



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 7/17/2018	(3) CONTACT/PHONE Wade Horton/Zola Moore-Stansbury (805)781-5011	
(4) SUBJECT Request to approve the recommended responses to the FY 2017-18 Grand Jury Report titled "Is There A Health Risk From The Dunes? "The Answer, My Friend, Is Blowing In The Wind"" and forward these responses to the Presiding Judge of the Superior Court by August 13, 2018. All Districts.			
(5) RECOMMENDED ACTION It is recommended that your Board: 1) Adopt the recommended responses prepared by staff to the San Luis Obispo Grand Jury's 2017-18 report titled "Is There A Health Risk From The Dunes? "The Answer, My Friend, Is Blowing In The Wind""; and 2) Direct the Clerk to forward the approved response to the Presiding Judge and the Grand Jury by August 13, 2018.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW This item was prepared by the Administrative Office.			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Wade Horton, County Administrative Officer
Zola Moore-Stansbury, Administrative Analyst Aide

DATE: 7/17/2018

SUBJECT: Request to approve the recommended responses to the FY 2017-18 Grand Jury Report titled "Is There A Health Risk From The Dunes? "The Answer, My Friend, Is Blowing In The Wind"" and forward these responses to the Presiding Judge of the Superior Court by August 13, 2018. All Districts.

RECOMMENDATION

It is recommended that your Board:

- 1) Adopt the recommended responses prepared by staff to the San Luis Obispo Grand Jury's 2017-18 report titled "Is There A Health Risk From The Dunes? "The Answer, My Friend, Is Blowing In The Wind""; and
- 2) Direct the Clerk to forward the approved response to the Presiding Judge and the Grand Jury by August 13, 2018.

DISCUSSION

On June 12, 2018, the Grand Jury issued a report titled "Is There A Health Risk From The Dunes? "The Answer, My Friend, Is Blowing In The Wind"." The report examines the issue of particulate air quality from the viewpoint of residents and visitors to the Nipomo Mesa and to users of the Oceano Dunes State Vehicular Recreation Area. The report contains nine findings and four recommendations. Finding 3 does not require response from any entity, so eight of the nine findings are requiring response to the Grand Jury. The San Luis Obispo County Board of Supervisors is required to respond to Findings 6, 7 and 9, and Recommendation 3. All responses conform to the language required under Penal Code section 933.

F6: A collective total of 605 individual exceedances of the State PM10 air quality standard were recorded on 363 days between 2012 and 2017 at three monitoring stations on the Nipomo Mesa.

We agree with this finding.

F7: San Luis Obispo County is the owner of most of the land in the La Grande Tract, and the Board of Supervisors has the authority to terminate vehicular riding activity on the La Grande Tract.

We disagree partially with this finding. The County does hold title to the vast majority of parcels within the La Grande Tract. In many parts of the over 500 acre tract, however, County ownership is interspersed with privately

owned parcels. Plotting the location of the County-owned parcels and maintaining riding barriers in the remote sand dune environment would be difficult, and serves to effectively limit the County's authority as title holder. For its part, the County does not object to State Parks' operations and management of County-owned parcels within the La Grande tract, including implementing dust controls in accordance with CDP 3-12-050.

F9: There is a health risk to the residents on the Nipomo Mesa and nearby communities caused by high levels of PM2.5 and PM10 particulate matter in the ambient air.

We agree with this finding. First, it is a well-accepted scientific principle that human exposure to particulate matter of less than 10 micrometers in diameter has health impacts. Second, that "residents on the Nipomo Mesa and nearby communities" experience this health risk comes from the APCD's data from monitoring stations which show that these areas frequently exceed the state PM10 Air Quality Standard which are set at a level above which the exposure may be considered unhealthy for vulnerable persons.

R3: The 2017-2018 Grand Jury recommends to the Board of Supervisors that if the Particulate Matter Reduction Plan (PMRP) fails to achieve its required goal of eliminating exceedances of state and federal PM10 air quality standards within the four-year time-frame specified in the PMRP, the Board of Supervisors should within 30 days perform the following:

- a. **Rescind State Parks current month-to-month, informal agreement under which State Parks has operated and managed off-highway vehicular activities on the La Grande Tract, and under Board of Supervisors authority, do the following:**
 - **Give written notice to State Parks that all off-highway vehicular activity on the La Grande Tract shall cease after a period of no longer than six months.**
 - **Support State Parks' planned transition of off-highway vehicular activity on the La Grande Tract to State owned areas in the southern portion of the ODSVRA located near Oso Flaco Lake within six months.**
- b. **Choose one of the following two options:**
 - **Negotiate a lease with State Parks and include in the lease agreement the stipulation the La Grande Tract shall only be used for non-vehicular camping or conventional recreational activity and that it not be used for any type of vehicular-recreational activity.**
 - **Sell the La Grande Tract to State Parks and include in the sales agreement the stipulation that the La Grande Tract shall only be used for non-vehicular camping or conventional recreational activity, and it not be used for any type of vehicular-recreational activity.**

The recommendation will not be implemented as it is not reasonable for the current Board to commit to a decision on behalf a future Board of Supervisors that may be in place in four years, when the goals for air quality standards of the PMRP are expected to be achieved. The Board of Supervisors may reevaluate recommendation options at that time.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Administrative Office coordinated with the Public Health Department and County Counsel Department in the development of the recommended Boards of Supervisors responses to this report.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this item.

RESULTS

This response will meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations.

ATTACHMENTS

1. Attachment 1 - Is There A Health Risk From The Dunes_Grand Jury Report