, and in the Sierra Nevada from the Oregon border to northern Kern County.	Nests in snags and hollow trees in redwood and Douglas fir forests.	None- No CNDDDB records for the area and no suitable nesting habitat present.	3, 5
black swift <i>Cypseloides niger</i>	CSSC	This species occurs in California as a summer resident and its breeding range is patchily distributed throughout the State excluding the Central Valley and much of the coast.	Nests behind or beside permanent or semi-permanent waterfalls, on perpendicular cliffs near water and in sea caves.	None- No CNDDDB records for the area and no suitable nesting habitat present.	3
olive-sided flycatcher <i>Contopus cooperi</i>	CSSC	A summer (breeding) migrant in the Cascade Range and Modoc Plateau in northern California, Sierra Nevada in eastern California, Coast Ranges, and Transverse and Peninsular Ranges in Southern California.	Nests in coniferous forests.	None- No CNDDDB records for the area and no suitable nesting habitat present.	3

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
willow flycatcher <i>Empidonax trailii</i>	SE	Occurs as a summer (breeding) migrant in moist thickets and riparian areas throughout California.	Nests in dense riparian habitats with perennial water.	None- No CNDDDB records for the area and no suitable nesting habitat present.	3
loggerhead shrike <i>Lanius ludovicianus</i>	CSSC (nesting)	Resident and winter visitor in lowlands and foothills throughout California; rare on coastal slope north of Mendocino County, occurring only in winter.	Prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches.	Present- observed in the 2004 through 2006 point count surveys and is known to nest in the project area.	3, 5
least Bell's vireo <i>Vireo bellii</i> ssp. <i>pusillus</i>	FE, SE	Occurs as a summer (breeding) migrant in the far south of California and in northern Baja California.	Nests in riparian habitats, generally in dense vegetation near surface water.	Low- Suitable habitat in riparian areas, but has not been observed in project area in recent years.	3, 5
bank swallow <i>Riparia riparia</i>	ST	Occurs primarily around the remaining natural river banks of the Sacramento and Feather Rivers in the Sacramento Valley.	Colonial nester, nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine textured/sandy soils near streams, rivers, lakes or ocean to dig nesting hole.	Low – No nesting habitat is present, but they have been known to forage in the project area as recently as 2005.	3
Lucy's warbler <i>Oreothlypis luciae</i>	CSSC	Lower Colorado River valley and washes and arroyos emptying into it.	Partial to thickets of mesquite, riparian scrub and even stands of tamarisk.	Low- No recent occurrences. Marginal foraging and nesting habitat is present.	3
yellow warbler <i>Setophaga petechia</i>	CSSC	Nests over all California except Central Valley, Mojave Desert region, and high altitudes in Sierra Nevada; winters along Colorado River and in parts of Imperial and Riverside Counties.	Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral; may also use oaks, conifers, and urban areas near stream courses.	Moderate- Documented Arroyo Grande Creek, Jack Lake, Little Oso Flaco Lake, and Oso Flaco Lake. Marginal foraging and nesting habitat is present.	3, 4, 5
yellow-breasted chat <i>Icteria virens</i>	CSSC (nesting)	Summer (breeding) migrant in northern California, in portions of the Central Valley and the west slope of the Sierra Nevada, on the Central and Southern coast, and in portions of the southern California deserts.	Nests in dense riparian and shrub habitats.	Present- Recorded at the Oso Flaco Maps Station in 2000 but there was no evidence of breeding.	5
summer tanager <i>Piranga rubra</i>	CSSC (nesting)	Summer resident of desert riparian along lower Colorado River, and locally elsewhere in California deserts.	Requires cottonwood-willow riparian for nesting and foraging; prefers older, dense stands along streams.	Moderate- Listed in Appendix 2 of HMR, but hasn't been recorded in recent years.	3

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
yellow-headed blackbird <i>Xanthocephalus xanthocephalus</i>	CSSC (nesting)	Winter resident along the central and south coast, summer resident in eastern California, and year-round resident in southern California.	Nests in freshwater emergent wetlands with dense vegetation and deep water, often along the borders of lakes or ponds.	Moderate- Listed in Appendix 2 of HMR, but hasn't been recorded in recent years.	3
Mammals					
pallid bat <i>Antrozous pallidus</i>	CSSC	Throughout California except high Sierra from Shasta to Kern Counties and northwest coast, primarily at lower and mid-elevations.	Occurs in a variety of typically arid habitats including all types of woodland especially oak savanna and grassland. May also be found in riparian areas and wetlands, orchards, vineyards, and cropland if appropriate roosting sites are available.	Low- Recorded at Oso Flaco Lake and south of Oso Flaco. Low potential to forage within the project limits due to a lack of aquatic habitats for water consumption. No suitable roosting habitat is present.	2, 3
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	SCT, CSSC	Found throughout California, but details of its distribution are not well known.	Roosts in caves, buildings, hollow trees; forages in many habitats. Most abundant in mesic habitats.	Low- no records from area and limited roosting sites in project area.	2
Western red bat <i>Lasiurus blossevillei</i>	CSSC	Scattered throughout much of California at lower elevations.	Found primarily in riparian and wooded habitats. Occurs at least seasonally in urban areas. Day roosts in trees within the foliage.	Low- no records from area and limited roosting sites in project area.	1, 2, 3
giant kangaroo rat <i>Dipodomys ingens</i>	FE, SE, FP	Annual grasslands on the western side of the San Joaquin Valley, marginal habitat in alkali scrub.	Needs level terrain and sandy loam soils for burrowing.	Low- Limited suitable habitat and no records from area.	1
San Diego desert woodrat <i>Neotoma lepida intermedia</i>	CSSC	Coastal scrub of southern California from San Diego County to SLO County.	Moderate to dense canopies preferred; they are particularly abundant in rock outcrops and rocky cliffs and slopes.	Low- Limited suitable habitat and no records from area.	2
Southern sea otter <i>Enhydra lutris nereis</i>	FT, CFP	Near shore marine environments from about Ano Nuevo, San Mateo County to Point Sal, SB County.	Needs canopies of giant kelp and bull kelp for rafting and feeding; prefers rocky substrates with abundant invertebrates.	None- No suitable marine habitat is present within the project limits.	3
American badger <i>Taxidea taxus</i>	CSSC	Occurs throughout California and the western United States and Canada.	Variety of open habitats with friable soils.	Present- Has been observed in vegetation islands, and nearby Phillips 66 leasehold.	2, 3, 4

Appendix B: Biological Resources – Special Status Species Tables

B2: Special-Status Wildlife Species with the Potential to Occur in the Dust Control Program Area

Table B2. Special-status Animal Species with the Potential to Occur in the Dust Control Program Area					
Species	Species	Species	Species	Species	Species
¹ Listing Status Key: FE – Federal Endangered FT – Federal Threatened FPT – Proposed Threatened SE – State Endangered ST – State Threatened SCT – Candidate Threatened CFP – California Fully Protected CSSC – California Species of Special Concern					

Sources

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2. California Natural Diversity Database (CNDDB). 2016. California Department of Fish and Game, Biogeographic Data Branch. Last updated July, 2016.
3. California Department of Parks and Recreation. 2015. Habitat Monitoring Report. Oceano Dunes State Vehicular Recreation Area 2011-2014. Prepared by California Department of Parks and Recreation Off-highway Motor Vehicle Division, Oceano Dunes District. March.
4. Condor Environmental Planning Services, Inc. (Condor). Alternative Access Study: Oceano Dunes State Vehicular Recreation Area. Prepared for State of California: Department of Parks and Recreation, Oceano Dunes District. November 15, 2006.
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APPENDIX C

**CULTURAL RESOURCES RECORDS AND SUMMARY OF
POTENTIAL HISTORICAL RESOURCES**

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APPENDIX C CULTURAL RESOURCES RECORDS AND SUMMARY OF POTENTIAL HISTORICAL RESOURCES

As described in Volume I, Chapter 8, Cultural Resources, of the Draft Program EIR, the OHMVR Division conducted a records search of the OHMVR Division cultural resource library, the Oceano Dunes District cultural resource geo-database, the Central Coast Information Center (University of California, Santa Barbara) of the California Historical Resources Information System, and other sources to support preparation of the EIR. The records search indicated there are 9 prehistoric sites (including shell midden and lithic scatter sites), recorded within the Dust Control Program area. Table C-1 at the end of this appendix summarizes these records.

Two of the 9 recorded sites could not be located (that is, observed in the field) during the 2009-2010 Oceano Dunes District cultural resource inventory. Additionally, site CA-SLO-871 was not relocated during the 2013 Assessment Monitoring Program cultural resource surveys described in Volume I, Chapter 8 (see section 8.2.4) or a 2016 attempt to relocate the site by OHMVR Division Archaeologists. Based on these field surveys, 6 recorded sites that could be located are potential Historical Resources eligible for listing in either the NRHP and/or the CRHR as defined by Public Resources Code section 15064.5(a). These sites are described below and summarized in Table C-2 at the end of this appendix. The method used to determine a resource's eligibility to either Register is based on its ability to yield significant data about the prehistory of the area. Those resources that require further research to determine eligibility and/or integrity are marked as "unknown" in the eligibility column of Table C-2. For the purpose of simplification, as the NRHP and CRHR criteria are nearly identical, criteria for both have been combined here (e.g., Criterion A/1 would apply to resources that contribute to the broad patterns of national, state, and local history). It is important to note that the prehistoric resources' eligibility are solely considered under Criterion D/4 and may have additional values under criteria A/1, B/2, and C/3; but these evaluations would require consultation with the local tribal community.

The following paragraphs provide a summary of the 9 potential historical resources within the Program area.

CA-SLO-199: This site represents one of the largest prehistoric habitation and resource processing sites recorded in the project area and consists of a very large amount of shells relating to at least eight different types of species, along with lithics, groundstone, ocher, asphaltum, *Olivella* shell beads, and other unique artifacts. These artifacts, among others, are found in three dense loci. Based on the complex assortment of artifacts and artifact density, this site likely represents a long term residential habitation area. This site includes at least eight different types of shell species, all of which will contribute to a better understanding of what types of food resources were being exploited, where they were being exploited, and during what season. *Tivela*, *Macoma*, and *Polinices* were identified in the deposit and these are found in the local sandy beach environment and common to the shallow shore waters near the site. *Mytilus* (California mussel and found in rocky environments), *Saxidomus* (a deep water clam), and *Ostrea* (oyster found in stony bottoms) are not found locally. Their presence suggests that the inhabitants either traveled to the north or south of Oceano to gather these resources or traded with neighboring groups.

An occupational time period has already been established for this site and is based on three diagnostic artifacts that were excavated in 1975 and 1977 by Hoover, which include an *Olivella* barrel bead, a rectangular *Olivella* bead, and a projectile point. Shell beads represent one of the

best diagnostic artifacts for establishing a date of occupation for a site. The *Olivella* barrel bead type dates from the Middle to Late Horizons/Hunting Culture, whereas the rectangular *Olivella* bead is associated with the Middle Horizon. The diagnostic projectile points recovered at the site date between the Middle to Late Horizons/Hunting Culture (Hoover 1977: 23).

The immediate site boundary is not fenced, but the site is located in a fenced-off area outside of the open-riding area and appears to be in good condition. This site is potentially eligible under Criterion D/4 for its ability to yield significant data about diet, resource procurement and processing tools, types of habitation activities, additional occupational time periods, and evidence of trading, among additional research questions.

CA-SLO-854: This site has been subsumed within the boundaries of CA-SLO-199 since it was originally recorded. See above for description.

CA-SLO-868: This site was recorded in 2002, and consists of a sparse scatter of *Tivela*, and *Macoma*, shell. An attempt to relocate this site during the 2010 cultural resource inventory of ODSVRA was unsuccessful.

CA-SLO-869: This prehistoric shell deposit was first recorded by J. West and D. Bell in 1978 and was described as a “thin scatter of shell, mainly Pismo clam, but no concentration exposed in several of the road beds”. It was also noted the site was “very difficult to define due to thinness of shell scatter, may be associated with old lake?”. In 2002 P. Hines relocated the site but did not record his update on a DPR 523 record; only notes on binder paper exist. In 2002 Hines recorded a very sparse scattering of fragmented shell; he also noted the shell may have been re-deposited because of wind erosion and additional shell could exist below surface. At the time of the 2010 site update only two sparse shell scatters were identified near the 1978 site location.

CA-SLO-870: This site was updated in 2010 as part of a cultural resource inventory of Oceano Dunes SVRA. The site was originally recorded in 1978 by J. West and D. Bell as a “shell and flake (scrapers, flakes, bifaces fragments, large number of large primary flakes) scatter on eastern edge of old lake (?) (slack), large numbers of flakes and scrapers (chert, Monterey)”. This site was updated by P. Hines *et al.* in 2002 and at this time the site consisted of a sparse scatter intermixed with modern debris. No flakes were identified on the surface. In 2010 modern debris, +3 Pismo (*Tivela*) clam shell fragments, and one chalcedony pressure flake were identified on the surface. This site is adjacent to an open off-highway vehicle area as well as a frequently used comfort station. Perhaps the site has been looted on an on-going basis since 1978. What currently exists on the surface has no data potential, but depth is unknown. Only subsurface testing can determine if the abundant flake scatter recorded in 1978 is still present.

CA-SLO-871: This site is a prehistoric lithic and faunal scatter; updated in 2010 as part of a cultural resource inventory of Oceano Dunes SVRA. The site was originally recorded in 1978 by D. Bell as a “light scatter of chert flakes and bone in discolored sand blowout”. At the time of the 2010 update the site consisted of a very light scattering of flakes and bone. A total of five Monterey chert flakes were identified. No formal tools, shell, or midden soil was identified on the surface. Based on the cultural material present and site density, this site was likely used temporarily as a primary lithic reduction station and lacks depth. This site is located in an open, mobile dune environment with vegetation islands marking the western and southern portions of the site boundary. This site is located in an area where off-highway vehicle use is not permitted and is isolated enough where pedestrian use likely does not occur. Given its isolation, this site is fairly well protected from impacts resulting from public use. However, it is located in a mobile dune environment and appears to have been impacted by wind erosion. Attempts by OHMVR

Archaeologists to relocate this site in 2013 and 2016 were unsuccessful, suggesting that the site has been covered by encroaching sand.

CA-SLO-874: This site was first recorded in 2002 by P. Hines. During the 2002 survey this site was recorded as a sparse flake scatter (+/- 20 flakes) that included Monterey chert pressure thinning flakes. One bifacial thinning flake was noted along with hundreds of fragmented rodent bones. An area with dark soil was prominent in the eastern end of site. The darkened area is composed of red/brown soil with a fine scattering of charcoal flecks, and high moisture content. In 2010 an attempt to relocate CA-SLO-874 was made by OHMVR Division Associate State Archaeologists as part of a cultural resources inventory of Oceano Dunes SVRA. The site was not relocated.

CA-SLO-2593: Shell midden consists of a shell deposit located in a dune column situated in a low swale. The site includes +/- 200 shell fragments per m² of a single species, small Pismo clam as well as fire-altered rock. A single feature was identified at this site consisting of an area of dark soil indicative of a hearth located near the center of the shell deposit. The northern end of the site contains juvenile seal faunal remains; scapula, rib, and vertebrate. No flaked or ground stone tools were identified.

CA-SLO-2666: This is a prehistoric shell midden site that includes a sparse and low-variability flake scatter. The entire site boundary contains Monterey chert flakes. Areas with the densest concentration of flakes have approximately one to two flakes per m². Two very small (+/- 2 cm wide) Pismo clam fragments were also noted on the surface. +/- 10 .22 caliber shell casings were also noted in the southeastern portion of the site. The presence of flakes strongly suggests this area was occupied as a lithic reduction station. This site has the potential to yield significant information about resource procurement and processing, and tool manufacturing and use, among additional habitation activities. This site is not fenced but is located in an area closed to OHV activity and is in good condition. This site is likely eligible under Criterion D/4.

Table C-1 Cultural Resources Records Within Program Boundary				
Trinomial or Primary Number	Prehistoric / Historic-Era / Multi-component	Resource Description	Date Recorded, Updated, or Not Relocated^(A)	Project Area
CA-SLO-199	Prehistoric	Lithic scatter, Shell midden	Updated 04/28/2010	Oceano Dunes SVRA
CA-SLO-854	Prehistoric	Shell midden	Subsumed by CA-SLO-199	Oceano Dunes SVRA
CA-SLO-868	Prehistoric	Lithic scatter	Not Relocated	Oceano Dunes SVRA
CA-SLO-869	Prehistoric	Lithic scatter	Updated 04/28/2010	Oceano Dunes SVRA
CA-SLO-870	Prehistoric	Lithic scatter	Updated 04/29/2010	Oceano Dunes SVRA
CA-SLO-871	Prehistoric	Lithic scatter	Updated 04/29/2010, Not Relocated in 2013 and 2016.	Oceano Dunes SVRA
CA-SLO-874	Prehistoric	Lithic scatter	Not Relocated	Oceano Dunes SVRA
CA-SLO-2593	Prehistoric	Shell midden	6/2/2009	Oceano Dunes SVRA
CA-SLO-2666	Prehistoric	Lithic scatter, Habitation debris, Shell processing debris	4/29/2010	Oceano Dunes SVRA

(A) "Relocated" refers to whether or not the recorded site could be observed in the field during a subsequent field search.

(B) "Prehistoric" refers to cultural resources that date prior to European contact. European contact occurred within areas of the project area in 1769. "Historic-era" refers to cultural resources that are no older than 1769 and no younger than 50 years from the current date. "Multi-component" refers to cultural resources that contain both prehistoric and historic-era components.

Table C-2 Potential Historical Resources			
Trinomial or Primary Number	Historic Context	Data Potential	Eligible to the National Register and/or California Register Y/N
CA-SLO-199	Chronology, settlement patterns, subsistence, trade activities, technology, behavioral patterns	Dense shell midden that includes eight different types of species, along with lithics, groundstone, ocher, asphaltum, <i>Olivella</i> shell beads, and unique artifacts, among additional tool manufacturing implements and hearth features.	Likely eligible under Criteria D/4
CA-SLO-854	Chronology, settlement patterns, subsistence, trade activities, technology, behavioral patterns	Dense shell midden that includes eight different types of species, along with lithics, groundstone, ocher, asphaltum, <i>Olivella</i> shell beads, and unique artifacts, among additional tool manufacturing implements and hearth features.	Likely eligible under Criteria D/4
CA-SLO-868	Unknown	Unknown	This site was not relocated during the 2009/2010 cultural resources inventory
CA-SLO-869	Unknown	Sparse shell scatter	Unknown, the site appears to have integrity issues, but may possess decent subsurface integrity.
CA-SLO-870	Chronology, settlement patterns, subsistence	Shell midden	Unknown; integrity issues, what currently exists on the surface has no data potential, but depth is unknown. Only subsurface testing can determine if the abundant flake scatter recorded in 1978 is still present.

Table C-2 Potential Historical Resources			
Trinomial or Primary Number	Historic Context	Data Potential	Eligible to the National Register and/or California Register Y/N
CA-SLO-871	Technology	Very sparse lithic scatter	Unknown; data potential unknown without further archaeological investigation. Site was updated in 2010, but efforts to relocate it in 2013 and 2016 were negative.
CA-SLO-874	Technology	Sparse lithic scatter	Unknown: recent attempts to relocate this site have been unsuccessful.
CA-SLO-2593	Chronology, settlement and subsistence patterns	Shell scatter	Likely ineligible; this site was discovered by park rangers in a recreational area. For preservation purposes, this site was recorded, evaluated (Phase II testing), and buried with sand in 2009; likely very little data potential.
CA-SLO-2666	Chronology, technology, settlement and subsistence patterns	Shell and lithics	Likely eligible under Criteria D/4