

**California Department of Parks and Recreation,
Off-Highway Motor Vehicle Recreation Division**

***California Environmental Quality Act
Findings of Fact and Statement of Overriding Considerations for the
Oceano Dunes State Vehicular Recreation Area Dust Control Program***

1.0 INTRODUCTION

The California Department of Parks and Recreation (CDPR), Off-Highway Motor Vehicle Recreation (OHMVR) Division, prepared a Draft and a Final Program Environmental Impact Report (collectively, EIR; SCH No. 2012121008) for the Oceano Dunes State Vehicular Recreation Area (SVRA) Dust Control Program (Dust Control Program). Oceano Dunes SVRA, in coastal San Luis Obispo County, California, is managed by CDPR's Oceano Dunes District. The Dust Control Program involves implementation of actions to reduce dust and particulate matter (PM) emissions from Oceano Dunes SVRA. These measures, which are described in greater detail below, include planting native vegetation; deploying seasonal dust control measures; potentially planting trees; implementing pilot and demonstration projects; installing, maintaining, and operating dust and meteorological monitoring equipment; and preventing sand track out within and adjacent to Oceano Dunes SVRA.

The EIR considers the environmental effects of the Oceano Dunes District implementing the Dust Control Program over a five-year period. The findings set forth below regarding the project are adopted by the OHMVR Division Deputy Director as the OHMVR Division's findings under the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) and the CEQA Guidelines (all references to the CEQA Guidelines herein are to Cal. Code Regs., Title 14, § 15000 et seq.). The findings provide the written analysis and conclusions of the OHMVR Division regarding the Dust Control Program's environmental impacts and mitigation measures.

2.0 STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code section 21081 and CEQA Guidelines section 15091 (a) require that no public agency approve or carry out a project for which an EIR has been certified that identifies one or more significant effects of the project on the environment unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. Pursuant to Public Resources Code section 21081 (a), the possible findings, which must be supported by substantial evidence in the record, are:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

CEQA Guidelines section 15364 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

When determining whether to approve a project, CEQA requires the decision-making agency to balance the project’s economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, against the project’s unavoidable environmental risks. If those benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (CEQA Guidelines § 15093 (a)). When the lead agency approves a project that will result in the occurrence of significant effects that are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (CEQA Guidelines § 15093 (b)).

3.0 PROJECT DESCRIPTION

3.1 Dust Control Program Location, Setting, and Background

Oceano Dunes SVRA is located in southwestern San Luis Obispo County, approximately twelve miles south of the City of San Luis Obispo, within the Coastal Zone established by the California Coastal Act. The SVRA borders and is contiguous with parts of Pismo State Beach, which is also managed by the Oceano Dunes District. The two parks provide public access to beaches and coastal recreation opportunities, including off-highway motor vehicle (OHV) recreation in certain designated areas. Pismo State Beach can be accessed from State Route 1 primarily via Grand Avenue in the City of Grover Beach or Pier Avenue in Oceano. These entrances provide sand ramps that lead vehicles down onto the beach and serve as the primary access to Oceano Dunes SVRA.

Oceano Dunes SVRA lies within the northern portion of the 18-mile-long Guadalupe-Nipomo Dunes Complex. The Dust Control Program area includes large tracts of open or sparsely vegetated, wind-deposited sand dune and more stabilized vegetated dune. In addition to Pismo State Beach, land uses surrounding the Dust Control Program area largely comprise mostly undeveloped lands, including the Guadalupe-Nipomo Dunes National Wildlife Refuge, agriculture, and private open space, plus a refinery. Oceano Dunes SVRA provides habitat for the state- and federally listed California least tern, the federally-listed western snowy plover, and other special-status species.

The Dust Control Program is intended to control and minimize dust and PM emissions that are generated under strong wind conditions and subsequently transported downwind of Oceano Dunes SVRA. PM is known to cause adverse lung, heart, and other health effects, and is considered a criteria air pollutant under both the state and federal Clean Air Acts. An ambient air quality monitoring station (the “CDF” station) operated by the San Luis Obispo County Air Pollution Control District (SLOAPCD) is located downwind of Oceano Dunes SVRA, on the Nipomo Mesa, as are residential areas. SLOAPCD adopted Rule 1001, Coastal Dune Dust Control Requirements, in 2011 to address high PM₁₀ (PM with an aerodynamic diameter equal to or less than 10 microns) readings at the CDF station and the Nipomo Mesa area by minimizing emissions of upwind PM. Rule 1001 requires the operator of a coastal dune vehicle activity area (CDVAA) greater than 100 acres in size (e.g., Oceano Dunes SVRA) to prepare and implement a Particulate Matter Reduction Plan (PMRP) to minimize

emissions of PM10 from the area under its control. The PMRP must include a compliance monitoring network, PM10 control measures, and a track-out prevention program. The CDVAA operator must also comply with a PM10 performance standard. Failure to comply with Rule 1001 could lead to civil penalties. The OHMVR Division has also entered into a settlement agreement with the San Luis Obispo County APCD that provides a method for implementing Rule 1001.

3.2 Dust Control Program Objectives

The objectives of the Dust Control Program are to:

- Control and minimize saltation-generated dust and PM produced at Oceano Dunes SVRA during periods of strong, persistent winds.
- Reduce concentrations of PM10 measured at the SLOAPCD's CDF ambient air quality monitoring station.
- Make ongoing and best possible progress towards compliance with SLOAPCD Rule 1001 performance standard.
- Maintain existing public access routes into, out of, and within Pismo State Beach and Oceano Dunes SVRA to the maximum extent feasible and consistent with public safety and environmental protection needs.
- Maintain existing coastal recreation opportunities (especially coastal OHV recreational opportunities), visitor levels, and visitor-serving facilities (including campsites) at Pismo State Beach and Oceano Dunes SVRA to the maximum extent feasible and consistent with public safety needs and OHMVR Division legislative mandates.
- Plant vegetation and deploy seasonal dust control measures in scientifically-defensible locations that balance the need to implement a comprehensive Dust Control Program and manage, protect, and conserve cultural, natural, and recreational resources at Pismo State Beach and Oceano Dunes SVRA.
- Deploy temporary monitoring equipment that scientifically supports the selection of areas to plant vegetation and deploy seasonal dust control measures and evaluates the effectiveness of these activities.
- Install, operate, and maintain equipment that prevents the track-out of sand by vehicles exiting onto paved, public roads and minimizes, to the maximum extent possible, vehicle queuing and delays when visitors exit Oceano Dunes SVRA and Pismo State Beach.
- Continue to implement existing dust-control related activities at Oceano Dunes SVRA and Pismo State Beach.

3.3 Required Permits and Approvals

The Dust Control Program is within the jurisdiction of the City of Grover Beach and San Luis Obispo County certified LCPs. The California Coastal Commission (CCC), however, will retain Coastal Development Permit (CDP) jurisdiction because the OHMVR Division, the City of Grover Beach, San Luis Obispo County, and the CCC have all consented to consolidate the CDP action. Thus, the CCC is a responsible agency under CEQA. The following is a complete list of known or possible Dust Control Program permits and approvals:

- CCC
 - Master CDP
 - Annual CDP Review
- City of Grover Beach Public Works Dept.

- Encroachment permits for track-out devices
- Grading permits for track-out devices
- San Luis Obispo County Public Works Dept.
 - Encroachment permits for track-out devices
 - Grading permits for track-out devices

3.4 Dust Control Program Description

The Dust Control Program area primarily comprises approximately 690 acres of state-owned and -operated lands at Oceano Dunes SVRA, as well as 295 acres of private lands downwind of the SVRA where trees may potentially be planted. The Dust Control Program area is located upwind of the CDF station and includes most of the open sand areas in the central to northern portion of the Oceano Dunes SVRA open riding and camping area. SLOAPCD and OHMVR Division studies have identified this area as the area most likely influencing air quality measurements at the CDF station and air quality conditions on the Nipomo Mesa.

The Dust Control Program includes the following activities:

- **Planting approximately 20 acres of native vegetation per year at Oceano Dunes SVRA.** Vegetation reduces sand movement and therefore dust emission by physically covering the ground surface, stabilizing or holding sand in place with roots and plant litter, and breaking the flow of wind across the landscape. Vegetation would be planted during the fall, when rains support establishment of native dune vegetation. In total, approximately 100 acres of native vegetation could be planted over the five-year period.
- **Deploying approximately 40 acres of seasonal dust control measures from approximately March to September at Oceano Dunes SVRA.** Dust control measures such as wind fencing, straw bales, porous roughness elements, and possibly non-toxic soil stabilizers, would be deployed to control and minimize dust on a seasonal basis. Such measures reduce sand movement and therefore dust emission by physically covering the ground surface and breaking the flow of wind across the landscape. These seasonal measures could be installed as early as March 1 and removed as late as September 30. Seasonal dust control measures could also include pilot and/or demonstration projects as new control measures are identified by the OHMVR Division for implementation at Oceano Dunes SVRA.
- **Potentially planting trees downwind of Oceano Dunes SVRA.** Native, fast-growing trees may be planted downwind of Oceano Dunes SVRA if agreements can be successfully reached with private landowners. Tree plantings would be unlikely to control or minimize dust emissions during the five-year period covered by this EIR, but could provide for long-term control of airborne dust.
- **Pilot and Demonstration Projects.** The OHMVR Division may test and/or implement additional dust control methods at Oceano Dunes SVRA. In general, the OHMVR Division would initially test new dust control methods on a small scale. These one- to two-acre pilot and demonstration projects would be located adjacent to the established seasonal dust control measures. Such projects may include taller or more narrowly-spaced wind fencing, different-sized porous roughness elements, non-toxic soil stabilizers, or other artificial materials that would block the flow of wind and reduce sand transport and dust generation.

- **Deploying dust and meteorological monitoring equipment at Oceano Dunes SVRA.** Scientific monitoring equipment would be installed, maintained, and operated to investigate and evaluate dust levels and control measure effectiveness.
- **Preventing track-out of sand onto Grand Avenue in the City of Grover Beach and Pier Avenue in Oceano.** Grooved or notched concrete, which removes sand from vehicles before it can reach the paved roads, would be installed, operated, and maintained at Pismo State Beach exits on Grand Avenue in the City of Grover Beach and Pier Avenue in the community of Oceano.

The Dust Control Program CDP application also includes the following continuing existing dust control, monitoring, and track-out prevention activities currently taking place at Oceano Dunes SVRA and/or Pismo State Beach. These existing, independent activities are not changed as a result of approving the Dust Control Program:

Ongoing Grand Avenue, Pier Avenue, and Strand Way Sand Management. From approximately March to July of each year, the Oceano Dunes District installs approximately 1,700 linear of wind fencing directly upwind of Grand Avenue in Grover Beach and Pier Avenue and Strand Way in Oceano to control natural sand drift from the beach onto public roads, parking areas, and other structures that front the southern portion of Pismo Beach. Although continued installation of this wind fencing is already subject to a CDP waiver and is part of baseline environmental conditions, it is included in the Dust Control Program CDP application.

Ongoing Dust and Meteorological Monitoring. Since June 2010, the OHMVR Division has operated and maintained an approximately 33-foot-tall meteorological tower near the center of Oceano Dunes SVRA (the “S1 tower”). The S1 tower was included in a prior CDP application, which remains under appeal. The S1 tower is thus included in the Dust Control Program CDP application, but its continued operation and maintenance is part of the baseline environmental conditions.

3.5 Standard and Specific Project Requirements

The OHMVR Division is a state agency subject to compliance with public resources codes for protection of sensitive resources. To protect these resources, the OHMVR Division has incorporated Standard and Specific Project Requirements into the Dust Control Program. These Standard and Specific Project Requirements are thus not regarded as mitigation measures and have been considered prior to making a significance conclusion. Table 1 provides a summary of these Standard and Specific Project Requirements, which are described in full in Draft Program EIR Table 2-5 as modified by the Final Program EIR Section 3.3:

Table 1. Standard and Specific Project Requirements
Multiple Resource Areas:
<ul style="list-style-type: none"> • Minimize Ground Disturbance and Land Occupancy
Hazards and Hazardous Materials:
<ul style="list-style-type: none"> • Designate Vehicle and Equipment Storage, Staging, and Clean-up Locations • Designate Vehicle and Equipment Fueling Locations • Inspect for Equipment Leaks • Prepare and Implement Spill Prevention and Response Plan

Table 1. Standard and Specific Project Requirements
<p>Aesthetics:</p> <ul style="list-style-type: none"> • Vegetation Design Considerations • Seasonal Dust Control Measure Design Considerations
<p>Biological Resources:</p> <ul style="list-style-type: none"> • Minimize Ground Disturbance and Land Occupancy • Minimize and/or Avoid Impacts to Special-Status Plants • Qualified Biologist • Minimize and/or Avoid Impacts to Special-Status Amphibians and Reptiles • Minimize and/or Avoid Impacts to California Red-Legged Frog • Minimize and/or Avoid Impacts to Nesting and Special-Status Birds • Minimize and/or Avoid Impacts to American Badger and Badger Dens • Minimize and/or Avoid Impacts to Wetland Habitats • Employee Education • Avoid Open Trenches • Notification to the California Natural Diversity Database (CNDDDB)
<p>Cultural Resources:</p> <ul style="list-style-type: none"> • Inventory Cultural Resources • Monitor Cultural Resources • Avoid Cultural Resources • Avoid Impacts from Accidental Discoveries • Native American Consultation and Monitoring • Preserve Cultural Resources in Place
<p>Hydrology and Water Quality</p> <ul style="list-style-type: none"> • Minimize Ground Disturbance and Land Occupancy • Manage Seasonal Dust Control Measure Stockpiles • Designate Vehicle and Equipment Storage, Staging, and Clean-up Locations • Designate Vehicle and Equipment Fueling Locations • Inspect for Equipment Leaks • Soil Stabilizer Selection • Track-Out Device Installation • Regularly Remove, Test, and Dispose of Sediment from Track-out Prevention Devices
<p>Noise</p> <ul style="list-style-type: none"> • Reduce Equipment Noise • Limit Construction Hours

4.0 RECORD OF PROCEEDINGS AND CUSTODIAN OF DOCUMENTS

The record, upon which all findings and determinations related to the approval of the project are based, includes the following:

1. The EIR including all appendices, technical studies, and documents referenced in or relied upon by the EIR.
2. All information (including written evidence and testimony) provided by OHMVR Division staff to the decision maker(s) relating to the EIR, the approvals, and the project.
3. All information (including written evidence and testimony) presented to the OHMVR Division by the environmental consultant who prepared the EIR or incorporated into reports presented to the OHMVR Division.
4. All information (including written evidence and testimony) presented to the OHMVR Division from other public agencies related to the project or the EIR.
5. All applications, letters, testimony, and presentations relating to the project.
6. All information (including written evidence and testimony) presented at any OHMVR Division public meeting related to the project and the EIR.
7. All existing permits, adopted land use plans, and other documents relevant to management of lands within the project area.
8. The Mitigation Monitoring and Reporting Plan (MMRP) for the project.
9. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The California Department of Parks and Recreation, OHMVR Division, is the custodian of the documents and other materials that constitute the record of the proceedings upon which the OHMVR Division's decisions are based. The contact for this material is:

Mr. Ronnie Glick, Senior Environmental Scientist
CDPR, OHMVR Division
Oceano Dunes District Office
340 James Way, Ste. 270
Pismo Beach CA
(805) 773-7170

5.0 CONSIDERATION AND CERTIFICATION OF THE FINAL PROGRAM EIR

In accordance with CEQA, the OHMVR Division concurrently with these findings hereby certifies that the Final Program EIR for the Dust Control Program has been completed in compliance with CEQA and the CEQA Guidelines and finds the Final Program EIR adequately addresses the environmental impacts of the project.

The OHMVR Division finds and determines that the Final Program EIR provides:

- A comprehensive analysis of the relevant environmental issues sufficient to inform the OHMVR Division, responsible agencies, members of the public, and other interested parties of the potential significant environmental effects of the Dust Control Program.

- An extensive set of Standard and Specific Project Requirements and mitigation measures that are designed to reduce or avoid significant environmental impacts to the extent feasible.
- Complete, good faith, and reasoned responses to all comments on the Draft EIR that raise significant environmental issues.

The OHMVR Division has reviewed and considered, as a whole, the information contained in the Final Program EIR including the evidence and other information presented in public and agency comments, as well as the responses to those comments. This information has provided the OHMVR Division with a comprehensive and well-rounded understanding of the environmental issues presented by the Dust Control Program. The OHMVR Division's findings are based on full appraisal of the evidence and other information contained in the Final Program EIR, as well as the evidence and other information in the record addressing the Final Program EIR. By adopting these findings, the OHMVR Division confirms and adopts the findings and conclusions of the Final Program EIR. The Final Program EIR and these findings represent the independent judgment and analysis of the OHMVR Division.

6.0 MITIGATION MONITORING AND REPORTING PLAN

As required by Public Resources Code section 21081.6, the OHMVR Division, in adopting these findings, also adopts the Dust Control Program MMRP. The MMRP is designed to ensure that, during implementation of the project, the OHMVR Division and other responsible parties will comply with the adopted mitigation measures, summarized within these findings, and described in full in the Final Program EIR. The MMRP is attached to these findings as Exhibit A. The OHMVR Division will use the MMRP to track compliance with the adopted mitigation measures.

7.0 LEGAL EFFECT OF FINDINGS

To the extent that these findings conclude that the Standard and Specific Project Requirements incorporated into the Dust Control Program and the mitigation outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the OHMVR Division hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the OHMVR Division formally approves the project.

The Standard and Specific Project Requirements and mitigation are included in the MMRP adopted concurrently with these findings, and will be effectuated through the process of implementing the project (refer to Section 6.0 of these findings).

8.0 SIGNIFICANCE FINDINGS

8.1 Effects Found to be Not Significant

Project effects on agriculture and forestry resources, air quality, geology and soils, greenhouse gases and energy, hazards and hazardous materials, mineral resources, population and housing, public services, traffic and transportation, and utilities and service systems were assessed in Draft Program EIR Volume I, Section 3.4 and determined to be less than significant. The following project effects were analyzed in the

Draft Program EIR Volume I, Chapters 4-10, and also determined to be less than significant:

Recreation (Draft EIR Section 4.3)

- The Dust Control Program does not have the potential to result in an adverse effect on the environment from new or expanded recreational facilities.
- The Dust Control Program would not accelerate the deterioration of existing recreational facilities.
- The Dust Control Program would not alter public access to Oceano Dunes SVRA and Pismo State Beach.
- The Dust Control Program would not limit or interfere with coastal, non-vehicular recreational activities at Oceano Dunes SVRA.

Land Use and Planning (Draft EIR Section 5.3)

- The Dust Control Program would not physically divide an established community or conflict with any Habitat Conservation Plan or Natural Community Conservation Plan.
- The Dust Control Program would not conflict with the Oceano County Airport Land Use Plan.

Aesthetics (Draft EIR Section 6.4)

- The Dust Control Program does not have the potential to substantially damage scenic resources within a state scenic highway.
- The Dust Control Program does not have the potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
- The Dust Control Program would not cause a substantial adverse change in the existing visual character and scenic qualities of Oceano Dunes SVRA and its surroundings, whether viewed from Pismo State Beach, Oceano Dunes SVRA, other publicly accessible points along the shoreline, or public roads.

Biological Resources (Draft EIR Section 7.3)

- The Dust Control Program does not have the potential to result in a substantial adverse effect on any riparian habitat.
- The Dust Control Program does not have the potential to substantially interfere with the movement of native fish or wildlife species or established wildlife corridors or impede the use of native wildlife nursery sites.
- The Dust Control Program does not have the potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- The Dust Control Program would not result in significant direct and/or indirect impacts on special-status plants and their habitat.
- The Dust Control Program would not result in significant direct and/or indirect effects on special-status wildlife species and their habitat.

- The Dust Control Program's track-out prevention devices would not result in significant direct and/or indirect effects in the tidal zone.
- The Dust Control Program would not significantly impact sensitive, natural dune vegetation.

Cultural Resources (Draft EIR Section 8.3)

- The Dust Control Program would not significantly disturb cultural resources.
- The Dust Control Program would not cause significant adverse impacts to paleontological resources.
- The Dust Control Program would not cause significant, adverse disturbance to human remains.

Hydrology and Water Quality (Draft EIR Section 9.3)

- The Dust Control Program does not have the potential to result in a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.
- The Dust Control Program does not have the potential to result in substantial erosion, siltation, or on- or off-site flooding.
- The Dust Control Program has no potential to place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or FIRM or other flood hazard delineation map.
- The Dust Control Program does not have the potential to place structures within a 100-year flood hazard area that could impede or redirect flood flows.
- The Dust Control Program does not have the potential to expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of dam or levee failure.
- The Dust Control Program area does not have the potential to expose people or structures to inundation by seiche, tsunami, or mudflow.
- The Dust Control Program would not result in spills or other releases of liquid (e.g., fuel, oil) or solid materials (e.g., sediment, straw bales) that could cause significant, adverse water quality impacts.

Noise (Draft EIR Section 10.5)

- The Dust Control Program would be located within the airport land use plan area for Oceano County Airport, but would not increase or otherwise affect the number of people exposed to noise from Oceano County Airport Operations.
- The Dust Control Program does not have the potential to expose people residing or working at Oceano Dunes SVRA to excessive, airport-related noise levels.
- The Dust Control Program would not result in temporary or intermittent vehicle and heavy equipment operation that could significantly increase ambient noise levels in the vicinity of the Program area.
- The Dust Control Program would not result in a significant increase in ground-borne vibration at Grand Avenue or Pier Avenue.

Finding: The OHMVR Division finds that the above project effects, with consideration of applicable Standard and Specific Project Requirements, would be less than significant. No mitigation is required for any of these less than significant impacts.

8.2 Effects Determined to be Mitigated to Below a Level of Significance

The following section sets forth the effect of the Dust Control Program determined to be mitigated to below a level of significance and identifies the required finding, and facts in support of that finding, with respect to the effect.

Noise (Draft EIR Section 10.5)

Impact NOI-2: The Dust Control Program would generate noise from vehicles passing over track-out prevention devices on Grand Avenue and Pier Avenue. The potential for this increased noise to impact trail receptors near Grand Avenue would not be a significant impact because these receptors would be subjected to isolated noise events lasting only a few seconds to a few minutes (i.e., the amount of time the user is on the trail near Grand Avenue); however, the potential for increased noise from track-out prevention devices on Pier Avenue to impact residential receptors on Strand Way could be significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Facts in Support of Finding: The above potential significant effect regarding noise would be mitigated to a level considered less than significant with implementation of the following mitigation:

Mitigation Measure NOI-2: Reduce Track-out Prevention Noise

The OHMVR Division shall, given the specific engineering and vehicle conditions present at the Pismo State Beach Pier Avenue exit, reduce noise from track-out prevention devices by:

- Minimizing the width between concrete grooves as much possible (while still ensuring sufficient spacing to provide effective track-out control).
- Considering installing sinusoidal shaped concrete grooves if research indicates such devices are cost effective and would produce lower vehicle noise levels than rectangular or cylindrical shaped

8.3 Significant Effects That Cannot be Mitigated to Below the Level of Significance

The EIR identifies the following project impacts that cannot be mitigated to below the level of significance:

Recreation (Draft EIR Sections 4.3, as modified by Final EIR Section 3.4, and 11.2.1)

Impact REC-1: The Dust Control Program would limit and interfere with coastal vehicular recreation opportunities at Oceano Dunes SVRA. The Dust Control Program could occupy between 78 and 113 acres of land at Oceano Dunes SVRA where vehicle activity is permitted (i.e., the SVRA's open riding and camping area). Given Oceano Dunes SVRA's history, popularity, and unique, low-cost recreational opportunities, the OHMVR Division considers the temporary (43 acres annually) and permanent (up to 70 acres) closure of land inside the Oceano Dunes SVRA open riding and camping area to

be a significant impact on coastal vehicular recreation. Mitigation Measure REC-1 would reduce this impact to some degree.

Mitigation Measure REC-1: Minimize Loss of Coastal Vehicular Recreation Opportunities

The OHMVR Division shall minimize the loss of coastal vehicular recreational opportunities at Oceano Dunes SVRA by:

- Planting vegetation outside the Oceano Dunes SVRA open riding and camping area
- Planting vegetation and deploying seasonal dust control measures in a manner that does not interfere with the Oceano Dunes SVRA “Sand Highway” and other established paths of travel in the SVRA
- Deploying seasonal dust control measures from March 1 through September 30 only
- Considering potential hazards to public recreation from the seasonal deployment of dust control measures (e.g., ensuring that areas are safe for resumption of OHV recreation following removal of the project)
- Integrating recreation opportunities, including OHV recreation opportunities, into dust control measures. This could be achieved by:
 - Educational kiosks that highlight the progression of dune vegetation/ ecosystems.
 - Establishing and maintaining motorized and non-motorized trails through large, continuous blocks of planted vegetation.
 - Embedding OHV training or vendor areas in dust control measures large enough to support such areas.
- Identifying areas to provide additional camping or OHV recreation opportunity and diligently pursue opening those areas to OHV recreation with existing staff levels and funding considerations. Any such expansion shall occur in a manner that is consistent with the Public Resources Code and other applicable laws and regulations and shall not impede achievement of the performance standard set by Rule 1001.
 - The additional camping and/or OHV recreation opportunities to be pursued as part of this measure shall be, to the maximum extent feasible, similar to the type and amount of land affected as a result of the proposed Dust Control Program. Specifically, the OHMVR Division shall, if feasible, provide a 1:1 replacement of coastal vehicular recreation lands within the same regional geographic location as Oceano Dunes SVRA. For the purposes of this measure, inland OHV recreation opportunities are not considered similar to the opportunities provided by Oceano Dunes SVRA.
 - The OHMVR Division shall actively research and attempt to identify feasible opportunities to provide additional camping and/or OHV recreation opportunities until three years after the completion of the proposed Dust Control Program, or 2025, whichever is later. If additional opportunities are not identified by this time, they shall be considered to not be available to the OHMVR Division.

Finding: The OHMVR Division finds that changes have been required to lessen the environmental effect; however, the impact remains significant.

Facts in Support of Finding: Mitigation Measure REC-1 requires the OHMVR Division to implement measures that could reduce the potential for Dust Control Program components to limit and interfere with OHV recreation and directs the OHMVR Division

to compensate for the closure of OHV recreation lands that could occur with implementation of the Dust Control Program; however, the ability of the OHMVR Division to do this is subject to legal, regulatory, funding, and logistical limitations and is, therefore, speculative. While technically feasible, the ability of the OHMVR Division to successfully identify, acquire, and develop potential additional camping and recreational opportunities in a timely manner is subject to numerous factors outside the OHMVR Division's control. Therefore, the potential remains for the Dust Control Program (in Year 5) to limit coastal vehicular recreation temporarily (up to 43 acres) and permanently (up to 70 acres) at Oceano Dunes SVRA. Factors such as the SVRA's history of use, historical reduction in vehicle recreation lands in the area, current seasonal reduction in vehicle recreation lands, high visitor attendance levels, and the unique, low-cost nature of the coastal recreational opportunities provided by the SVRA make this loss of OHV lands a substantial and adverse change to coastal vehicular recreation at Oceano Dunes SVRA. Thus, Impact REC-1 would be a potentially significant and unavoidable impact of the Dust Control Program.

Impact CML-1: The Dust Control Program would contribute to cumulative, seasonal and permanent reductions in coastal vehicular recreational opportunities at Oceano Dunes SVRA. Impact REC-1 identifies that the Dust Control Program could result in the temporary (up to 43 acres annually) and permanent (between 35 and 70 acres) closure of land inside the Oceano Dunes SVRA open riding and camping area. Recreational activities in these areas primarily include photography, hiking, camping, wildlife viewing and, most prominently, OHV recreation. This impact would combine with the loss of recreational acreage inside the SVRA's open riding and camping area due to the seasonal closure of 284 acres of land, which occurs from March 1 to September 30 to protect nesting western snowy plovers and California least terns (nest enclosure). This impact would also combine with the recent loss in riding area lands as a result of the expansion of fencing to protect a cultural resources site in Oceano Dunes SVRA. This cumulative loss of coastal vehicular recreational opportunities would be a significant impact. Mitigation Measure REC-1 would reduce this impact to some degree.

Finding: The OHMVR Division finds that changes have been required to lessen the environmental effect; however, the impact remains significant.

Facts in Support of Finding: Mitigation Measure REC-1 requires the OHMVR Division to implement measures that could reduce the potential for Dust Control Program components to limit and interfere with OHV recreation and directs the OHMVR Division to compensate for the closure of OHV recreation lands that could occur with implementation of the Dust Control Program; however, the ability of the OHMVR Division to do this is subject to legal, regulatory, funding, and logistical limitations and is, therefore, speculative. While technically feasible, the ability of the OHMVR Division to successfully identify, acquire, and develop potential additional camping and recreational opportunities in a timely manner is subject to numerous factors outside the OHMVR Division's control. Thus, the potential remains for the Dust Control Program (in Year 5) to limit coastal vehicular recreation temporarily (up to 43 acres) and permanently (up to 70 acres) at Oceano Dunes SVRA, which is in addition to biological and cultural resource closures. Factors such as the SVRA's history of use, historical reduction in vehicle recreation lands in the area, current seasonal reduction in vehicle recreation lands, high visitor attendance levels, and the unique, low-cost nature of the coastal recreational opportunities provided by the SVRA make this cumulative loss of OHV lands a substantial and adverse change to coastal vehicular recreation at Oceano Dunes SVRA.

Thus, Impact CML-1 would be a potentially significant and unavoidable impact of the Dust Control Program.

Land Use (Draft EIR Sections 5.3 and 11.2.2)

Impact LUP-1: The Dust Control Program would conflict with the Pismo Dunes SVRA (now Oceano Dunes SVRA) General Development Plan and Resource Management Plan. The Dust Control Program would (in Year 5) result in the permanent and temporary closure of approximately 78 to 113 acres of land at Oceano Dunes SVRA where open riding and camping is permitted. This closure would not be consistent with the General Development Plan's stated policy to manage the SVRA in ways that "perpetuate and enhance" recreational use of OHVs in the SVRA and is considered a significant conflict with that plan. Mitigation Measure REC-1 would reduce this impact to some degree.

Finding: The OHMVR Division finds that changes have been required to lessen the environmental effect; however, the impact remains significant.

Facts in Support of Finding: Mitigation Measure REC-1 requires the OHMVR Division to implement measures that could reduce the potential for Dust Control Program components to limit and interfere with OHV recreation and directs the OHMVR Division to compensate for the, closure of OHV recreation lands that could occur with implementation of the Dust Control Program; however, the ability of the OHMVR Division to do this is subject to legal, regulatory, funding, and logistical limitations and is, therefore, speculative. Thus, the potential remains for the Dust Control Program (in Year 5) to temporarily (43 acres) and permanently (70 acres) limit and interfere with OHV recreation at Oceano Dunes SVRA. This loss is considered a significant conflict with the stated management policy of the General Development Plan and Resource Management Plan. Thus, Impact LUP-1 would be a potentially significant and unavoidable impact of the Dust Control Program.

Impact LUP-2: The Dust Control Program could conflict with the California Coastal Act. Although the OHMVR Division would implement measures to minimize impacts to existing recreational opportunities at Oceano Dunes SVRA, the Dust Control Program could still result in the significant permanent and/or temporary closure of vehicular recreational lands at Oceano Dunes SVRA (between 78 and 113 acres), which does not maximize recreational opportunities. Thus, the proposed project may not be consistent with the Coastal Act (PRC sections 30210, 30213, and 30223). Mitigation Measure REC-1 would reduce this impact to some degree. The CCC is the sole agency with primary jurisdiction over the Coastal Act and as such will ultimately evaluate the Dust Control Program for consistency with the Coastal Act.

Finding: The OHMVR Division finds that changes have been required to lessen the environmental effect; however, the impact remains significant.

Facts in Support of Finding: As summarized above, the Dust Control Program could conflict with the California Coastal Act because the Dust Control Program would impact up to 113 acres of coastal OHV recreation lands. While technically feasible, the ability of the OHMVR Division to fully implement REC-1 is subject to numerous factors outside the OHMVR Division's control. Thus, Impact LUP-2 is considered a potentially significant and unavoidable impact of the proposed Dust Control Program. The Coastal Act provides that maximum access and recreational opportunities shall be provided consistent with public safety needs. The closures would reduce dust and PM produced at Oceano Dunes SVRA during periods of strong persistent winds and make best

possible progress towards complying with SLOAPCD Rule 1001. The CCC may thus determine the Dust Control Program is consistent with the Coastal Act.

Impact CML-2: The Dust Control Program would contribute to a cumulative loss in OHV recreation lands that conflicts with the Pismo Dunes SVRA (now Oceano Dunes SVRA) General Development Plan and Resource Management Plan and the California Coastal Act. In Year 5 of the Dust Control Program, the total seasonal loss in coastal vehicular recreation lands, including the seasonal nest enclosure (284 acres), expanded cultural resources management and protection measures (16 acres), and the Dust Control Program (78 to 113 acres) would range from approximately 378 to 413 acres. Seasonal closure of 378 to 413 acres of land constitutes an approximately 26 to 28 percent reduction in available OHV recreation lands at Oceano Dunes SVRA. In Year 5 of the Dust Control Program the total permanent loss in coastal vehicular recreation lands resulting from expanded cultural resources protection (16 acres) and the proposed Dust Control Program (35 to 70 acres) would range from 51 to 86 acres, which constitutes an approximately 4 to 6 percent reduction in available OHV recreation lands at Oceano Dunes SVRA. This cumulative loss of coastal vehicular recreational opportunities would be a significant conflict with the General Development Plan and Resource Management Plan and the California Coastal Act. Mitigation Measure REC-1 would reduce this impact to some degree.

Finding: The OHMVR Division finds that changes have been required to lessen the environmental effect; however, the impact remains significant.

Facts in Support of Finding: The cumulative permanent and seasonal closures of open riding and camping areas neither perpetuates nor enhances the recreational use of OHVs at Oceano Dunes SVRA, as required by the General Development Plan and Resource Management Plan, nor does it maximize coastal recreation opportunities, as generally required by the Coastal Act. The loss of coastal OHV recreation lands at Oceano Dunes SVRA is especially important given the site's history, popularity, and unique, low-cost coastal recreational opportunities, plus the lack of similar facilities in the state. Accordingly, the Dust Control Program would contribute to a cumulatively considerable adverse loss of OHV recreation lands at Oceano Dunes SVRA, which is considered a significant conflict with the SVRA's General Development Plan and Resource Management Plan and the California Coastal Act. Mitigation Measure REC-1 could partially reduce the Dust Control Program's contribution to this cumulative impact; however, the ability of the OHMVR Division to fully implement Mitigation Measure REC-1 is uncertain. Specifically, fully compensating for the loss (i.e., closure) of OHV recreation lands would be subject to legal, regulatory, funding, and logistical limitations and cannot be guaranteed. Thus, Impact CML-2 is considered a potentially significant and unavoidable cumulative impact of the Dust Control Program.

9.0 PROJECT ALTERNATIVES

Where a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental impacts that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, any project alternatives remain that are both environmentally superior and feasible within the meaning of CEQA. To determine the feasibility of an alternative, the lead agency must consider a broad range of factors. These factors include whether the alternative conflicts with planning goals, fails to fully meet project objectives, or is economically infeasible.

In accordance with CEQA Guidelines section 15126.6, a reasonable range of alternatives to the project are described in Chapter 12 in Volume I of the Draft EIR, as modified in Final EIR Section 3.8, and summarized below.

9.1 Considered but Rejected Alternatives

Different Dust Control Program Location. The OHMVR Division considered alternative sites but could not identify a viable alternative site capable of meeting project objectives. The Dust Control Program area already includes most of the state-owned and -operated land identified as the area most likely influencing air quality conditions at the CDF station and the Nipomo Mesa. The Dust Control Program area also already includes lands that are not state-owned or -operated that would be considered for tree planting. Additionally, given that Oceano Dunes SVRA is a CDVAA, Rule 1001 would require the OHMVR Division to implement a dust control program at Oceano Dunes SVRA that is the same as or similar to the Dust Control Program described in the EIR, even if an otherwise feasible alternative site existed. Further consideration of an alternative site was thus rejected.

Accelerated Dust Control Program Schedule. The OHMVR Division considered an accelerated two- to three-year schedule for the Dust Control Program in which the proposed activities would be undertaken on a two or three year schedule but found it infeasible because the number of dust control measures necessary to achieve the goals were not known with certainty, vegetation could not be planted fast enough to meet the shorter schedule, and augmenting any shortage of planted vegetation with expanded seasonal dust control materials would require acquisition, deployment, and maintenance of substantial quantities of artificial materials. Overall, the resources (staff and materials) necessary to plant sufficient vegetation and/or deploy sufficient artificial materials are not available due to state budget limitations and schedule. Further consideration of an accelerated schedule was thus rejected.

OHV Use Restrictions in-Lieu of Dust Control Measures. The OHMVR Division considered implementing short-, intermediate, or long-term OHV use restrictions in lieu of occupying open sand areas with vegetation and seasonal dust control measures. This alternative would not reduce the potentially significant noise impact and, depending on the extent of the restrictions, may or may not reduce the Dust Control Program's significant recreation impact: the longer the restriction duration or the more such restrictions overlap with high visitation periods, the greater the impact on coastal vehicular recreation. Short-term OHV use restrictions would likely reduce and possibly avoid the Dust Control Program's significant land use impacts and could reduce recreation impacts. Given the large area affected and the duration of the closure, intermediate or long-term OHV use restrictions would not avoid the Dust Control Program's significant recreation or land use impacts. Furthermore, this alternative has not been tested, and its efficacy at making best possible progress toward compliance with Rule 1001 is at best uncertain. OHV use restrictions (of any duration) would not directly control and minimize saltation-generated dust and PM produced during strong persistent winds or maintain existing coastal OHV recreational opportunities, and it is uncertain whether such restrictions would make ongoing and/or best possible progress towards compliance with Rule 1001. Further consideration of OHV use restrictions (of any duration) in-lieu of vegetation and seasonal dust control measures was thus rejected.

OHV Use Restrictions in Addition to Dust Control Measures. Similarly, the OHMVR Division also considered implementing OHV use restrictions in addition to the Dust

Control Program measures, including occupying open sand areas with vegetation and seasonal dust control measures. This alternative would not reduce the potentially significant noise impact, and there is uncertainty over the level, timing, duration, and efficacy of these untested restrictions. Furthermore, given the additional closure of coastal vehicular recreation lands, this alternative would increase the severity of the Dust Control Program's significant and unavoidable recreation and land use impacts and would fail to meet all project objectives. Further consideration of OHV use restrictions in addition to vegetation and seasonal dust control measures was thus rejected.

Off-Site Mitigation in Lieu of Dust Control Measures. The OHMVR Division considered off-site mitigation in the form of residential filtration systems, which would avoid the Dust Control Program's significant land use and recreation impacts but is likely logistically infeasible. It would also not meet most Dust Control Program objectives, including minimizing dust and PM generation. Further consideration of off-site mitigation in lieu of dust control measures was thus rejected.

Off-Site Mitigation in Addition to Dust Control Measures. The OHMVR Division also considered implementing the same off-site mitigation in conjunction with dust control measures. Not only would it remain logistically infeasible, but it would not avoid the Dust Control Program's significant land use and recreation impacts. Further consideration of off-site mitigation in lieu of dust control measures was thus rejected.

9.2 No Project Alternative – No Action Alternative

Under the No Action Alternative, the OHMVR Division would continue to perform existing dust control, monitoring, and track-out prevention activities at Oceano Dunes SVRA and Pismo State Beach but would not undertake any of the additional vegetation planting, seasonal dust control measures, monitoring, or track-out and prevention activities described in the EIR.

Although this alternative avoids the Dust Control Program's significant and unavoidable recreation and land use impacts, as well as the potentially significant track-out prevention device noise impact, the No Action Alternative would not obtain most of the basic objectives of the Dust Control Program. Vegetation planted and wind fencing deployed under this alternative would only control and minimize dust emissions during strong winds to a small degree and would not reduce PM10 concentrations at the CDF station because the vegetation and fencing would be outside the area identified as most likely influencing PM10 concentrations at CDF. Additionally, these pre-existing activities presumably did not make progress toward compliance with Rule 1001 and would not contribute toward the development of a comprehensive dust control program. Given its failure to meet most Dust Control Program objectives and overall lack of effectiveness, this alternative was not selected.

9.3 No Project Alternative – No Comprehensive Dust Program Alternative

Under the No Comprehensive Dust Program Alternative, the OHMVR Division would continue to perform existing dust control, monitoring, and track-out prevention activities at Oceano Dunes SVRA and Pismo State Beach but would only proceed with an interim series of dust control projects, rather than the comprehensive, five-year Dust Control Program. These interim dust control projects would likely comprise installing approximately 40 acres of seasonal dust control measures within the open riding and camping area along with some air quality and PM10 monitoring equipment, but would

not include grooved concrete for track-out prevention at Pier and Grand Avenue. This alternative would be undertaken for an indeterminate number of years.

This alternative would substantially reduce and/ or avoid most of the Dust Control Program's significant impacts, including substantially reducing significant and unavoidable recreation and land use impacts and avoiding potentially significant noise impacts. This alternative would still result in the seasonal loss of approximately 40 acres of coastal recreation lands, which would combine with the seasonal loss of coastal recreation lands resulting from the plover and tern nesting and thus not entirely avoid the significant recreational impacts of the Dust Control Program. Although this alternative would obtain some of the basic objectives of the Dust Control Program, at least to a certain degree, it is uncertain whether the measures would be adequate to reduce concentrations of PM10 as measured at the CDF station and thus make progress towards compliance with the Rule 1001 performance standard. Additionally, although this alternative would maintain existing public access routes and coastal recreation opportunities, it would not result in the development of a comprehensive dust control program. Given its failure to meet many Dust Control Program objectives and uncertainty over effectiveness, this alternative was not selected.

9.4 Alternate Dust Control Program

Under this alternative, the OHMVR Division would implement an alternate dust control program that differs from the proposed Dust Control Program by placing all dust control measures within the open riding and camping area, focusing the vegetation planting closer to the shore, and increasing the amount of wind fencing by 20 percent each year until the Rule 1001 performance standard is met. At worst-case, if the performance standard is not met, this alternative would result in approximately 83 acres of seasonal wind fencing at Oceano Dunes SVRA by Year 5 as opposed to 40 acres throughout the duration of the Dust Control Program as proposed.

The economic and logistical feasibility of this alternate dust control program is uncertain because the additional wind fencing would require substantially more labor and financial resources than the Oceano Dunes District currently has at its disposal. Even if feasible, the alternative would not avoid or substantially lessen any of the significant impacts of the Oceano Dunes SVRA Dust Control Program. The potentially significant noise impacts would remain, and the magnitude of the significant and unavoidable recreation and land use impacts would increase substantially because all proposed vegetation planting and wind fencing would occur inside the open riding and camping area. In addition, this alternative would have a greater impact on beach and near-shore camping given the emphasis on planting vegetation near the shore.

Furthermore, this alternative could result in new, potentially significant or significant and unavoidable impacts on aesthetics and/or biological resources. Since the amount of wind fencing could more than double in Year 5, visibility of the fencing array would increase from all receptor vantage points. This alternative could also result in direct and/or indirect impacts on biological resources because emphasizing vegetation planting in near-shore areas would likely modify, to some degree, U.S. Fish and Wildlife Service-designated critical habitat for the western snowy plover (a federal-listed threatened species). Planting vegetation in this critical habitat area could impact active nests by providing habitat for predators to hide and stalk nesting western snowy plovers and California least terns (a federal- and state-listed endangered species). In contrast, the much greater shoreline setback of Dust Control Program as proposed avoids this impact.

Although the alternate dust control program would obtain most of the Dust Control Program objectives, in addition to increasing the already significant impacts on existing coastal recreational opportunities that would occur under the Dust Control Program as proposed, this alternative could also affect existing paths of travel within Oceano Dunes SVRA because of the substantially greater level of seasonal dust control measures involved. Additionally, because the vegetation planting may change the dune ecosystem in a manner that adversely affects the environment for two breeding listed species, this alternative is inconsistent with the OHMVR Division's need to manage and protect these natural resources. Considering its uncertain economic and logistical feasibility, increase in significant and unavoidable impacts, failure to reduce other impacts, potential added impacts to aesthetics and biological resources, and failure to attain some of the objectives, this alternative was not selected.

9.5 Artificial Windbreaks in Lieu of Dust Control Program Measures

Under this alternative, the OHMVR Division would construct and maintain 0.75 to 1.5 miles of tall (50 to 100 feet), permanent industrial dust control products at or immediately downwind of Pismo State Beach and Oceano Dunes SVRA, on public and/or private lands in lieu of implementing all Dust Control Program measures. Such windbreaks would likely avoid or greatly lessen the proposed Dust Control Program's significant recreation and land use impacts due to their location outside the open riding and camping area. These windbreaks on private lands would exceed the height limitations set by the San Luis Obispo County Coastal Zone Land Use Ordinance, however, and are likely not consistent with the Coastal Act's provisions protecting visual resources, as such tall windbreaks would result in a new, significant and unavoidable aesthetic impact. Windbreaks would also result in substantially more severe impacts on biological resources and, potentially, geology and soils, due to grading and installation of poles and/or foundations that, presumably, would need to be installed and anchored deep into the ground to be stable and withstand shifting sand conditions. Furthermore, a perimeter windbreak may cause deposition of particles immediately downwind in the dune lakes region, which could impact water quality and require maintenance or sand removal.

Artificial windbreaks would likely reduce concentrations of PM₁₀ measured at the CDF station and make progress towards compliance with Rule 1001, but they would not control or minimize saltation-generated dust and PM. Artificial windbreaks would also maintain existing public access routes and coastal recreation opportunities, but would not be a comprehensive dust control program that balances cultural, natural, and recreation resources. This alternative would achieve the Dust Control Program's monitoring and ongoing dust control objectives, but would not achieve the Program's track-out control objective. Given the introduction of new significant and potentially unavoidable impacts, an increase in other impacts, and failure to attain some of the objectives, this alternative was not selected.

9.6 Artificial Windbreaks in Addition to Dust Control Program Measures

Under this alternative, the OHMVR Division would implement the proposed Dust Control Program and proceed with the installation of tall, industrial wind breaks. The installation of industrial wind breaks could reduce the amount of dust control measures implemented under the proposed Program; however, given windbreaks would be a permanent form of dust control, the OHMVR Division would likely install windbreaks towards the end of the five-year dust control program. This would provide the time and information necessary to further develop scientific information that supports the placement of a windbreak in a permanent location.

This alternative would obtain all the objectives for the proposed Dust Control Program because it would still involve planting vegetation and deploying seasonal dust control measures that are effective at minimizing dust and PM10 emissions during wind events. Artificial windbreaks in addition to the proposed vegetation and seasonal dust control measures would not avoid or substantially lessen any of the proposed Dust Control Program's impacts. Additionally, once installed, industrial windbreaks could increase the magnitude of the proposed Program's land use impacts, and would result in a new significant and unavoidable aesthetic impact, as well as result in potentially significant impacts on biological resources, geology and soils, and hydrology and water quality. Given the introduction of new significant and potentially unavoidable impacts and an increase in other impacts, this alternative was not selected.

10.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 8.3 of these CEQA findings, the EIR concludes that the proposed Dust Control Program, even with the incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause a substantial program-level and cumulative loss of coastal vehicular recreation opportunities at Oceano Dunes SVRA. This loss results in significant, unavoidable coastal vehicular recreation and land use impacts (REC-1, LUP-1, LUP-2, CML-1, and CML-2). The OHMVR Division has adopted all feasible mitigation measures with respect to these impacts, which further lessen the impacts but would not reduce them below a level of significance.

In determining whether to approve the Dust Control Program, and in accordance with Public Resources Code section 21081(b) and CEQA Guidelines sections 15043 and 15093, the OHMVR Division has balanced the environmental protection and public health benefits of the Dust Control Program against its unavoidable environmental effects. The OHMVR Division finds the benefits of the project outweigh the unavoidable significant adverse environmental effect for the reasons set forth below. The substantial evidence supporting the Program benefits can be found in the preceding sections of these findings, which incorporate by reference the Final EIR and other information in the administrative record. The OHMVR Division finds that the Dust Control Program would have the following economic, legal, social, technological, or other overriding benefits:

Environmental Protection Benefits

- The OHMVR Division has designed the Dust Control Program to make best possible, ongoing progress towards compliance with Rule 1001 while protecting the biological, cultural, water, and other resources present at Oceano Dunes SVRA.
- The OHMVR Division has designed the Dust Control Program to make best possible, ongoing progress towards compliance with Rule 1001 in a manner that would not interfere with the public's ability and right, as granted by Article X, Section IV of the California State Constitution, to beach access.
- The Dust Control Program will meet obligations under the settlement agreement and further best possible progress towards compliance with Rule 1001. Even without the Program, the OHMVR Division would remain subject to compliance with Rule 1001. The Dust Control Program will allow the OHMVR Division to implement a comprehensive set of measures in an orderly and coordinated manner such that: 1) PM10 readings at the CDF station are reduced; 2) ambient

air quality conditions downwind of Oceano Dunes SVRA are improved; 3) best possible progress towards compliance with SLOAPCD Rule 1001 is made; 4) attainment of state and federal ambient air quality standards is aided; and 5) the likelihood of civil penalties associated with failure to comply with Rule 1001 is reduced.

Public Health Benefits

- The Dust Control Program will provide a combination of temporary and permanent dust control measures capable of minimizing dust and PM emissions from Oceano Dunes SVRA on an immediate and long-term basis. Temporary measures such as wind fencing can be designed to provide a specific control efficiency (as high as 87 percent within the array), can be deployed over a large area rapidly and, once installed, begin to provide immediate sand transport and dust control. Fully established vegetation could reduce sand transport by as much as 99% within the vegetated area. This combination of temporary and permanent dust control measures would control sand transport during periods of strong, persistent winds, reduce airborne PM both at CDF and on the Nipomo Mesa, and provide ongoing, best possible progress towards compliance with SLOAPCD Rule 1001.
- The control of dust and PM emissions from Oceano Dunes SVRA would reduce the level of PM present in the ambient air downwind of Oceano Dunes SVRA and have a corresponding positive health benefit for residents of the Nipomo Mesa area.

For each and all of these reasons, the OHMVR Division finds that, on balance, the benefits of the Dust Control Program outweigh the unavoidable environmental impacts, and the impact has been minimized to the extent feasible. Therefore, the project's level of environmental impact is considered to be acceptable.