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original staff report](#)

F 29a

April 12, 2016

To: Coastal Commissioners and Interested Persons

From: Mark Delaplaine, Manager, Energy, Ocean Resources and Federal Consistency
Division
Larry Simon, Federal Consistency Coordinator

Subject: **Addendum to CD-0003-16 – National Park Service**

This addendum provides: (1) additional information submitted by the National Park Service in support of its consistency determination; (2) two letters supporting the NPS consistency determination; (3) one letter supporting the staff recommendation; and (4) and one letter opposing all beach fires at Ocean Beach.

The staff recommendation of **conditional concurrence** remains unchanged.



To: Steve Kinsey, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Larry Simon, Federal Consistency Coordinator
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

From: Steve Ortega (Environmental Compliance Manager)

Subject : CD-0003-16 (Ocean Beach Fire Program)

Dear Mr. Kinsey and Mr. Simon;

The National Park Service wants to add the enclosed information for consideration as part of the Commissions review of the subject Consistency Determination.

Our comments are summarized into four discussion points:

- 1) Recreational Access vs Recreation Use Activity
- 2) Consideration of Winter No Burn Season as an integral component of the overall program
- 3) Residential Heating vs Fire as a Recreational Activity
- 4) Allowing Burning is exclusionary not inclusionary

Recreation Access vs Recreation Use Activity

The staff report equated recreation activity (bonfires) with recreational access. Our Winter No-Burn season does not change recreational access. For the general public, access to the beach is unchanged. The public will still have beach access during the no-burn period. The NPS made the decision to manage the recreational fire activity in a different way in order to ensure the activity can continue into the future. When enacted there is minimal change overall in fire activity as a whole (allow no fires during the low demand season and allowing more access during the high demand season). As part of a carefully crafted proposal weighing a wide variety of stakeholder interests, we are eliminating the fires in the low demand period, but offsetting that loss by increasing the number of fire rings and providing a later curfew during the 8 month burn season. The result is that our proposal reduces the number of available burn hours by less than 4%.

Consideration of Winter No-Burn Season as an Integral Component of the Overall Ocean Beach Fire Program

The Ocean Beach Fire Program has been developed over many years. Through conversations with staff, program stakeholders, and the public, we searched for reasonable and balanced solutions to our collective struggle around the future direction for Ocean Beach fires. Through thoughtful dialogue, compromise and exchange we have reached our current proposal. The program does not grant every stakeholder what they wanted, it is a carefully crafted systematic approach to meet the needs of multiple constituents with comprehensive thinking, and any one single element of the proposal cannot simply be "sliced off".

While air quality is a serious concern and an important factor in the no-burn period, the operational and fiscal feasibility of the program as a whole is of paramount importance. Removing the no-burn period from the mix of elements reduces the NPS's ability to adequately maintain the expanded program during the period of increased use in the high season. A removal of the no-burn period would require a comprehensive reimagining of the program, possibly resulting in curtailment of fire ring availability during the high season instead of the expansion included in the program as proposed. The beach fire program is costly to facilitate, and has requirements that are not feasible to deliver in a quality way year round within available resources.

Residential Heating vs Fire as a Recreational Activity

The staff report states, *"...the Commission believes it is unwarranted under the Coastal Act to exclude the general public from enjoying a wood fire at Ocean Beach, while occupants of private residential structures that have fireplaces or other devices that burn wood or wood-related products would still be able to continue to enjoy a fire during that November through February time period."*

Although residential wood burning may take place during BAAQMD Winter Spare the Air Season (NPS's Winter No-Burn Season) days when it is not a "Spare the Air" day, these residents are most likely burning for residential heating versus for pure recreation. There is a big difference between burning for residential heat and recreational burning that takes place on Ocean Beach. Those burning wood for residential heating are doing so out of necessity for security, comfort, and wellbeing. Those that come to Ocean Beach are making a choice, not out of necessity, but a choice among many recreational activities they could be doing (e.g. walking, biking, etc....). Also, the burning devices residential wood burners are using require residents to burn quality wood. It is also in the best interest of residential wood burners to burn higher quality wood as to avoid soot build-up. As NPS has experienced at Ocean Beach, wood quality varies widely, and hazardous materials are being burnt as well.

The Bay Area Air Quality Management District (BAAQMD) devotes a lot of energy educating the public about the harmful effects of wood smoke. On their website they report that on cold, still winter days and nights, wood smoke is the single largest source of air pollution in the Bay Area. This pollution can cause serious health effects, particularly to children, older adults and those suffering from respiratory illnesses. About one-third of the particulate pollution comes from wood smoke.

Allowing Burning is "Exclusionary" not "Inclusionary"

The Staff Report concluded the NPS Winter No-Burn season is adversely affecting public access and low-cost recreation. The NPS believes that allowing fires actually excludes some segments of the public.

It is reported on the BAAQMD website that wood smoke is the #1 source of wintertime air pollution - 1 in 7 Bay Area residents has a respiratory condition. With this in mind, allowing wood burning actually excludes access to this group of people that are considered sensitive. A sensitive group for particulate matter is defined: persons with heart and lung disease, older adults, and children. These sensitive groups are at greater risk from the presence of particles in the air.

In addition, during the public review and comment period, the NPS received comments from visitors who expressed concern with the danger caused by sharp and/or hazardous debris left behind from beach fires, often buried in or covered by sand. Despite our best efforts, the abundant amount of small, sharp objects that are left on the sand (such as splintered wood, rusty nails, glass fragments, etc.) can, and have injured visitors. These conditions have caused some members of the public to stop visiting Ocean Beach. The no-burn period would allow these visitors to return to Ocean Beach following a comprehensive cleaning of the beach to remove these hazards.

Simon, Larry@Coastal

From: Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>
Sent: Monday, April 11, 2016 5:01 PM
To: Simon, Larry@Coastal
Subject: Consistency Hearing CD-0003-16 (National Park Service, San Francisco - Ocean Beach Fire Program)

Mr. Simon and Members of the Commission,

Below is a statement from Supervisor Mar:

I write in strong support of the recently revised Ocean Beach Fire Program. My office played the convener role in forging a strong partnerships between the City and County of San Francisco, San Francisco Parks and Recreation, and the many users of Ocean Beach's fire pits.

The National Park Service has worked with the community to create a program that will allow this cherished San Francisco resource to continue to be used by San Francisco residents and visitors.

The program is designed to encourage visitors to enjoy the tradition of beach fires and take responsibility – including planning ahead and bringing appropriate materials to burn and adopting a "leave it better than you found it" ethic.

Over 500 individual public comments were taken into account to develop the version of the plan that you see before you. A number of changes based on public comment, including eliminating the requirement of a permit for groups smaller than 25 final program extends the fire curfew to 9:30pm and expands the number of fire rings from 12 to 16. It also includes evaluation mechanisms to ensure that the plan actually works.

I urge you to approve this plan and support the hard work of the GGNRA, the City of San Francisco, and the hundreds of beach goers who participated in its creation.

Sincerely,

*Eric Mar
Supervisor
District 1*

Simon, Larry@Coastal

From: Amy Meyer <amy7w2m@gmail.com>
Sent: Monday, April 11, 2016 3:24 PM
To: Simon, Larry@Coastal
Subject: CD-0003-16 (National Park Service, San Francisco) Item No.F31a

To the Members of the Coastal Commission:

I live 10 blocks from Ocean Beach and know it well. The fire pits have been a problem, and much effort has gone into devising a better program for this good recreational resource.

We support the regulations proposed by the National Park Service. They have enlarged the opportunities to enjoy fires during 8 months of the year by adding fire pits. The NPS has rightly determined that during the four months of the year when we have "Spare the Air" days, when the weather is more often inclement at the beach, when the nights are longer and leave more room for people to become unruly— and for other reasons— that there should be no fires.

There are many side effects of fires: smoke goes up into the neighborhood; people are careless and leave hot coals and nails on the beach; people drink heavily and become difficult to manage— and more.

Whenever there are fires there is need for much staff work. The Golden Gate National Recreation Area is understaffed. By using the winter period to do a deep cleaning of the beach and the beach wall's graffiti and by saving personnel time for the other 8 months so they can have the more generous beach program they have proposed, everyone will benefit.

I urge you to find the program proposed by the national park consistent with California goals for recreational opportunities.

Thank you,

Amy Meyer, Chairman
People for a Golden Gate National Recreation Area

Howard F. Ahmanson

April 8, 2016

Chair, California Coastal Commission
Commissioners, California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 90560

Dear Chairman Kinsey and Commissioners,

My name is Howard Ahmanson and I am a California resident.

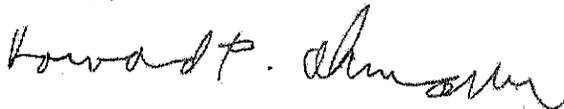
I have been an avid supporter of wood-burning fire rings and not only personally have enjoyed the fire rings but also personally have enjoyed the fact that the state of California has historically offered a lower-cost, accessible, and family-oriented amenity to all people regardless of where they live.

I strongly support the idea of protecting the past-time of wood-burning fires at Ocean Beach in the manner the Coastal Commission staff is recommending.

Families should not be impeded from this low-cost beach-goer past time for four months out of the year. Claims of air quality concerns should not be used to nullify public access laws. I have never experienced any adverse health effects from wood-burning fire rings even though there are several placed near my own home. To the extent others may have had such experiences, I believe the proposed recommendation from the Coastal Commission attends to those concerns on the one hand, while preserving public access all year to Ocean Beach on the other hand.

I applaud the Coastal Commission's staff and Commissioners for its work to preserve access to this beloved tradition throughout the year for all visitors to Ocean Beach.

Sincerely,



Howard F. Ahmanson

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CALIFORNIA
COASTAL COMMISSION

Agenda # F 29 A

Item # CD-0003-16

Henry J. Symkowick
- SF CA 94121

April 7, 2016

(Against all fires at
Ocean Beach SF)

I am emphatically against all beach bonfires at San Francisco Ocean Beach. We all know that fires & their smoke byproduct are toxic, polluting the air, & bad to breathe. I live close to where the bonfires are & have a hard time breathing if the wind carries the smoke toward my home. I constantly call the National Park Service complaining about the smoke, & the cutoff times. I just get lip service from the NPS & have been told numerous times that there was a shift change or that they were understaffed & would get to putting out fires later. Later means sometimes 3 hours. The NPS set the bylaws for the cutoff & rules of the fires, but can't enforce their own rules. I went to the meetings & ~~found~~ found that I was in the minority, but the NPS has documented the thousands of cases of bad behavior, (people burning toxic pressure treated wood, old furniture, etc.) Not to mention the trash & empty liquor bottles & cans, (The NPS removed some of the trash cans, so now there is more trash on beach.) So, how does the NPS conclude their study of beach bonfires? They add 4 new fire pits & extend the burn time from 9 to 9:30 P.M. **INSANITY**. I believe if air monitors in the affected areas are implemented, then all could see that the air quality in the area of bonfires

is not fit for human breathing. Take
my challenge & just drive by the
area when the bonfires are raging.
You cannot breathe & would have to roll
up your window. It's not fair to me
or any other person who lives in the
affected area, especially on a warm evening
if we want to open a window & cool
the home down before sleeping. I have
to suffer while somebody else is enjoying
themselves bonning & polluting. This must
end. The NPS are supposed to be
stewards of the environment. Instead, they
are allowing the pollution & cannot
enforce their own laws. I beg of you
STOP ALL Bonfires AT OCEAN BEACH.

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**F 29a**

Filed:	2/19/16
60 th Day:	4/19/16
75 th Day:	5/4/16
Staff:	L. Simon-SF
Staff Report:	3/30/16
Hearing Date:	4/15/16

STAFF REPORT: REGULAR CALENDAR

Consistency Determination No.: **CD-0003-16**

Federal Agency: **National Park Service**

Location: Ocean Beach, Golden Gate National Recreation Area,
City and County of San Francisco (**Exhibits 1 and 2**)

Project Description: Implementation of the Final Ocean Beach Fire Program, including prohibition of beach fires from November through February and on summer Spare the Air Days, imposition of a 9:30 pm curfew for fires, establishment of a permit requirement for groups larger than 25 people, increased number of fire rings, signage replacement, public outreach and education, data collection and monitoring, and partnership with San Francisco Recreation and Parks Department (SFRPD).

Staff Recommendation: Conditional Concurrence

SUMMARY OF STAFF RECOMMENDATION

The National Park Service (NPS) has submitted a consistency determination for the *Final Ocean Beach Fire Program* in the Golden Gate National Recreation Area (GGNRA). The proposed fire program includes: (1) a new prohibition on beach fires from November through February; (2) continued prohibition of beach fires on summer Spare the Air Days; (3) extension of the existing

9:00 pm fire curfew to 9:30 pm; (4) retention of the permit system for groups of 25 people or larger; (5) expansion in the number of beach fire rings from 12 to 16; (6) improved enforcement, public outreach, and education programs; and (7) revised data collection, monitoring, and evaluation programs.

The staff has concerns over only the first of these elements: the November through February prohibition on beach fires. The NPS believes the prohibition is needed to: (1) improve local and regional air quality (by eliminating harmful wood smoke during the winter season); (2) improve the financial feasibility of the *Final Ocean Beach Fire Program*; (3) allow for a comprehensive cleaning of this section of Ocean Beach following the peak use season; and (4) provide time for beach fire program evaluation and adjustment. The NPS notes that the prohibition would occur when demand for use of fire rings is in the lower demand winter season (and which would be partially offset, on an annual basis, by the additional number of fire rings).

Recreational beach fires on Ocean Beach have occurred since before GGNRA took title to the land, and before adoption of the Coastal Act. Since 1972 the NPS has periodically limited the location of beach fires on Ocean Beach to the area between stairwells 15-20, established fire curfews, required beach fires to take place within NPS-provided fire rings, and banned fires on winter and summer Spare the Air Days. This would be the first time the NPS would enact a complete ban on wintertime fires, and staff believes a less onerous (in terms of effects on recreation) is warranted. The staff therefore recommends the Commission determine that the NPS consider other, shorter-term alternatives to the blanket four-month-long prohibition on beach fires, and develop a recreational fire program that has fewer effects on public access and recreation. The staff further recommends the Commission find the most appropriate approach to be continuing the existing ban on beach fires during winter and summer Spare the Air Days.

The staff therefore recommends that the Commission find the *Final Ocean Beach Fire Program* inconsistent with the public access and recreation policies of the Coastal Act as proposed, but that if were modified, as conditioned to eliminate the November through February beach fire prohibition, it would be consistent with the public access, recreation, and air quality policies of the Coastal Act (Sections 30210, 30212-30214, 30220, 30221, and 30253).

Commission staff recommends **conditional concurrence** with CD-0003-16. The motion to implement this recommendation is found on Page 4, below.

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EXHIBITS

- Exhibit 1 – Regional Map
- Exhibit 2 – Project Location Map
- Exhibit 3 – March 7, 2014, letter from Bay Area Air Quality Management District to Golden Gate National Recreation Area
- Exhibit 4 – March 21, 2016, letter from Bay Area Air Quality Management District to California Coastal Commission

I. FEDERAL AGENCY’S CONSISTENCY DETERMINATION

The National Park Service has determined the project consistent with the California Coastal Management Program (CCMP).

II. MOTION AND RESOLUTION

Motion:

*I move that the Commission **conditionally concur** with consistency determination CD-0003-16 by concluding that the project would be fully consistent with the enforceable policies of the CCMP, provided the National Park Service agrees to modify the project consistent with the condition specified below, as provided for in 15 CFR §930.4.*

Staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution:

*The Commission hereby **conditionally concurs** with consistency determination CD-0003-16 by the National Park Service on the grounds that the project would be fully consistent, and thus consistent to the maximum extent practicable, with the enforceable policies of the CCMP, provided the National Park Service agrees to modify the project consistent with the condition specified below, as provided for in 15 CFR §930.4.*

III. CONDITION

- 1. Elimination of Wintertime Fire Prohibition.** The National Park Service will modify the Final Ocean Beach Fire Program by eliminating the proposed November through February blanket prohibition on wood fires on Ocean Beach. Fires on Ocean Beach will be prohibited by the National Park Service only on winter and summer Spare the Air Days as designated by the Bay Area Air Quality Management District.

IV. APPLICABLE LEGAL AUTHORITIES.

Standard of Review

The federal Coastal Zone Management Act (“CZMA”), 16 U.S.C. § 1451-1464, requires that federal agency activities affecting coastal resources be “carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.” *Id.* at § 1456(c)(1)(A). The implementing regulations for the CZMA (“federal consistency regulations”), at 15 C.F.R. § 930.32(a)(1), define the phrase “consistent to the maximum extent practicable” to mean:

. . . fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

This standard allows a federal activity that is not fully consistent with California's Coastal Management Program ("CCMP") to proceed, if full compliance with the CCMP would be "prohibited by existing law." In its consistency determination, the National Park Service did not argue that full consistency is prohibited by existing law or provide any documentation to support a maximum extent practicable argument. Therefore, there is no basis to conclude that existing law applicable to the Federal agency prohibits full consistency. Since the National Park Service has raised no issue of practicability, as so defined, the standard before the Commission is full consistency with the enforceable policies of the CCMP, which are the policies of Chapter 3 of the Coastal Act (Cal. Pub. Res. Code §§ 30200-30265.5).

Conditional Concurrences

The federal consistency regulations (15 CFR § 930.4) provide for conditional concurrences, as follows:

(a) Federal agencies, ... should cooperate with State agencies to develop conditions that, if agreed to during the State agency's consistency review period and included in a Federal agency's final decision under Subpart C ... would allow the State agency to concur with the federal action. If instead a State agency issues a conditional concurrence:

(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) through (3) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection pursuant to the applicable Subpart . . . ; and

(2) The Federal agency (for Subpart C) ... shall modify the applicable plan [or] project proposal, ... pursuant to the State agency's conditions. The Federal agency ... shall immediately notify the State agency if the State agency's conditions are not acceptable;

(b) If the requirements of paragraphs (a)(1) through (3) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection pursuant to the applicable Subpart.

V. FINDINGS AND DECLARATIONS

A. PROJECT BACKGROUND

The National Park Service (NPS) has submitted a consistency determination for implementation of the Final Ocean Beach Fire Program in the Golden Gate National Recreation Area in the City and County of San Francisco (**Exhibits 1 and 2**). This section of the staff report reviews the purpose for the proposed fire program; the history of beach fires and beach fire management on Ocean Beach; describes the current fire program and NPS restrictions and policies at this location; reviews the significant resource management issues at Ocean Beach supporting the need for a new fire management program; reviews the 2015 planning process, the draft fire program, and resulting public comments; and describes the elements of the Final Ocean Beach Fire Program.

The NPS states that:

The purpose [of the Final Ocean Beach Fire Program] is to develop a safe, manageable, and sustainable Ocean Beach Fire Program. A successful program would allow beach fires and substantially reduce the unsafe conditions associated with fires on Ocean Beach; improve compliance with regulations; reduce the management burden on the NPS caused by the large amount of time and resources expended to maintain the fire rings and the beach surrounding the fire rings; decrease law enforcement incidents related to beach fires and reduce overall negative ecological and social impacts to the beach and its visiting public associated with beach fires. Integral to achieving these outcomes is an Ocean Beach Fire Program that would help visitors enjoy the tradition of beach fires and take responsibility, including planning appropriately for the materials to burn and adopting a 'leave it better than you found it' mentality. Finally, a successful program would create a community that will care for and share the Ocean Beach fire experience, as well as its associated responsibilities, opportunities and effects.

The Golden Gate National Recreation Area (GGNRA) was established in 1972 and Ocean Beach (seaward of the Great Highway) was transferred to the NPS in 1975. The NPS inherited the long-standing San Francisco tradition of open beach fires along the 3.5-mile-long Ocean Beach corridor, and open fires continued under the new NPS jurisdiction. The adoption of new federal regulations in June 1983 (CFR 36 Section 2.13(a)(1)) empowered individual Park Superintendents to designate or restrict open fires within units of the National Park system. However, from June 1983 through January 2002 the NPS continued to allow open fires on Ocean Beach.

In the early 2000s concerns about public safety and air quality impacts arising from beach fires at Ocean Beach motivated the GGNRA to review the existing open fire policy at this location. The *Final Ocean Beach Fire Program (February 2016)* states that:

In early 2002, the CCSF [City and County of San Francisco] Commission on the Environment passed resolution 001-02, which recognized, "...there are safety

hazards and a large amount of trash and debris that result from bonfires, residual burning logs and nails” at Ocean Beach, and subsequently requested GGNRA to reduce the negative effects the fires were having by encouraging the park to “...create an effective system that reduces those impacts.” As a result of this request, as well as from information received at several public meetings and complaints about smoke from neighbors north of the City of San Francisco’s Golden Gate Park adjacent to GGNRA, in 2004 the National Park Service (NPS) limited fires to the area between stairwells 15 and 28. Despite this reduction in space where beach fires were allowed, Ocean Beach continued to experience a large amount of trash and debris, and there were frequent violations of NPS rules prohibiting glass bottles and alcohol.

After consideration of various proposed alternatives and recommendations made by community groups and at public meetings in 2005 to address the continued problems associated with beach fires, the GGNRA proposed banning fires on Ocean Beach. From March through May of 2006 the agency accepted public comments on this management proposal. The GGNRA reported that more than 3,000 individual comments were received, largely in opposition to the ban, although there were also a number of individuals who supported the ban, citing safety, air quality, natural resource, and aesthetic concerns.

As a result, the GGNRA implemented a one-year Pilot Program for Ocean Beach fires in 2007. Fires were limited to the area between stairwells 15-20, groups of 25 or more were required to obtain a permit from the agency, five fire pits were installed, a fire curfew of 10:00 pm was established, regular beach cleanups were scheduled, and collaborative efforts with Burners without Borders and the Surfrider Foundation were established to create artistic fire pits and assist with post-fire cleanup. While GGNRA staffing shortages prevented the agency from undertaking a formal program evaluation scheduled for 2009, the Pilot Program continued through 2013. Throughout this time period the GGNRA states that it continued to experience a high volume of law enforcement calls, criminal activity, daily accumulation of refuse, and environmental damage along the beach, all of this mostly in the beach fire area between stairwells 15 and 20 (**Exhibit 2**).

In 2013 the GGNRA evaluated the effectiveness of the Pilot Program and subsequently implemented a revised Pilot Program in May 2014; this revised program remains in effect today. Twelve new fire rings were installed and five existing rings removed, the fire curfew was reset to 9:00 pm, fires were prohibited on Spare the Air Days year-round (as designated by the Bay Area Air Quality Management District), data collection and monitoring programs were implemented, and a public outreach campaign was initiated to inform the public of the revised program. In addition, beach fires on Ocean Beach were expected to meet the following regulations found in the Superintendent’s Compendium:

- Fires only in fire rings provided by the park between stairwell # 15-20.
- All firewood must be brought into the park. No gathering, cutting or scavenging of firewood or kindling is permitted in the park from any source.

- Fires must be above ground (no pit fires) and attended at all times.
- Chemically treated wood, painted wood, wood with nails or staples shall not be used in any fire
- Debris burning is not permitted, including Christmas trees.
- Refuse must be removed from beach.
- Ceramic pit fires are prohibited.
- No Beach Fires are allowed when fire danger is high, very high, or extreme.

The NPS reported that monitoring revealed that the revised fire program was unable to address the majority of resource management and public safety concerns associated with beach fires at Ocean Beach; monitoring did provide additional data regarding law enforcement and maintenance issues.

Given the continuing management challenges surrounding beach fires at Ocean Beach, in February 2015 the GGNRA sponsored a public meeting (attended by 81 people) to summarize the findings from the revised program and to obtain public input on the design of a future sustainable beach fire program at Ocean Beach. Topics discussed included public support for continuing beach fires, a fire ring permit system, ongoing problems with beach fire clean-up work, a possible year round ban on fires, a possible winter prohibition of fires to coincide with the Bay Area Air Quality Management District's (BAAQMD) Winter Spare the Air Season, and the potential for a partnership with the City of San Francisco. In addition, GGNRA confirmed that the revised fire program would continue through 2015.

On September 24, 2015, the NPS hosted another public meeting to present and hear feedback on the agency's draft proposal for potential changes to the existing Ocean Beach fire program, including a fire ring permit system, a prohibition on beach fires from November through February, City and County of San Francisco support, and new fire rings and signage. There were 26 people in attendance, and following a presentation of the proposal a panel of park staff hosted an extended question and answer period where concerns were raised, comments were heard, and questions were answered. Along with the feedback heard during the meeting, the public also provided comments through letter, card, and email correspondence. A total of 56 correspondences were received in the 28-day comment period held after the public meeting. The public comments focused on the following elements:

- Number of fire rings available on the beach
- Fire ring permit requirements, permit costs, methods of issuing and obtaining permits, minimum age requirement for permits, unused reservations, and number of permits per day
- Permitted fire times and fire curfew
- Allowing fires year round
- Maintenance

- Enforcement
- Signage, education, and outreach
- Smoke and air quality

In addition, while the Commission staff had not previously requested federal consistency submittals from the Park Service for the past fire ring management iterations, due to the Commission's more extensive involvement statewide in fire ring management issues, the Coastal Commission staff informed GGNRA that a consistency determination would be required for the Ocean Beach Fire Program, once a final program was approved by GGNRA.

The NPS released its draft Ocean Beach Fire Program for public comment on October 22, 2015. The primary elements of this program included an advanced permit reservation system to use the fire rings, permit reservation fees, maintaining the fire curfew, installation of replacement fire rings, and a ban on beach fires from November through February to coincide with the Bay Area Air Quality Management District's Winter Spare the Air Season (the Air District does not ban fires for the entire season but only on its designated Spare the Air Days). The agency received more than 500 comments from individuals and organizations during the six-week public comment period. A summary of comments on the more controversial elements of the proposed program follows:

- Fire Ring Permits. A majority of comments expressed support or opposition to the permit system. Issues raised included cost, socioeconomic impacts, loss of spontaneity and changes to the visitor experience, and on-line vs. on-site permits.
- No-Burn Season. A majority of comments stated opposition to banning fires during the November through February time period and supported maintaining current regulations banning fires only on Spare the Air Days. Other comments included concerns about adverse air quality impacts from wood fires.
- Fire Curfew. Comments included maintaining the current 9:00 pm curfew, extending the curfew time, alternating curfews based on day or season, and abolishing the curfew.
- Number of Fire Rings. Comments expressed support for both maintaining the 12 existing rings and expanding the number of rings.

B. PROJECT DESCRIPTION

After considering the public comments on the draft Ocean Beach Fire Program, the NPS released the *Final Ocean Beach Fire Program* in February 2016. This program consists of elements from the draft program and new or revised elements based on substantive comments from the public. The *Final Program* is the subject of consistency determination CD-0003-16 and includes the following elements:

Permit System. No permits will be required for groups under 25 people. Groups of 25 people or larger will continue to be required to obtain a Special Use Permit from the NPS.

Burn Season. Fires will be allowed on Ocean Beach for eight months, March through October. Fires will not be allowed on Ocean Beach from the first day in November to the last day in February. This burn season aligns with when demand from the public for fires is the highest, and prohibits fires during the winter season when the Bay Area Air Quality Management District (BAAQMD) announces individual Spare the Air days based on predicted pollution levels. During the no-burn period fire rings could either be removed from the beach or remain with locked lids affixed for the season. A comprehensive cleaning of the affected beach area will occur at the beginning of the no-burn period followed by a reduced maintenance schedule for the remainder of the period. A thorough evaluation of the beach fire season will also occur annually during the no-burn period.

Partnership with San Francisco Recreation and Parks Department (SFRPD).

The City and County of San Francisco (CCSF) has allocated \$185,000 annually (out year funding pending CCSF budget approval) to support the Ocean Beach Fire Program. This partnership and financial support will facilitate an improved fire program, where SFRPD will provide support for maintenance, trash removal, and cleaning associated with the fires, and will also provide for a continuation of support for public outreach and education which began with the 2014 Revised Pilot Program.

The NPS will continue to cooperate with SFRPD to best utilize the allocated funding for both cleaning of fire rings and the surrounding area on a regular basis, solid waste collection, and operation of the Beach Fire Liaison Program. Current Ocean Beach solid waste collection in stairwells 15-20 is in the form of individual trash cans. These trash cans are often overwhelmed by the amount and size of debris during peak burning season. In an effort to improve overall conditions in this area, the NPS will pursue a partnership with the City of San Francisco to improve trash capacity and reduce maintenance efforts.

Replace Fire Rings. Beginning in spring 2016, the NPS will add four fire rings to the existing 12, and the ongoing objective of the NPS will be to furnish 16 fire rings for Ocean Beach fires. As existing fire rings fail, they will be replaced with new heat and corrosion resistant rings modeled after designs based on successful installations at other coastal beaches.

Replace Signage. Replace existing complex signage associated with the fire program with a simpler design. A plan for the design, number, and location of replacement and/or additional signs will be developed with input from stakeholders and with consideration of the possible impacts to the historic landscape of the seawall, promenade, and stairwells. The feasibility of signage immediately adjacent to or attached directly to the fire rings will also be explored. The signage program will also be able to clearly communicate information about the burn season.

Enforcement. Law Enforcement Ranger and United States Park Police (USPP) enforcement operations will be supported by an expansion of the outreach and education activities of the NPS and SFRPD. The NPS will pursue a partnership with SFRPD and stakeholder organizations to create a Beach Fire Liaison Program, in which staff and volunteers can provide educational support and assistance in complying with beach fire rules and regulations. Law Enforcement Rangers and USPP will continue to work toward ensuring the success of the Ocean Beach Fire Program by making contact with visitors on Ocean Beach which may result in warnings, citations, and arrests.

Public Outreach and Education. To contribute to the long term success of the Ocean Beach Fire Program, the NPS and SFRPD will work together to conduct community engagement and education that may include, among other things, press releases, flyers, website, social media, email notification, and a Beach Fire Liaison Program to recruit, assemble and train a cohort of staff and volunteers.

Curfew Time

The 2014 Revised Pilot Program changed the fire curfew from 10:00pm to 9:00pm. The new Ocean Beach Fire Program curfew will be 9:30pm. All fires will need to be extinguished by this time, although visitors in compliance with other regulations are allowed to remain on the beach indefinitely.

Summer Spare the Air Days

While the BAAQMD does not prohibit fires on summer Spare the Air days, the NPS will continue to prohibit them.

Revised Data Collection and Monitoring

The data collected during the 2014 Revised Pilot Program provided a baseline for evaluation of the success of the fire program at Ocean Beach. Data collection will continue under the Ocean Beach Fire Program in a revised manner based on periodic, sample based monitoring with details to be determined.

Ongoing Program Evaluation

In an effort to ensure the continued success of the Ocean Beach Fire Program, the NPS will coordinate with partners, stakeholders, and interested public to evaluate the program on an annual basis. Successes and opportunities will also be identified through comparison of data collected with the baseline formed during the 2014 Revised Pilot Program. The NPS will host annual public workshops during the no burn period to share information about how the past burn season went, discuss what's working and what's not, to identify the damage to park resources (signs, fire rings, etc.) that must be repaired or replaced, and to chart a course together for the next burn season.

Age Requirement

Current Ocean Beach fire regulations state "Minors must be supervised. A responsible leader, 21 years or older, must be present for every 10 children under

18 years of age.” This regulation will be changed to state “Minors must be supervised. A responsible leader, 18 years or older, must be present for every 10 children under 18 years of age.”

The NPS states that the *Final Ocean Beach Fire Program* outlined above is necessary in order to address these ongoing impacts and challenges it faces at Ocean Beach:

Public Safety. *The health and welfare of the public and of park visitors is an important priority for the NPS. The debris left behind from many beach fires poses a safety hazard to visitors of the beach. The abundant amount of small, sharp objects that are left on the sand (such as splintered wood, rusty nails, glass fragments, etc.) can, and have injured visitors. The harmful chemicals that can be released when certain inappropriate materials are burned can also be a hazard to those who are present when such materials are being burned. During the 2014 Revised Pilot Program, NPS Maintenance staff collected data from 7:00a – 10:00a on 54 mornings from May 28 through October 16, 2014. The three most common types of hazardous materials present were hot coals found 87% of mornings, broken glass found 78% of mornings, and nails/screws found 63% of mornings.*

NPS Law Enforcement Rangers and United States Park Police (USPP) officers are responsible for patrolling the beach regularly and responding to calls received regarding incidents at Ocean Beach. During the 2014 Revised Pilot Program data collection period, law enforcement rangers gathered data from Ocean Beach on 48 evenings between May 23 and September 9, 2014. When rangers were recording observations, 3,996 total violations were observed; 79% of the violations observed were for individuals with alcohol or glass. Commonly, individuals congregate in large groups. Generally, the most violations occurred on Friday and Saturday nights, with the highest peaks on or around holidays. The third highest violation was for fires outside of fire rings, with an average of 16 on Saturday nights, and a peak of 29 on Sunday 8/31/14, the day before Labor Day. Violations were also recorded for fires unattended, fires after curfew, burning inappropriate/illegal materials, and individuals with drugs. In total, 1,392 warnings were made, with six citations issued and two arrests made.

Visitor Experience. *The safety hazards described above also contribute to a negative experience for the many people attempting to enjoy Ocean Beach. The piles of debris and scattered garbage are extremely unsightly, and may even deter some visitors from going to the beach at all. During the 2014 Revised Pilot Program data collection period the three most common types of debris found were unbroken glass bottles, wooden pallets, and drink cups; all found between 52-56% of mornings. The National Park Service strives to ensure that visitors have a positive experience at the park so that they would like to share their experience with others, and visit GGNRA and Ocean Beach again.*

NPS Staff Safety. *The health and welfare of park employees is a high priority for the NPS. Many of the fires that occur on Ocean Beach include the burning of inappropriate materials such as wooden pallets, furniture, Christmas trees, glass, toxic materials, etc. Often times these materials do not burn completely and a significant amount of debris is left for NPS Maintenance staff to pick up. This debris poses a safety hazard for the employees who must clean it up due to the potential toxins in the material, the large size of some of the items, and the broken glass and nails/spikes left over. It is also common for staff to discover that fires have not been extinguished properly and they must therefore properly remove still-burning embers from the beach. Similarly, NPS Law Enforcement Rangers and USPP are exposed to the burning of inappropriate materials, as well as safety risks from beach visitors who may be engaged in high risk behaviors. When conflict occurs within or between large groups in a general environment of drinking and disorderly conduct, it creates a high risk environment for NPS law enforcement as well as the nearby public.*

Park Operations. *NPS Maintenance staff must dedicate a large amount of time and resources to cleaning up after the fires at Ocean Beach. A Beach Cleaner and other mechanized equipment are used to perform necessary cleaning. However, this equipment has occasionally been damaged due to the types of waste it has encountered, which adds to the clean-up costs. Currently, nearly half of the maintenance staff dedicated to the Ocean Beach corridor spends their time cleaning up after fires and debris associated with fires. The resources spent on cleaning up after fires are an especially difficult burden given the reduced staff and available funding for ongoing park maintenance.*

NPS Law Enforcement Rangers and USPP officers are frequently strained to enforce laws and regulations on Ocean Beach when fires are happening. They are often called to the area to respond to reports of individuals drinking alcohol, consuming drugs, disturbing nearby residents and other visitors, vandalizing property, and/or burning hazardous materials. They have a large area to protect in GGNRA and must prioritize the calls they receive.

Air Quality. *When visitors burn inappropriate fuels such as wet wood, plastics, rubber, or treated wood, the open fires on the beach can produce odors that are unpleasant and/or emissions that are unhealthy to other visitors and nearby residents. Wood smoke contributes heavily to air pollution, especially in winter months, and according to the Bay Area Air Quality Management District (BAAQMD), “small particles and toxic chemicals from wood smoke can cause serious health problems, especially in children, older adults, and those with heart or respiratory problems.” NPS has regularly received complaints from nearby residents, as well as from the City and County of San Francisco, regarding smoke coming from the beach.*

The *Final Ocean Beach Fire Program* also includes references to NPS regulations that allow park superintendents to implement public use limits to protect park resources, equitably allocate use of areas, protect public health and safety, and avoid conflicts among user groups:

Public use limits may be adopted following a written determination and publication of the use limitation in the park's Compendium. Under 36 CFR § 2.13, fires, lighting or maintaining a fire is prohibited, except in designated areas or receptacles and under conditions established by the superintendent.

Fires are allowed to occur on Ocean Beach through the conditions outlined and approved by the Superintendent in the Compendium. The process for which NPS proposes to implement the proposed actions are consistent with 36 CFR § 1.5, Closures and Public Use Limits, which allows the Superintendent to create public use limits “. . . based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities . . .”

The *Final Ocean Beach Fire Program* also summarizes the potential effects on public recreational use of Ocean Beach and conformance with the GGNRA Management Plan:

This action is not of a nature or magnitude such that it will result in a significant alteration of the public use patterns of the park. While a significant reduction in fire related use of a noncompliant nature is expected, fire related use within the limits of park rules, regulations, and laws will experience a minor expansion during the proposed fire season. A minor alteration in use will also occur from November through February, when fires will not be allowed. This is already a period of low demand. The scope of this proposed action is limited, applying only to beach fires on Ocean Beach. Beach fires, camp fires, and charcoal fires in other locations within GGNRA will not be affected.

This action will not adversely affect the natural, aesthetic or cultural values of park lands in San Francisco County. The intent of this program is to largely reduce the existing adverse impacts that occur as a result of beach fires on Ocean Beach.

The proposed action is also consistent with the park's resource management objectives and broadly follows the goals and objectives of the updated GGNRA General Management Plan, particularly in the Ocean Beach Diverse Opportunities Zone (Along the O'Shaughnessy Seawall):

Park managers would continue to provide a diversity of recreational beach use and preserve the natural setting and resource values, including shorebird habitat. The vital community stewardship activities that are part of the successful management of the beach would be promoted.

The park would preserve the historic O’Shaughnessy seawall and collaborate with the City of San Francisco to enhance the Ocean Beach corridor with improved amenities that support enjoyment of the beach, including the promenade, parking areas, and restrooms.

The proposed action is not highly controversial. Recreational uses throughout the GGNRA and other public lands are commonly restricted on a seasonal basis for the protection of park resources, public safety, environmental values, and to accommodate the most efficient use of fiscal and operational resources. This action was proposed based on data gathered during both previous pilot programs and further developed with public feedback received during the pilot programs, prior to the development of this document, and during a 44-day public review and comment period.

Finally, this action is not expected to significantly displace visitors to adjacent lands managed by other agencies. Within the Bay Area, beach fires are only otherwise allowed at Muir Beach and Point Reyes, both managed by the NPS.

GGNRA signed a *Categorical Exclusion and Decision to Implement* document on February 19, 2016, which completed its National Environmental Policy Act requirement. The agency intends to implement the *Final Ocean Beach Fire Program* in spring 2016.

C. PUBLIC ACCESS/RECREATION AND AIR QUALITY

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30212 states in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby

Coastal Act Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213 states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred

Coastal Act Section 30214 states in part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

...

(2) The capacity of the site to sustain use and at what level of intensity . . .

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30253 states in part:

New development shall do all of the following:

...

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

The one element of the *Final Ocean Beach Fire Program* that raises significant public access and recreation questions is the proposed November through February prohibition on beach fires. As discussed previously in this report, recreational beach fires on Ocean Beach pre-date this area's incorporation into the Golden Gate National Recreation Area in 1972 and pre-date the Coastal Act of 1976. Since 1972 the NPS has periodically used its regulatory authority to limit the location of beach fires on Ocean Beach to the area between stairwells 15-20, to establish fire curfews, to require beach fires to take place within NPS-provided fire rings, and to ban fires on winter and summer Spare the Air Days. These regulatory actions were implemented to protect natural resources, public and NPS staff safety, and air quality. While none of these previous management actions was submitted to the Commission for federal consistency review, these actions did not adversely affect coastal resources and were implemented in an effort to balance resource protection and the long-standing tradition of year-round beach fires at Ocean Beach. However, the proposed November through February prohibition on beach fires would affect existing low-cost public recreational use of Ocean Beach and must be analyzed for consistency with the public access and recreation policies of the Coastal Act.

NPS Justification for November through February Beach Fire Prohibition.

In the *Final Ocean Beach Fire Program* and consistency determination, the NPS provides the following reasons for proposing the four-month-long winter prohibition on beach fires:

The NPS believes the Winter Rest Period, which is the seasonal period of time from November to February during which fires would not be allowed on the beach, would be integral to the success of the Ocean Beach Fire Program. Principally, the rest period aligns with the Bay Area Air Quality Management District's (BAAQMD) Winter Spare the Air season, and has evolved from an initial request from the BAAQMD to consider not allowing fires during that season. In response, the NPS developed the proposed program with the understanding that the Winter Rest Period also aligns with an existing lower demand period and would provide a significant decrease in localized impacts to air pollution in the form of suspended particulate matter while avoiding significant impacts to public use.

The Winter Rest Period also contributes to the success of the Ocean Beach Fire Program by improving the financial feasibility of the program. Reducing investment in a resource intensive program during the non-peak season enables more success during peak periods.

A reduction of the impact to the integrity of the beach ecosystem would also be sustained through a function of the Winter Rest Period allowing for a comprehensive cleaning of the beach following the peak usage season.

For internal operations, the Winter Rest Period provides for increased employee health and wellness as well as an ideal time for program evaluation, communication with the public, and program adjustment.

Regarding existing air quality concerns at Ocean Beach and the expected air quality benefits from the proposed November through February beach fire prohibition, the NPS states that:

A major complaint of park neighbors and the BAAQMD is the presence of smoke from beach fires traveling into nearby residential areas. This issue is of particular concern to commenters when inappropriate and hazardous materials are burned, when a larger number of fires are present, during periods of high velocity onshore winds, and during the winter season when suspended particulate matter from wood smoke is more likely to be of concern.

The first step in addressing air quality concerns due to smoke, including suspended particulate matter, was for the NPS to go beyond compliance with regional BAAQMD laws and restrict burning during both summer and winter Spare the Air days. Following that change, which was made as part of the 2014 Revised Pilot Program, the NPS continued to receive complaints of smoke from Ocean Beach fires. To further address this concern, the NPS has included within

this proposal, for the Ocean Beach Fire Program, the option to disallow fires completely during the Winter Spare the Air season.

...

A large number of comments expressed a concern that the proposed Ocean Beach Fire Program would continue to adversely affect air quality, thereby creating a public health hazard. Many comments cited health issues and unpleasant smoke or odors. A majority of these comments were submitted by park neighbors living relatively close to Ocean Beach.

The NPS recognizes air quality as a serious potential impact of the Ocean Beach Fire Program. In efforts to mitigate the potential for impact, the NPS has included in the Final Ocean Beach Fire Program a number of elements which go above and beyond the legal requirements for wood burning fires, and complied with the BAAQMD request to allow fires only outside of the Winter Spare the Air Season. When considered in combination with the other elements of the final program such as enforcement, and education and outreach, the NPS anticipates a reduction in adverse impacts to air quality.

The NPS included in its *Final Ocean Beach Fire Program* the aforementioned letter it received from the Bay Area Air Quality Management District (BAAQMD), dated March 7, 2014 (**Exhibit 3**), which the NPS cites as support for its proposed November through February prohibition of fires at Ocean Beach. The letter states in part that:

The negative health impacts of particulate matter pollution, including wood smoke, are a broad based public health concern . . . When the Air District forecasts the air as unhealthy to breathe and calls a Winter Spare the Air (WSTA) alert, recreational fires, such as bonfires, are illegal. The WSTA season is from November to the end of February.

During the past WSTA season, we have received several complaints from the public regarding the bonfire enclosures at Ocean Beach. Having these firepits available to the public during the WSTA season may facilitate illegal burning. Wood smoke is a serious public health concern because it contains tiny particles or particulate matter (PM2.5) that can be inhaled deep into the lungs and can enter the bloodstream. Prolonged exposure to the fine particulates in wood smoke has been linked to a series of public health concerns, including: aggravated asthma, development of chronic bronchitis, irregular heartbeats and nonfatal heart attacks, as well as increased mortality rates.

We realize that these bonfires have a long tradition, but their negative contribution to unhealthy air, as well as their negative health impacts on local neighborhoods, concern the Air District in its efforts to improve air quality and public health. Your agency could contribute greatly to increased public health and improved wintertime air quality by removing the bonfire facility at

ocean beach during the winter months. If possible, prohibiting wintertime bonfires completely at Ocean beach would further improve both regional and local air quality.

The *Final Ocean Beach Fire Program* responds to the Air District's March 2014 concerns:

The introduction of the No Burn Season element would reduce PM2.5 (fine particulates) pollution during the four month period from November through February in comparison to the 2014 Revised Pilot Program conditions. Reduced PM2.5 levels would result in improved local air quality during the 1/3 of the year when air quality in the Bay Area is at its worst.

The NPS believes the Winter Rest Period, which is the seasonal period of time from November to February during which fires would not be allowed on the beach, would be integral to the success of the Ocean Beach Fire Program. Principally, the rest period aligns with the Bay Area Air Quality Management District's (BAAQMD) Winter Spare the Air season, and has evolved from an initial request from the BAAQMD to consider not allowing fires during that season. In response, the NPS developed the proposed program with the understanding that the Winter Rest Period also aligns with an existing lower demand period and would provide a significant decrease in localized impacts to air pollution in the form of suspended particulate matter while avoiding significant impacts to public use.

During its review of CD-0003-16, the Commission staff requested from both the NPS and the BAAQMD: (1) any air quality monitoring data for the Ocean Beach area that documents adverse impacts on air quality due to fires on Ocean Beach; and (2) if such data is not available, an explanation as to how the District determined that fires at Ocean Beach are a public health problem. The District did not provide any air quality monitoring data for the Ocean Beach area. It did respond as follows in a March 21, 2016, letter to the Commission staff (**Exhibit 4**):

Since [the March 7, 2014, letter to the NPS], the Air District has amended its woodsmoke rule in an effort to further reduce the levels of woodsmoke in the Bay Area. These efforts build upon the initiation of the woodsmoke reduction program in July 2008 with the adoption of Regulation 6, Rule 3: Wood-burning Devices and the amendment of Regulation 5: Open Burning, which were in part a result of the US Environmental Protection Agency lowering the National Ambient Air Quality Standard for PM2.5 [particulates that are 2.5 microns or smaller] from 65 to 35 micrograms/cubic meter, to better protect public health.

. . . The Air District has broad authority to adopt and enforce regulations to "achieve and maintain the State of California and federal ambient air quality standards in all areas affected by emission sources under [the Air District's] jurisdiction," and to prevent and abate air pollution episodes which, at intervals, cause discomfort or health risks to . . . a significant number of persons." See, California Health and Safety Code Sections 40001(a) and (b).

The Air District's jurisdiction comprises all of San Francisco County, which includes Ocean beach. The California Health & Safety Code does not exempt federal land from regulation by air districts, and we know of no other legal authority or principle that would support such an exemption.

...

In all these respects, the Woodsmoke Rule is no different than other rules adopted by the Air District to reduce the impacts of an individual or group on the breathing public. During a Winter Spare the Air alert all recreational fires, including bonfires, are prohibited by Air District Regulation 5: Open Burning. This prohibition is enforced by Air District staff.

The Air District's March 7, 2014 letter is based upon the Air District's position regarding the negative public health impacts – ranging from respiratory function impairment to premature death, resulting from the cumulative effects of woodsmoke emitted throughout the Bay Area. The Air District has documented that woodsmoke does not remain in the area of the burn, but rather travels throughout the Bay Area. For this reason, the Woodsmoke Rule prohibits all burning of solid fuel on Winter Spare the Air Days. Ocean Beach bonfires present the same threat to public health as fires anywhere else in the Bay Area.

The NPS provided the Commission staff information from the Air District's website regarding the number of winter Spare the Air Days (during the Winter Spare the Air Season months of November through February) that were designated by the Air District from 2006 through 2016, and the number of summer Spare the Air Days from 1991 through 2015. The number of annual winter Spare the Air Days ranged between 1 and 30 days; the number of summer Spare the Air Days ranged between 1 and 25. The NPS confirmed that it has long banned beach fires on days during the winter season when the Air District issued a Spare the Air Day and banned fires; beginning in 2014 the NPS banned beach fires during summer Spare the Air Days (notwithstanding the fact that the Air District does not ban fires on summer Spare the Air Days). The NPS noted that its enforcement efforts have been educational in nature rather than rather focused on issuing citations. The NPS also stated that:

Again, under the Clean Air Act "General Conformity Rule" we have included these measures [beach fire prohibitions] to ensure the actions taken by us as a federal agency in this non-attainment area do not interfere with a AQMD's plan to meet national standards for air quality.

Established under the Clean Air Act (section 176(c)(4)), the General Conformity Rule plays an important role in helping states and tribals improve air quality in those areas that do not meet the National Ambient Air Quality Standards (NAAQS). The Bay Area is in nonattainment for PM 2.5 and PM 10.

The NPS also cites Coastal Act Section 30253 in support of the proposed November through February beach fire prohibition, stating that:

Wood burning is regulated at the program area [Ocean Beach] by the Bay Area Air Quality Management District (BAAQMD). The Final Ocean Beach Fire Program exceeds BAAQMD regulations by disallowing fires on Summer Spare the Air Days, and during the entirety of the Winter Spare the Air Season (November through February).

In addition to the expected air quality benefits arising from the proposed November through February beach fire prohibition, the NPS also cites other benefits that would result from this management decision:

The No Burn Season, partnership with SFRPD, and replaced fire ring elements would reduce ongoing costs associated with the Ocean Beach Fire Program when compared to the baseline conditions. Reduced ongoing costs help to offset other program elements while increasing the financial sustainability of the program. While detailed line item analysis cannot be completed until implementation details are determined based on the Superintendent's final decision, it is expected that both one time and continuing costs of the Ocean Beach Fire Program could be absorbed without undue burden under current funding realities.

The combined signage, enforcement, and outreach/education elements are expected to result in an overall increase in visitor compliance with regulations which would result in a long term reduction of maintenance and law enforcement efforts required to sustain the program. A reduction in required staff effort and increase in program sustainability would result in a decreased burden on park operations.

Constant exposure to high risk activities such as hazardous materials removal and unsafe enforcement operations can reduce employee health and wellness. The winter no-fire period would provide an opportunity for personnel to operate under lower risk conditions for four months out of the year. A reduction of constant exposure to high risk activities would benefit employee health and wellness and increase NPS staff safety.

The Winter Rest Period also contributes to the success of the Ocean Beach Fire Program by improving the financial feasibility of the program. Reducing investment in a resource intensive program during the non-peak season enables more success during peak periods.

A reduction of the impact to the integrity of the beach ecosystem would also be sustained through a function of the Winter Rest Period allowing for a comprehensive cleaning of the beach following the peak usage season.

Impacts of November through February Beach Fire Prohibition.

The NPS acknowledges that the winter burn prohibition would adversely affect existing winter time recreational activities at Ocean Beach:

Not allowing fires from November through February would affect the availability of the recreational resource, although those four months coincide with a period in the year when there is the lowest demand for fire rings. The No-Burn Period also coincides with the BAAQMD Winter Spare the Air Season, which legally precludes fires for an average of 14 days each winter season. Not allowing fires during this entire period would represent a decrease on the availability of the recreational resource. The NPS must balance logistical administrative and enforcement concerns when there are likely to be many cancellations, air quality impacts, staff safety and morale, and the availability of providing this resource for visitors.

A four month No-Burn period would impact visitors who do not own a car or otherwise have access to a private vehicle. Ocean Beach is the only local beach which allows beach fires and is also suitable for casual, evening access by bike or public transit. This is a short term, seasonal impact, which is partially mitigated by additional access provided by added fire rings and a later curfew during the eight-month Burn Period.

The NPS reported that “recreational use data for Ocean Beach is not available, so the recreational program availability is the best approximation of visitor use impact.” To estimate this potential impact, the NPS used the number of available fire rings, the number of available burn days, and the number of available burn hours. The agency determined that with an expanded number of fire rings (from 12 to 16) and the increase in the fire curfew by a half an hour each day, countered by the four-month-long winter prohibition of fires, there would only be an approximate 4% reduction in the recreational program availability of beach fires at Ocean Beach.

While this conclusion is correct purely from an hourly calculation of the annual availability for the public to enjoy beach fires, it does not negate the fact that under the proposed *Final Ocean Beach Fire Program* beach fires will no longer be an available form of low-cost recreation in the GGNRA from November through February.

The NPS reports that a majority of the correspondence and testimony it received opposed banning beach fires during the November through February season:

Opposition ranged from concerns regarding the limitation of the availability of the recreational resource . . . to feelings the winter was the most valuable time to experience a recreational fire due to weather, temperatures, visitor use and crowding.

Another noted concern related to the Winter Rest Period would deny the ability for visitors to practice religious or cultural rites, or celebrate occasions which occur during that time period. Some events specifically mentioned include Guy Fawkes, winter solstice, Christmas, and New Year’s Eve.

Commenters proposed alternatives to the no-burn period including fewer months, shortening burn time instead of prohibiting fires all together, and burning only on

certain days rather than the full prohibition. A large number of comments supported keeping current regulations, where fires are only prohibited on Spare the Air Days.

...

Some comments mentioned a potential impact of additional use of Muir Beach [in the GGNRA in Marin County] as a beach fire resource, especially during the No Burn Season.

...

Many comments spoke of reasons why visitors value the experience of a recreational fire at Ocean Beach. Some comments spoke of the historical, cultural, or traditional value of fires. Some comments mentioned the sense of community engendered by sharing fires with diverse groups at Ocean Beach. Others mentioned the ability to experience the uniqueness of San Francisco culture by joining others in enjoying an Ocean Beach fire. Some comments spoke of positive experiences tangential to fires, such as feeling comforted by the light and people when walking on the beach. Other comments mentioned Ocean Beach fires as one of the last free/low-cost nature-based recreational experiences left available in San Francisco. Many of these comments requested that Ocean Beach fires remain as-is, with no change of rules or regulations.

The NPS also acknowledged that some commenters supported additional restrictions on beach fires:

Some comments spoke negatively about the experience of a fire at Ocean Beach when other visitors impede enjoyment through noncompliant behavior such as consuming alcohol or gathering in large, rowdy groups. Other comments raised concerns about impacts to visitor experiences at Ocean Beach unrelated to fires, such as seeing unsightly trash and debris, or being forced to exercise caution while walking through the fire area to avoid broken glass, nails, hot coals, and other hazards.

The NPS responded to the opposition to the November through February prohibition of beach fires in the *Final Ocean Beach Fire Program*:

While the impact of the no-burn season on visitor experience is acknowledged, visitor use of fire rings during the four month period is known to be much less than during other periods. The no burn season provides benefits to long-term program sustainability, air quality, park operations, and non- fire-related visitor experience. A comprehensive effects analysis on recreational program availability found that the number of available burn hours would only be reduced by 3.8% under the Final Ocean Beach Fire Program

...

The substantive alternatives submitted were reviewed, analyzed, and discussed by park staff, and it was determined that although some of the alternatives presented offered ways which could potentially contribute in the same meaningful ways to air quality or other individual impacts, none offered the comprehensive set of beneficial impacts provided by the no-burn season as selected. Due to the full four month cessation of fires, the no-burn season is expected to contribute to improved air quality, decreased park operations costs, long term program sustainability, and to provide a consistently cleaner beach during both the burn and no-burn seasons for all visitors to enjoy.

...

The NPS is aware increased use of Muir Beach fire rings may now occur as a result of changes to the Ocean Beach Fire Program, and will continue to monitor conditions at Muir Beach and propose changes as appropriate.

...

The Final Ocean Beach Fire Program includes elements which both limit and expand visitor use availability. The NPS recognizes the final program has the potential to affect visitor use, and has analyzed the potential impacts to visitor use in detail in the Impact Assessment (Attachment A, Section H.4). The NPS has determined through this assessment that these impacts are less than significant.

The NPS recognizes Ocean Beach fires as a valuable recreational experience, and the values raised by these commenters are echoed in the program's Purpose and Need statement (Attachment A, Section C). The NPS must therefore look to develop a way to sustain the recreational, historical, cultural, and community values represented by Ocean Beach fires while preserving the natural, cultural, and other recreational resources present on Ocean Beach. The NPS believes that the actions included in the Final Ocean Beach Fire Program represent the best way to achieve that delicate compromise.

...

Recreational uses throughout the GGNRA and other public lands are commonly restricted on a seasonal basis for the protection of park resources, public safety, environmental values, and to accommodate the most efficient use of fiscal and operational resources. The remaining elements within the final program have been adjusted where appropriate in response to public comment. The final program may retain some small measure of disagreement, but the NPS does not consider the Final Ocean Beach Fire Program to be highly controversial. In terms of an alteration in the public use pattern, the NPS has determined that any impact to public use is less than significant.

...

NPS Management Policies, which apply to all units of the NPS, provide that the fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. Congress has directed that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. (NPS Management Policies § 1.4.3, 16 USC 1). GGNRA's enabling legislation reflects this dual mission - to "preserve public use and enjoyment" and "provide for the maintenance of needed recreational open space" while at the same time managing it "consistent with sound principles of land use planning" and "preserv[ing] the recreation area, as far as possible, in its natural setting...". GGNRA is not eliminating fires on Ocean Beach; rather, it seeks to manage the activity in order to be consistent with both its enabling legislation and the NPS Organic Act.

Consistency with Public Access and Recreation Policies

The NPS currently prohibits beach fires on Ocean Beach on winter and summer Spare the Air Days (as designated by the BAAQMD), averaging 14 days per winter season since 2006-2007 and 9.5 summer days per year since 2014. The NPS now proposes to prohibit beach fires on Ocean Beach from November through February (120 days) and to continue the prohibition on summer Spare the Air Days. The question before the Commission is whether the proposed prohibition of one type of existing, low-cost recreational activity during the four-month-long winter season is consistent with the public access and recreation policies of the Coastal Act. The NPS contends that the prohibition is necessary to: (1) improve local and regional air quality (by eliminating harmful wood smoke during the winter season); (2) improve the financial feasibility of the Final Ocean Beach Fire Program; (3) allow for a comprehensive cleaning of this section of Ocean Beach following the peak use season; and (4) provide time for beach fire program evaluation and adjustment. The NPS concluded in its consistency determination that the proposed November through February prohibition on beach fires is consistent with the public access and recreation policies of the Coastal Act, in particular Sections 30210, 30214, and 30221.

Regarding the potential effects on public access and recreation, the NPS concluded that the proposed winter prohibition on fires at Ocean Beach would decrease the availability of the recreational resource; the Commission agrees with this conclusion. However, the NPS further concluded that the prohibition would result in a minor alteration of recreational use, would create impacts which are less than significant, would create a short-term seasonal impact which is mitigated by the added fire rings and extended fire curfew from March through October, and is not a highly controversial action. Regarding these latter conclusions, the Commission disagrees.

The Commission agrees that given the policy direction in Coastal Act Section 30253 that new development "be consistent with requirements imposed by an air pollution control district," the current action by the NPS to prohibit fires on Ocean Beach when the BAAQMD designates a

winter Spare the Air Day is consistent with Section 30253 and does not create a significant adverse conflict with the public access and recreation policies of the Coastal Act, including Section 30214(a). The public is still able to recreate on Ocean Beach on those 14 days (on average) during the November through February Winter Spare the Air Season when beach fires are prohibited by both the BAAQMD and the NPS. The public is also able to use Ocean Beach on the 9 or 10 summer days when the NPS bans beach fires on summer Spare the Air Days based on ozone data provided by the BAAQMD. However, while the BAAQMD: (1) uses meteorologic measurements and forecast data to designate winter Spare the Air Days in order to reduce air quality impacts from wood fires and other emissions; (2) has designated November through February as the Winter Spare the Air season; and (3) requested that the NPS prohibit wintertime bonfires completely at Ocean Beach, the Commission notes that the Air District has not *required* the NPS to do so. Nor has the Air District itself instituted a November through February ban on fires at Ocean Beach based on specific meteorologic data. The Air District currently only bans fires on designated Spare the Air Days within that four-month wintertime period.

The Commission appreciates the need to protect air quality at and adjacent to Ocean Beach and as a result would concur with any proposal involving periodic bans on wood fires at this location when the Air District and the NPS determine that, *when* based on meteorologic data, such bans are required to protect air quality and human health. Such actions are an appropriate balance of air quality requirements and public recreation. However, the Commission finds that a complete ban on wintertime fires at Ocean Beach, notwithstanding the air quality benefits that could occur from such an action, would adversely affect public access and low-cost recreation in a manner inconsistent with the requirements of Section 30214. In fact, the NPS acknowledges that the *Final Ocean Beach Fire Program* goes:

. . . above and beyond the legal requirements for wood burning fires, and complied with the BAAQMD request to allow fires only outside of the Winter Spare the Air Season [emphasis added].

Should the Air District at a future date take an action to prohibit wood fires for the entire Winter Spare the Air Season, and should the NPS, under the General Conformity Rule, then propose a wintertime ban on fires at Ocean Beach, the Commission would then be obligated to examine that proposal for consistency with Coastal Act Section 30253 and the Coastal Act's public access and recreation policies. However, at this time, the Commission determines that a complete prohibition on beach fires at Ocean Beach from November through February places an unjustified restriction and burden on public recreation at Ocean Beach.

The public has already been subject to a historic reduction in the geographic area available for recreational fires on Ocean Beach. Beach fires, once allowed along the entire 3.5-mile stretch of Ocean Beach, then restricted in 2004 to the area between stairwells 15-28, are now limited (since 2007) to the 800-foot-long section of beach between stairwells 15-20 at the west end of Golden Gate Park. The Commission is not aware of an existing or proposed November through February prohibition on wood fires in private residential structures within the boundaries of the Air District; only on designated Spare the Air Days are wood fires banned. The Commission is not aware of the percent contribution to Bay Area wood smoke pollution from Ocean Beach fires as

compared to other wood fire generators. However, the Commission believes it is unwarranted under the Coastal Act to exclude the general public from enjoying a wood fire at Ocean Beach, while the occupants of private residential structures that have fireplaces or other devices that burn wood or wood-related products would still be able to continue to enjoy a fire during that November through February time period.

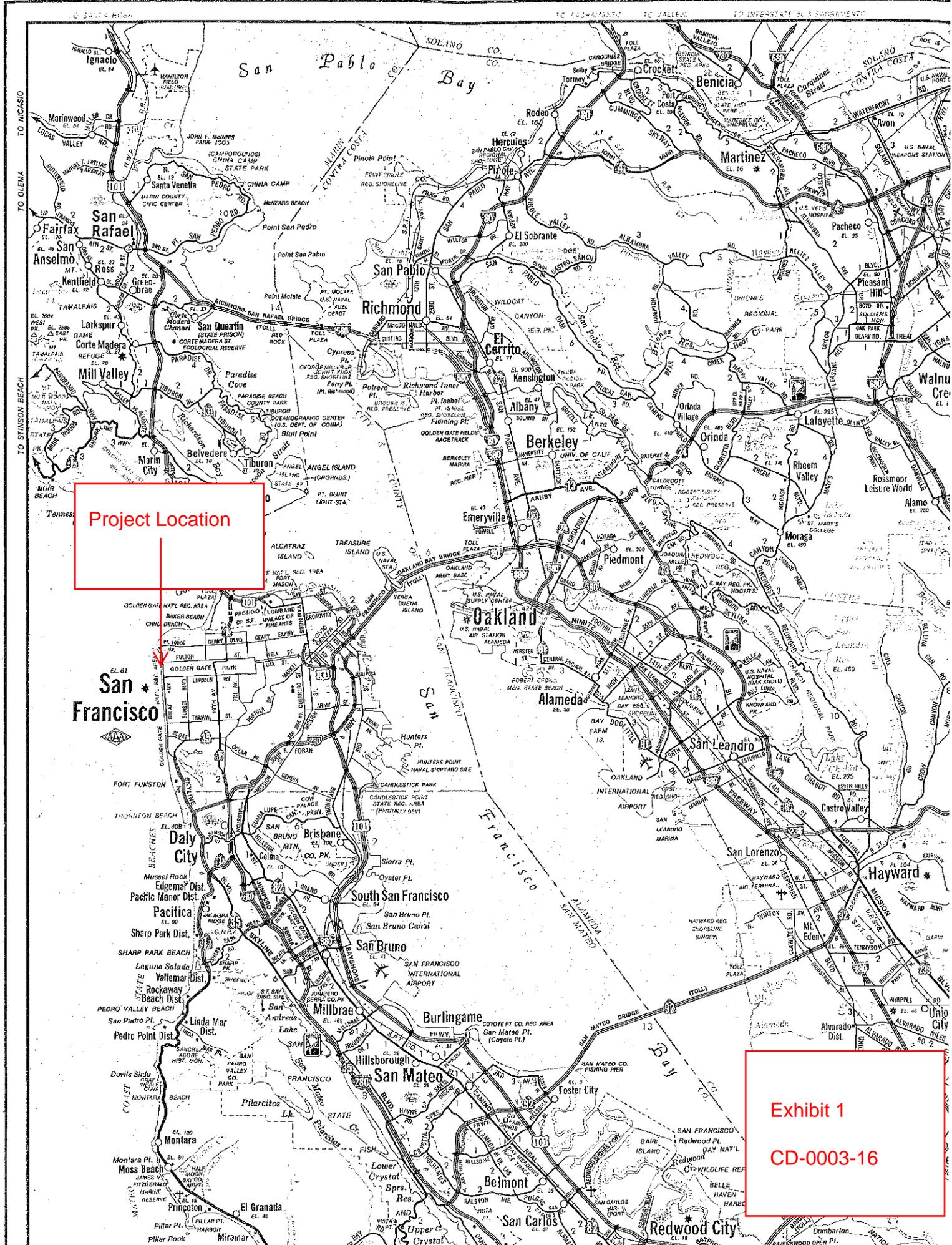
The Commission acknowledges the management, enforcement, and budgetary challenges that the NPS faces at Ocean Beach, and recognizes that these issues contributed to the proposed November through February beach fire prohibition. However, the Commission believes that the NPS can find the ways and means to overcome these challenges without eliminating a unique and low-cost recreational activity at Ocean Beach, albeit in the lesser-used winter months. If there must be a curtailment in recreational wood fires at Ocean Beach in order for the NPS to more efficiently carry out its mandate to protect natural resources and provide recreational opportunities at Ocean Beach, then the NPS should consider other, shorter-term alternatives to the blanket four-month-long prohibition on beach fires. The Commission encourages the NPS to investigate alternatives to the proposed full November through February beach fire prohibition, and to develop a recreational fire program that has fewer effects on public access and recreation.

Until new fire management alternatives are proposed, the Commission believes that continuing the ban on beach fires during winter and summer Spare the Air Days is the more equitable plan to balance air quality protection and low-cost public recreation at Ocean Beach, and more consistent with the mandate of Section 30214 to manage access in a manner taking into account the unique characteristics of Ocean Beach. The Commission therefore concludes that the proposed November through February prohibition of beach fires, a key element of the *Final Ocean Beach Fire Program*, is not consistent with the public access and recreation policies of the Coastal Act. However, the Commission further finds that if the *Final Ocean Beach Fire Program* were modified as conditioned, to eliminate the November through February beach fire prohibition, the *Fire Program* would be consistent with the public access, recreation, and air quality policies of the Coastal Act (Sections 30210, 30212-30214, 30220, 30221, and 30253).

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1. CD-0003-16 (National Park Service), Final Ocean Beach Fire Program, Golden Gate National Recreation Area, San Francisco.
2. Categorical Exclusion Approval and Decision to Implement, Final Ocean Beach Fire Program (February 19, 2016), Golden Gate National Recreation Area, San Francisco.
3. CDP 5-14-1213 (City of Newport Beach), Beach Fire Ring Management Plan, Newport Beach, Orange County.
4. Appeal No. A-3-CML-15-0033 (City of Carmel), Carmel Fire Management Program, Carmel, Monterey County.
5. March 7, 2014, letter from Wayne Kino, Director of Compliance and Enforcement, Bay Area Air Quality Management District, to Frank Dean, General Superintendent, Golden Gate National Recreation Area.
6. March 21, 2016, letter from Wayne Kino, Director of Enforcement, Bay Area Air Quality Management District, to Larry Simon, Federal Consistency Coordinator, California Coastal Commission.

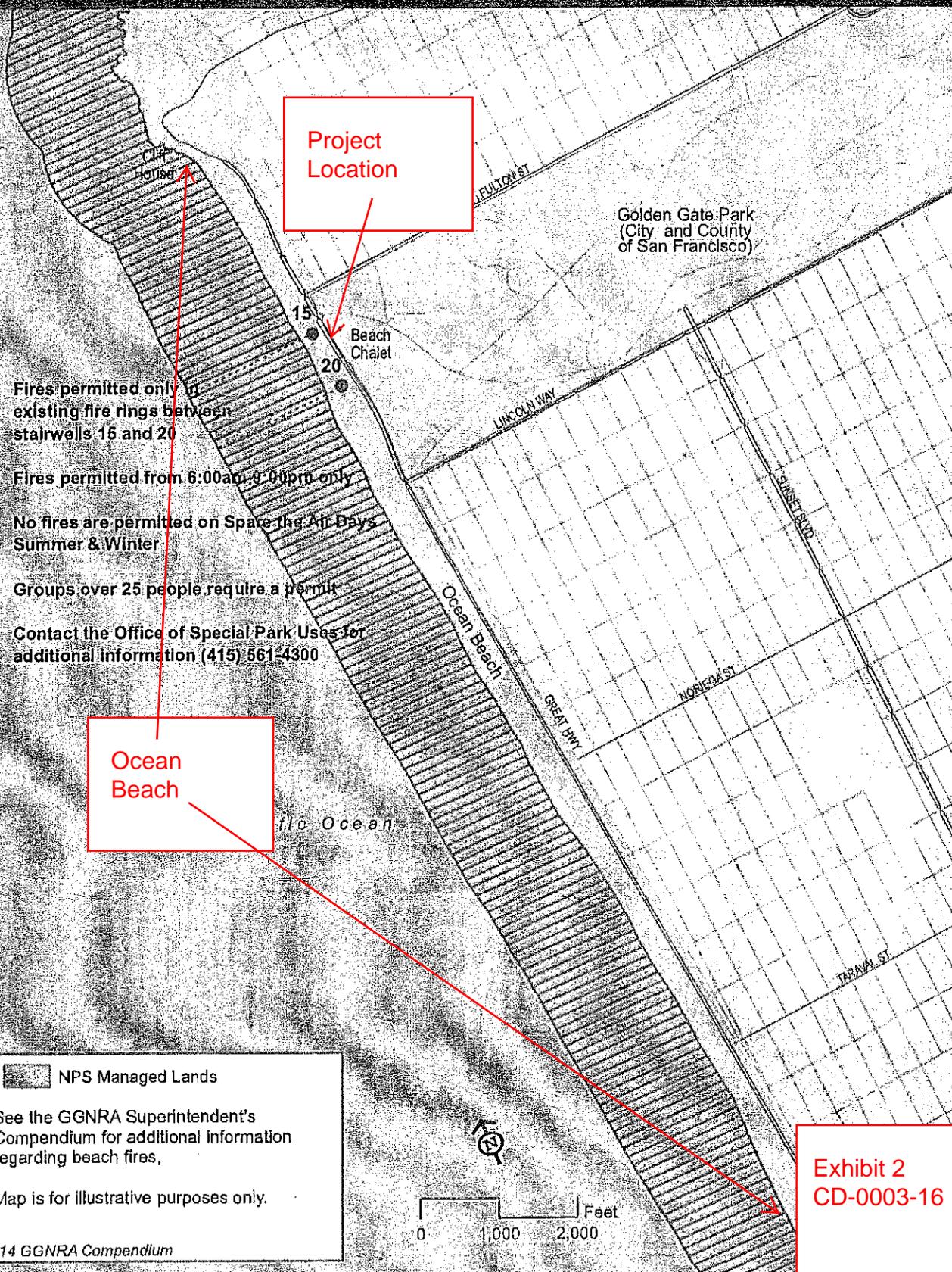


Project Location

Exhibit 1
CD-0003-16

**Exhibit 12
Permitted Beach Fire Area
Ocean Beach**

Golden Gate National Recreation Area
National Park Service
U.S. Department of the Interior



Fires permitted only in existing fire rings between stairwells 15 and 20

Fires permitted from 6:00am-9:00pm only

No fires are permitted on Spate the Air Days Summer & Winter

Groups over 25 people require a permit

Contact the Office of Special Park Uses for additional information (415) 561-4300

Ocean Beach

NPS Managed Lands

See the GGNRA Superintendent's Compendium for additional information regarding beach fires,

Map is for illustrative purposes only.

2014 GGNRA Compendium



Exhibit 2
CD-0003-16



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

March 7, 2014

RECEIVED

MAR - 7 2014

SUPERINTENDENT'S OFFICE

3/7 SUSPENDED CORRESPONDENCE

ACTION PERSON: N. Hornor

REPLY DUE
SUPT'S OFC: Mar 21, 2014
PWR/OTHER: _____

COPIES PROVIDED Dean
OR FORWARDED Roth
VIA E-MAIL File
P.14- 4.7 H. Levitt

Frank Dean, General Superintendent
National Park Service
Golden Gate Recreation Area
Bldg. 201 Fort Mason
San Francisco 94123

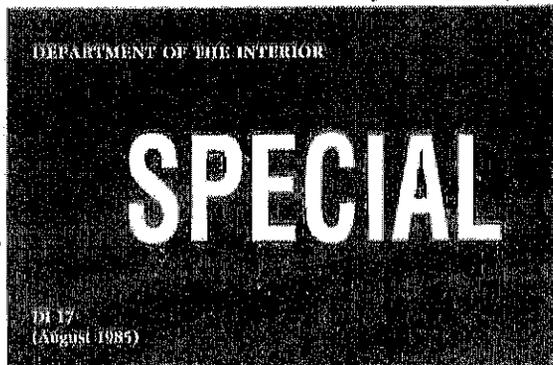
Subject: Ocean Beach Bonfire and Air Quality

Dear Mr. Dean:

The negative health impacts of particulate matter pollution, including wood smoke, are a broad based public health concern. The public health concern is the reason behind the Air District's efforts to reduce particulate matter pollution throughout the Bay Area, including the Air District's wood-burning rule. The Air District's Board of Directors adopted Regulation 6, Rule 3: Wood-burning Devices and amended Regulation 5: Open Burning, to place restrictions on wood-burning. When the Air District forecasts the air as unhealthy to breathe and calls a Winter Spare the Air (WSTA) alert recreational fires, such as bonfires, are illegal. The WSTA season is from November through the end of February.

During the past WSTA season, we have received several complaints from the public regarding the bonfire enclosures at Ocean Beach. Having these firepits available to the public during the WSTA season may facilitate illegal burning. Wood smoke is a serious public health concern because it contains tiny particles or particulate matter (PM2.5) that can be inhaled deep into the lungs and can enter the bloodstream. Prolonged exposure to the fine particulates in wood smoke has been linked to a series of public health concerns, including: aggravated asthma, development of chronic bronchitis, irregular heartbeats and nonfatal heart attacks, as well as increased mortality rates.

We realize that these bonfires have a long tradition, but their negative contribution to unhealthy air, as well as their negative health impacts on local neighborhoods, concern the Air District in its efforts to improve air quality and public health. Your agency could contribute greatly to increased public health and improved wintertime air quality by removing the bonfire facility at ocean beach during the winter months. If possible, prohibiting wintertime bonfires completely at Ocean beach would further improve both regional and local air quality.



ALAMEDA COUNTY

Tom Bates
Scott Haggerty
Nate Miley
(Vice-Chair)
Tim Sbranti

CONTRA COSTA COUNTY

John Gioia
David Hudson
Mary Piepho
Mark Ross

MARIN COUNTY

Susan Adams

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

John Avalos
Edwin M. Lee
Eric Mar

SAN MATEO COUNTY

Carole Groom
(Secretary)
Carol Klatt

SANTA CLARA COUNTY

Cindy Chavez
Ash Kaira
(Chair)
Liz Kniss
Jan Pepper

SOLANO COUNTY

James Sporing

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

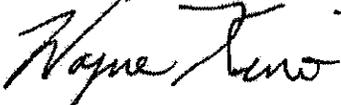
Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Mr. Frank Dean
Page 2

March 7, 2014

We greatly appreciate your input regarding improving air quality in the Bay Area and public health during the winter months. Please feel free to contact Eric Pop, Air Quality Specialist, at 415-749-5172 or epop@baaqmd.gov with any questions you may have.

Sincerely,



Wayne Kino
Director of Compliance and Enforcement

JM:PH:TG



BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO CALIFORNIA 94109

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**Frank Dean, General Superintendent
National Park Service
Golden Gate Recreation Area
Bldg. 201 Fort Mason
San Francisco 94123**

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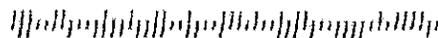
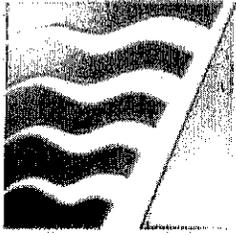


Exhibit 3
CD-0003-16
Page 2 of 2



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

March 21, 2016

Larry Simon
Federal Consistency Coordinator
Energy, Ocean Resources and Federal Consistency Division
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RE: Ocean Beach Bonfires

Dear Mr. Simon:

ALAMEDA COUNTY

Tom Bates
Margaret Fujioka
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY

John Gioia
David Hudson
(Secretary)
Karen Mitchoff
Mark Ross

MARIN COUNTY

Katie Rice

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

John Avalos
Edwin M. Lee
Eric Mar
(Chair)

SAN MATEO COUNTY

David J. Canepa
Carole Groom
Warren Slocum

SANTA CLARA COUNTY

Cindy Chavez
Liz Kniss
(Vice-Chair)
Jan Pepper
Rod G. Sinks

SOLANO COUNTY

James Sperring
Osby Davis

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

This responds to your March 15, 2016 inquiry regarding the Air District's letter of March 7, 2014 to the NPS providing input on the Ocean Beach bonfire pits. Since that letter was sent to you, the Air District has amended its woodsmoke rule in an effort to further reduce the levels of woodsmoke within the Bay Area. These efforts build upon the initiation of the woodsmoke reduction program in July 2008 with the adoption of Regulation 6, Rule 3: Wood-burning Devices and the amendment of Regulation 5: Open Burning, which were in part a result of the US Environmental Protection Agency lowering the National Ambient Air Quality Standard for PM2.5, from 65 to 35 micrograms/cubic meter, to better protect public health.

Your March 7, 2016 inquiry asks for background regarding the Air District's authority to adopt and enforce regulation of woodsmoke, including woodsmoke from fires occurring on federal land. The Air District has broad authority to adopt and enforce regulations to "achieve and maintain the State of California and federal ambient air quality standards in all areas affected by emission sources under [the Air District's] jurisdiction," and to "prevent[] and abate[] air pollution episodes which, at intervals, cause discomfort or health risks to . . . a significant number of persons" See, California Health & Safety Code Sections 40001(a) and (b).

The Air District's jurisdiction comprises all of San Francisco County, which includes Ocean Beach. The California Health & Safety Code does not exempt federal land from regulation by air districts, and we know of no other legal authority or principle that would support such an exemption.

The Air District's authority to enforce its adopted regulations are set forth in California Health & Safety Code Sections 42400 through 42454. These authorities include the ability to seek the award of civil and criminal penalties, as well as injunctive relief in state court.

In all these respects, the Woodsmoke Rule is no different than other rules adopted by the Air District to reduce the impacts of an individual or group on the breathing public. During a Winter Spare the Air alert all recreational fires, including bonfires, are prohibited by Air District Regulation 5: Open Burning. This prohibition is enforced by Air District staff.

The Air District's March 7, 2014 letter is based upon the Air District's position regarding the negative public health impacts – ranging from respiratory function

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

impairment to premature death, resulting from the cumulative effects of woodsmoke emitted throughout the Bay Area. The Air District has documented that woodsmoke does not remain in the area of the burn, but rather travels throughout the Bay Area. For this reason, the Woodsmoke Rule prohibits *all* burning of solid fuel on Winter Spare the Air days. Ocean Beach bonfires present the same threat to public health as fires anywhere else in the Bay Area.

We appreciate your support of the Air District's ongoing efforts in reducing the public health threat from fine particulate matter and improving air quality within the Bay Area. If you have any questions, please contact Eric Pop, Air Quality Specialist II, at (415) 749-5172.

Sincerely,


for Wayne Kino
Director of Enforcement