3.4 Individuals Comments and Responses

3.4.1 Comment Letter I1, Diana Mead, January 17, 2024

Letter I1

From: diana western-scientific.com
To: Planning, Planning@Parks
Cc: diana western-scientific.com; Amy Granat
Subject: CSVRA GP/DEIR Comments
Date: Wednesday, January 17, 2024 11:10:48 AM

You don't often get email from diana@western-scientific.com. Learn why this is important

Wow! Impressive.

Initial reading, I feel heard. A dump station, yes! Relocation of MotoMart to the northwest side, yes! Yes on many other aspects..and Campground improvement, yes, but I say no to the electrical hook ups at the campground. Virtually everyone who comes to Carnegie overnight has a self contained unit. Hookups will lead to reservations and the associated privilege that accompanies that process. How will the number of sites increase **while** eliminating the sites on the Corral Hollow Road side of the campground? I1-1, I1-2

Tent sites for those who need them would still need space for OHV's and proximity to the bathroom. I didn't get the sense that this was planned. I1-3

The legend/map, kind of looks like camping might be offered across Corral Hollow from the current campground…I suspect that is not right. I1-4

Wanted to share this initial impression and to thank you all.

Diana Mead

Letter I1 Response Diana Mead January 17, 2024

I1-1 Thank you for your comment and support for the General Plan. This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I1-2 Currently, the existing campground campsites are not delineated, which has resulted in space inefficiencies and overcrowded campsites. Although the campground remodel may include the removal of existing campsites along Corral Hollow Road, the remodeled campground and campsites will be reconfigured and delineated to maximize space and available campsites.

I1-3 The proposed campground remodel does not currently include tent only sites. Campsites will have a camping area behind the parking spur that will include space for visitor tent(s). Visitors will continue to have the option to select a site based on availability and the site's location relative to restrooms.

I1-4 Although it may appear in the Proposed Projects map that the campground crosses over and onto the area north of Corral Hollow Road, the entire campground remodel will take place south of the road and this is a matter of projection at this scale.

3.4.2 Comment Letter I2, Justin Mazzon, January 18, 2024

Letter I2

From: Ana Mazzon
To: Planning, Planning@Parks
Subject: CSVRA GP/DEIR Comments
Date: Thursday, January 18, 2024 11:49:05 AM

You don't often get email from themazzons@yahoo.com. Learn why this is important

Hello Katie-

The 4x4 section of the park should be expanded to allow for more obstacles and a few more driving trails put in. I2-1

Additionally, the 3,100 acre Alameda and Tesla expansion area should be reconsidered. This area was set aside years ago and was also approved by Governor Newsom to be developed for off roading. A few misguided, ignorant, unknowledgeable, know it all environmentalists should not have a final stay on this matter! This area is for ALL CALIFORNIANS to enjoy and recreate on. I2-2

Thanks for your help,

Justin

Letter I2 Response Justin Mazzon, January 18, 2024

I2-1 Thank you for your comment. State Parks will consider an expansion of the 4x4 section of the SVRA to accommodate more obstacles, and more driving trails, and the potential for associated environmental impacts. This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I2-2 Lawsuits and subsequent legislation requiring that the Alameda-Tesla expansion area not be designated as a SVRA resulted in State Parks electing to prepare a standalone General Plan Update and EIR for the existing Carnegie SVRA. State Parks will conduct a separate planning effort for the Alameda-Tesla property to determine a suitable classification and future use of the property.

3.4.3 Comment Letter I3, Gregg De Haan, January, 18, 2024

Letter I3

From: Gregg De haan
To: Metraux, Katie@Parks
Cc: Brian Odell; Planning, Planning@Parks; tarigstark@hotmail.com; noreen@naturetrip.com; kanoonan2@gmail.com; jhh@haakerinsurance.com; h_rosenberg@earthlink.net; jmsanford@gmail.com; nnazimowitz@gmail.com; scraa@sbcglobal.net; Unger, Petra; mekanikmm@msn.com; hamid@pcsourcenet.com; pete@eastbaywilds.com; sf194122@aol.com; scubaprosw@mac.com; jldshady@yahoo.com; cmccarthy703@gmail.com; dsilverla@me.com; ridgkathi43213@msn.com; hooplah7400@gmail.com; guys72mach1@hotmail.com; snakeman412@msn.com; franandco@wildmail.com; caronyna@msn.com; paxton3x@att.net; hmortim@gmail.com; kwiseman@garciaandassociates.com; ttrumbly@comcast.net; elewisny@hotmail.com; alexyermolovich@gmail.com; butchmeyner@hotmail.com; cgubera@gmail.com; kelf.nh@live.com; pdendriiver@gmail.com; sasha@setthemfree.com; dcose@aol.com; maryeleanorpower@gmail.com; sibrush@gmail.com; dorispotter@videotron.ca; clarawheeler@gmail.com; dmesarchik@opesadvisors.com; dvoellinger68@hotmail.com; kfleckner21@yahoo.com; kurlyjox@aol.com; clubmotokirk@hotmail.com; shellylucido@sbcglobal.net; c.mholman@yahoo.com; gtoland1@aol.com; dmbrown929@gmail.com; renata.sevillano@gmail.com; veronica.brant@hotmail.com; john.diggs@hendrickauto.com; jim@jardineinsurance.com; crazygeniusgt@gmail.com; jcaylin@gmail.com; brandon.tahtaras@gmail.com; atowndrummemr@hotmail.com; firagge@gmail.com; wheelspin68@yahoo.com; cklaw@xad.com; kciccarelli@gmail.com; tkamphaus@juno.com; qsindicich@gmail.com; blendervill@yahoo.com; lkoehl@snet.net; cathy@racelucky.com; aicunn@gmail.com; dmconrad2000@yahoo.com; larry.ponder@hotmail.com; laryloomer@yahoo.com; matthew.jasinek@gmail.com; morevth@hotmail.com; michael799@optonline.net; muhwase@wildmail.com; robertfurtek@yahoo.com; wilker.james@yahoo.com; hoepagirl@gmail.com; tigergary@earthlink.net; kcardin510@aol.com; victoriaryan@sbcglobal.net; judd@norcalmachining.com; lancedaw@aol.com; jtolle777@gmail.com; karen@froming.net; jspregon63@gmail.com; pbespaly@yahoo.com; kdfurst@sbcglobal.net; qgester@ips.net; crtwinter@yahoo.com; laurencoodley@sbcglobal.net; stevegosney@aol.com; sacor29@sbcglobal.net; marlesann@msn.com; jocaroth@mac.com; woppini@gmail.com; samneff72@gmail.com; twhite@twwoverland.com; jerryfouts@gmail.com; alex.guo.2008@gmail.com; 72ts400@gmail.com; rickard@post.harvard.edu; linden57@gmail.com
Subject: Re: Notice of Availability and Public Comment Period: Carnegie SVRA General Plan Update -- Preliminary General Plan, and Draft Environmental Impact Report
Date: Thursday, January 18, 2024 3:43:47 PM

You don't often get email from funitel@aol.com. Learn why this is important

Thank you Katie. I3-1

I'm wondering since we lost our Tesla property to Newsoms foolish decision, and we were allegedly paid to open and purchase new property, why our new property is not purchased and a part of this EIR?

I fought for years to open Tesla, we paid our way through the years of Garamendi and Connolly bogus attempts to shut us down and now we have nothing?

I am very concerned.

Gregg
Sent from my iPhone

> On Jan 18, 2024, at 2:27 PM, Metraux, Katie@Parks <Katie.Metraux@parks.ca.gov> wrote:
>
> Hello
>
> If you scroll down the page, you will see a link to the general plan and draft environmental impact report. I pasted it here for you:

https://www.parks.ca.gov/?page_id=30807. Please let me know if you have any other questions.

I3-1
(Cont.)

Katie Metraux
General Plan Manager
Strategic Planning and Recreation Services Division
California State Parks
PO Box 942896
Sacramento, CA 92496-0001
Katie.Metraux@parks.ca.gov, 916-708-3485

Book time to meet with me

<image001.jpg>

Carnegie SVRA General Plan Update

Notice of Availability

Draft Environmental Impact Report

for the Proposed Carnegie State Vehicular Recreation Area General Plan Update

State Clearinghouse # 2022030810

Public Comment Period: January 16 to March 1, 2024

NOTICE IS HEREBY GIVEN that the California Department of Parks and Recreation (State Parks) has directed the preparation of an environmental impact report (EIR) consistent with requirements under the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State Parks is the lead agency under CEQA.

PROJECT LOCATION:

Carnegie SVRA is a 1,533-acre off-highway vehicle (OHV) park overseen by the OHMVR Division and operated by the Diablo Range District of State Parks. Carnegie SVRA is located within unincorporated Alameda and San

Joaquin Counties, approximately 15 miles east of Livermore and 12 miles west of Tracy.

I3-1
(Cont.)

The OHMVR Division previously prepared a General Plan Revision and associated Program EIR for the original Carnegie SVRA and the adjacent 3,100-acre Alameda and Tesla Expansion Area. While the General Plan Revision was approved and the EIR certified by the OHMVR Commission in 2016, the Commission rescinded these decisions in 2021 as the result of several lawsuits. The lawsuits and subsequent legislation requiring that the Alameda and Tesla Expansion Area not be designated as an SVRA resulted in the Department and the Division electing to prepare a standalone General Plan Update for the Carnegie SVRA. The Department is conducting a separate planning effort for the Alameda and Tesla Expansion Area to determine a suitable classification and future use of these properties. Therefore, this proposed General Plan Update and EIR are limited to the 1,533-acre original Carnegie SVRA and specifically exclude the Expansion Area.

PUBLIC REVIEW PERIOD:

The Preliminary General Plan and Draft EIR are being circulated for public review and comment for a period of 45 days, beginning**January 16, 2024**. Written comments germane to the environmental review will be considered and responded to in the Final EIR. Written comments should be submitted with a contact name and mailing address for the public record. Your views and comments on this project are welcomed. Written comments should be submitted no later than **March 1, 2024,** to:

Postal:

California State Parks

Strategic Planning and Recreation Services Division

P.O. Box 942896

Sacramento, CA 94296-0001

ATTN: Katie Metraux

Or Email: Planning@parks.ca.gov (subject line CSVRA GP/DEIR Comments)

Copies of the Preliminary General Plan and Draft EIR may be reviewed online at the project website:https://www.parks.ca.gov/?page_id=30807.

The following locations will display the printed copies during normal

business hours:

California State Parks, Strategic Planning and Recreation Services Division

715 P Street, 1st Floor Lobby

Sacramento, CA 94296-0001

M-F 8:00 PM to 5:00 PM

Diablo Range District Office

15751 Tesla Rd.

Livermore CA 94550

M-F 8:00 PM to 5:00 PM

OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION HEARING

This project will be considered before the Off-Highway Motor Vehicle Recreation Commission in a public hearing to be held at a local venue after the public comments are received, State Parks' responses are developed, and a Final EIR is prepared. Notice of the hearing will be mailed to all agencies, organizations, and individuals that have expressed interest.

Sincerely,

Katie Metraux

General Plan Manager

Strategic Planning and Recreation Services Division

California State Parks

<image001.jpg>

I3-1
(Cont.)

Letter I3 Response Gregg De Haan, January, 18, 2024

I3-1 Lawsuits and subsequent legislation requiring that the Alameda-Tesla expansion area not be designated as a SVRA resulted in State Parks electing to prepare a standalone General Plan Update and EIR for the existing Carnegie SVRA. State Parks is currently conducting a separate planning effort for the Alameda-Tesla property to determine a suitable classification and future use of the property.

3.4.4 Comment Letter I4, Mike Vandeman, January 24, 2024

Letter I4

From: Mike Vandeman
To: Planning, Planning@Parks
Subject: RE: CSVRA GP/DEIR Comments
Date: Wednesday, January 24, 2024 6:14:11 PM

You don't often get email from mjvande@pacbell.net. Learn why this is important

At 04:13 PM 1/24/2024, you wrote:

> Hi Mike,
>
> I read through your comments and I wonder if your email was supposed to be directed to East Bay Regional Parks and not the Carnegie SVRA General Plan? I4-1

No, I wrote it for them, but I realized that it applies equally well to all land managers. Wildlife- & habitat preservation are the job of all land managers.

> Katie Metraux
>
> General Plan Manager
>
> Strategic Planning and Recreation Services Division
>
> California State Parks
>
> PO Box 942896
>
> Sacramento, CA 92496-0001
>
> Katie.Metraux@parks.ca.gov , 916-708-3485
>
> Book time to meet with me
>
> **From:** Mike Vandeman <mjvande@pacbell.net>
> **Sent:** Tuesday, January 16, 2024 8:17 PM
> **To:** Planning, Planning@Parks <Planning@parks.ca.gov>
> **Subject:** CSVRA GP/DEIR Comments
> **Importance:** Low
>
> You don't often get email from mjvande@pacbell.net. Learn why this is important

I4-1 (Cont.)

(This was written in regard to the East Bay Regional Parks, but is actually universally applicable:

1. The Sierra Club's mission is to protect and enjoy our native wildlife. But in order to enjoy it, it must first be protected, so protection must take priority.

2. Wild animals don't like being around humans (with the possible exception of mosquitoes, but even they have their limits, e.g. when we drain their swamps). When we approach them, they run/fly/swim/slither away. It's the first thing that we learn about them, as a child. But then we proceed to ignore the fact.

3. Thus it's inappropriate for the East Bay Regional Park District to try to fill the parks with as many humans as possible.

4. We need to experience nature, in order to appreciate it, but at the same time, we need to stay out of it as much as possible, if we are to preserve it.

5. Being in nature doesn't necessarily turn one into a conservationist. I see that every day. When I do habitat restoration, dozens of people go hiking by, but not one offers to help. In some 30 years of observing mountain bikers, I have never seen a single one promote wildlife conservation, only access for their bikes.

I4-2

6. The main problem with mountain biking and other recreational off-road vehicles, which few people understand, is that it greatly expands the human "footprint" (the distance we travel) in wildlife habitat. That drives the wildlife away, effectively destroying habitat.

7. Trail-building also destroys and fragments habitat. Mountain bikers are the primary advocates for trail construction -- witness the Wildcat flow trail and Crockett Hills's Sugar City trail, as well as the 30+ miles (!) of illegal trails that mountain bikers constructed in Briones Regional Park.

8. Mountain bikes' knobby tires are perfectly designed to rip up the soil, allowing the rain to permanently wash it away. They create ruts that are difficult and dangerous for hikers and equestrians (and mountain bikers) to negotiate.

9. Problems are always easier to solve at the source than downstream. That means preventing erosion, not trying to fix it after it has happened.

10. Thus, the only way to accomplish the Sierra Club's goals is to restrict bicycles and other machines (except wheelchairs) to pavemant. This in no way restricts mountain bikers' access to the parks, since they can all walk. It was a huge mistake for land managers to allow bicycles on unpaved trails, and they have been trying unsuccessfully ever since to fix the problems caused by mountain biking.

11. This solution is also better for mountain bikers, because riding on unpaved trails is extremely dangerous, and serious accidents and even deaths are common.

12. It's unfortunate that the wildlife can't speak for themselves, or they would agree with me.

I4-3

13. E.O. Wilson recommended that half of the Earth be set aside for the wildlife. 30x30 is a step toward that end, but for it to be successful, it must be understood that so-called "protected" lands will truly be protected from excess human visitation. Some of these lands should be closed to all humans -- especially habitat for dangerous animals like grizzlies and mountain lions.

Any questions?

Mike Vandeman, Ph.D.
510-697-5368
--
Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

Are you still driving? Why?????

https://mjvande.info

To not receive email from me, just reply and ask to be removed.

--
Machine-Free Trails Association

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https://mjvande.info

To not receive email from me, just reply and ask to be removed.

Letter I4 Response Mike Vandeman, January 24, 2024

I4-1 This comment is not directed at the adequacy of the Preliminary General Plan Update or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I4-2 See response to I4-1

I4-3 See response to I4-1

3.4.5 Comment Letter I5, Randy Domercq, January 21, 2024

Letter I5

From: Randy Domercq
To: Planning, Planning@Parks
Subject: CSVRA GP/DEIR Comments)
Date: Sunday, January 21, 2024 2:51:14 PM

You don't often get email from rdomercq@astound.net. Learn why this is important

This is in regards to Carnegie OHV. I5-1

OHV parks provide an abundance of family oriented activities that provide a mental and physical outlet for all. It captures interest and provides educational opportunities in any areas and gets kids out of watching screens and playing video games. The existing park deserves more frequent updates and maintenance (ex. grading and leveling to remove ruts).

What is really needed is the expansion to the property across the street – Pine Hollow. The State sees the benefits of the expansion and should not bow (succumb) to the opponents to the expansion. The benefits far outweigh any perceived negative impacts. In fact, there should be more OHV parks designated throughout the state so as to provide all Californians the opportunity to enjoy the outdoors without having to drive 3, 4, 5 hours to reach an OHV park. I5-2 I5-3

Questions / comments?

Thank you.

Randy Domercq
Email - rdomercq@astound.net

Letter I5 Response Randy Domercq, January 21, 2024

I5-1 This comment is not directed at the adequacy of the Preliminary General Plan Update or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I5-2 See the response to I5-1

I5-3 See the response to I5-1

3.4.6 Comment Letter I6, Connolly Ranch Inc. & Connolly Garamendi LLC, February 24, 2024

Letter I6

Connolly Ranch, Inc. and Connolly Garamendi LLC

Responses and Comments to DEIR

February 29, 2024

Draft Environmental Impact Report
for the Proposed Carnegie State Vehicular Recreation Area General Plan Update

State Clearinghouse # 2022030810

Public Comment Period: January 16 to March 1, 2024

Submitted by:

Connolly Ranch, Inc.
PO Box 1122
Tracy, CA 95378
Email: mconnolly@connollylaw.net

Connolly Garamendi LLC.
PO Box 1109
Tracy, CA 95378
Email: mconnolly@connollylaw.net

IMPACT AND MITIGATION ANALYSIS I6-1

Connolly Ranch and Connolly Garamendi LLC

This 2024 DEIR is substantially identical to the 2015 DEIR determined to be inadequate. Like the 2015 DEIR in Sacramento County Superior Court Case #34-2016-80002496 ("Order and Ruling") this 2024 DEIR uses a self-mitigating approach. Rather than identify significant impacts, identify mitigation measures and adopt a mitigation monitoring plan, it identifies impacts and existing policies and concludes the impacts are not significant based on non-measurable, subjective, ineffective or future policies and guidelines. The structural difference between this DEIR and the 2015 DEIR is that this DEIR provides no meaningful information on the baseline conditions and considers only new facilities making consideration of project alternatives impossible. (See Alternative Analysis) Because this 2024 DEIR is substantially identical to the 2024 DEIR it is necessary to review the reasons why approval of the 2025 DEIR was ordered rescinded. I6-2

ORDER & RULING SACRAMENTO SUPERIOR COURT CASE #34-2016 80002496: I6-3

This 2024 DEIR is in most relevant parts identical to the 2015 DEIR. The Draft Environmental Impact Report dated April 2015 is attached (2015 DEIR). This 2024 DEIR is a less CEQA compliant version of that 2015 DEIR. In the Ruling on Submitted Matter Re: Petition for Writ of Mandate, Sacramento County Superior Court Case #34-2016-80002496 ("Ruling") the court addressed the issue of the Guidelines as providing self-mitigation reducing impacts to insignificance. The following lengthy excerpt is just as applicable to this 2023 DEIR as to the 2013 DEIR. The court rejected that contention in the prior 2013 Carnegie EIR identical in its use of Guidelines creating a self-mitigating plan:

> "The General Plan adopts a self-mitigating approach which is not prohibited under CEQA or the cases cited by Respondents in their Opposition. Petitioners, however, argue that in adopting such an approach, Respondents impermissibly failed to separately identify and analyze the significant impacts before proposing mitigation measures as the Court in *Lotus v. Department of Transportation* held. ((2014) 223 Cal.App.4th 645, 658.) Respondents argue that CEQA permits incorporating minimization and avoidance measures into the project and cite *Gilroy Citizens* and assert that the test is whether there is substantial evidence supports the impact analysis. The Court disagrees that the proper test is substantial evidence.
>
> In *Lotus,* the petitioners challenged the sufficiency of an EIR approved by Caltrans concerning highway construction that passed through a state park. *(Id* at 64 7.) The First District Court of Appeal reversed the judgment for further proceedings, finding that the EIR was insufficient "insofar as it fails to properly evaluate the significance of impacts on the root systems of old growth redwood trees adjacent to the roadway." *(Id* at 648.) The Court noted that the EIR incorporated the proposed mitigation measures "into its description of the project" and then concluded that any "potential impacts from the project will be less than significant." *(Id.* at 655-56.)
>
> Like the Court noted in *Lotus,* the General Plan should disclose the avoidance, minimization and mitigation measures are not part of the project. And as the *Lotus* court found, "by compressing the analysis of impact and mitigation measures into a single issue, the EIR disregards the requirements of CEQA." *(Id* at 656.) **Here, the EIR fails to**

I6-3
(Cont.)

inform the public the extent of the impacts, fails to make the necessary evaluation and determination regarding the impacts, and fails to make the necessary evaluation and any findings concerning the proposed mitigation measures, and adopt a monitoring program. The Court finds this is a structural deficiency and as the *Lotus* court held, "this shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decision -making and informed public participation. It precludes both identification of potential environmental consequences arising from the project and a thoughtful analysis of the sufficiency of measures to mitigate those consequences." *(Id.* at **658.)**

Gilroy Citizens for Responsible Planning v. City of Gilroy cited by Respondents is distinguishable. ((2006) 140 Cal.App.4th 911.) The Court in that case was dealing with a later draft EIR which was tiered from a General Plan and for which an EIR had been prepared and certified and in which the effects of later development were examined at a sufficient level of detail. The Court held that specific impacts had already been considered in the plan. The Court in that case did not opine on the legal efficacy of the general plan and EIR containing the self-mitigating language. *(Id.* at 928, fn. 14.) Cases are not authority for propositions not considered.
(City of Bellflower v. Cohen (2016) 245 Cal.App.4th 438, 452.)

At the hearing on this matter, Petitioner reiterated its argument that the Guidelines do not set meaningful performance standards. Specifically, Petitioner referred to Soils Guideline 1.2,
which provides,

> Develop an adaptive management plan for soil resources consistent with PRC Section 5090.35(a) and the OEIMVR Division *Soil Conservation Standard and Guidelines* or subsequent amendments or replacement documents. Incorporate the tools and techniques identified as appropriate to site conditions at Carnegie SVRA. Also incorporate other tools and techniques that may apply to specific facility conditions and management structure at the SVRA. (AR 9825.)

In *Preserve Wild Santee v. City of Santee,* the City of Santee certified an EIR for a development project. On appeal, the petitioners reasserted their claim that the EIR improperly deferred mitigation of the project's impacts on the Quino checkerspot butterfly. ((2012) 210 Cal.App.4th 260, 268.) The Fourth District Court of Appeal noted that the EIR at issue did not, specify performance standards or provide other guidelines for the active management requirement ... [it] appears the success or failure of mitigating the project's impacts to the Quino largely depends on what actions the approved habitat plan will required to actively manage the Quino within the preserve. An EIR is inadequate if the success of failure of mitigation efforts ... **may largely depend upon management plans that have not yet been formulated, *and have not been subject to analysis and review within the EIR.***

Moreover, the EIR does not state, nor is it readily apparent, why specifying performance standards or providing guidelines for the active management of the Quino within the preserve was impractical or infeasible at the time the EIR was

certified. The fact that the City and wildlife agencies must ultimately approve the habitat plan does not cure these informational defects. *(Id.* at 28l)(citations omitted.)

I6-3 (Cont.)

The Court reversed judgment, finding in favor of petitioner's claims that the EIR violated CEQA by improperly deferring mitigation of the project's impacts to the Quino. *(Id.* at 292.) **The Court agrees with Petitioner's argument that the EIR does not, with regard to the Soils Guidelines, "specify performance standards or provide other guidelines for" management requirements. The future of the Guidelines and the SVRA also appears to depend upon the "tools and techniques" that will be identified in the future, which tools and techniques have not "been subject to analysis and review within the EIR."**

Petitioner next identified NRM Guideline 2.4, which provides,

Apply state-of-the-art science and ecological knowledge to the management of natural communities and associated habitat functions at the SVRA. Management strategies shall take current science and results from ongoing management and research into consideration. Work with the academic community to continue to allow research at the SVRA and apply knowledge gained through on-site and off-site research to site-specific resource management. OHMVR Division environmental scientists shall conduct research and coordinate studies with research at other SVRAs, as appropriate. (AR 9828.)

Petitioner then cited to *Covington v. Great Basin Unified Air Pollution Control District,* in which the petitioners challenged the approval of a geothermal power plant. ((2019) 43Cal.App.5th 867, 871.) Petitioners challenged the adequacy of the EIR to adopt all feasible mitigation measures. *(Id)* The EIR determined that certain emissions would be significant and unavoidable, even with mitigation, and that no additional feasible mitigation measures were available to further,

> substantially reduce fugitive n-pentane emissions. This finding was based on the fact that the Project would include "'state of the art equipment and best available technology" to limit ROG emissions. The EIR does not define "state of the art equipment and best available technology," and comments to the EIR identified additional equipment and technology to further mitigate the fugitive n-pentane emissions. However, these additional mitigation measures were not adopted. *(Id.* at 877.)

The Third District Court of Appeal summarized its findings as to one of Petitioners' proposed mitigation measures,

> The point raised by petitioners and their expert is that the emissions the Project will produce will have a significant environmental effect, thus the Project should employ the stricter LDAR program that is feasible for petroleum refineries and chemical plants, and would be feasible here. **The District made no attempt to show that such an LDAR program would not**

I6-3
(Cont.)

> **be feasible here. The measures proposed by petitioners do not require additional equipment-only that the leak rate triggering repair be a smaller number, and that there be an outside limit to the number of days allowed for repair. The District was required to give a good faith, reasoned analysis for not adopting the stricter LDAR program utilized in petroleum refineries and_ chemical plants.** The stricter LOAR program may not be feasible for a geothermal plant. **The point is, the District made no attempt to explain why such a program was not feasible. Accordingly, there is insufficient evidence in the record to find that no further mitigation measures were feasible. *(Id* at 88 I.)**

While the Court recognizes the language in NRM Guideline 2.4 appears problematic as it vaguely refers to "state-of-the-art science," "current science," unlike *Covington,* Petitioner has not identified, either in its briefing or at oral argument, additional mitigation measures that Respondent should have considered. The Court cannot find that Respondent failed to provide a "good faith, reasoned analysis" for not adopting a further mitigation measure, as Petitioner has not identified any such proposed measure.

Lastly, Petitioner identified Water Guideline 1.2, which provides,

> Work to attain no net loss of wetlands functions and values at the SVRA. If impacts on jurisdictional features cannot be fully avoided:
>
> Determine the acreage of direct impacts (i.e., fill of wetlands) and indirect impacts (i.e., alterations to wetland hydrology) that would result from project implementation, and obtain necessary permits.
>
> Provide compensatory mitigation such that the functions and values of all affected wetlands and other waters of the United States, waters of the state, and stream and riparian habitats protected under the California Fish and Grune Code are replaced, restored, or enhanced on a "no net loss" basis. Restore, enhance, and/or replace wetland, water, and riparian habitat acreage at a location and by methods agreeable to the U.S. Army Corps of Engineers (USACE), the Central Valley and San Francisco Bay Regional Water Quality Control Boards (RWQCBs), CDFW, and/or the U.S. Fish and Wildlife Service (USFWS) as appropriate and depending on agency jurisdiction. (AR 9821-22.)

Petitioner argues the language concerning consultation if impacts cannot be fully avoided is problematic. Petitioner cited to *POET, LLC* 11. *State Air Resources Board,* in which the Air Resources Board adopted regulations, including "the low carbon fuel standards (LCFS) regulations that require the reduction of carbon content of transportation fuels sold, supplied, or offered for sale in California." ((2013) 218 Cal.App.4th 681, 697.) The Fifth District Court of Appeal discussed the ARB's argument that it was allowed to defer the specifics of mitigation with regard to NOx emissions because it was going to "conduct an extensive testing program for biodiesel and will follow that effort with a rulemaking to establish specifications to ensure there is no increase in NOx." *((d* at 739.) The Court found

this statement did not articulate specific performance criteria as required for CEQA compliance, and therefore mitigation deferral was not permitted.

I6-3
(Cont.)

> [I]t established no objective performance criteria for measuring whether the stated goal will be achieved. As a result, we and members of the public have not been informed how ARB will determine that the requirements it adopts in a fuel specifications regulation will ensure that use of the biodiesel does not increase NOx emissions. To illustrate this point, it is unclear what tests will be performed and what measurements will be taken to determine that biodiesel use is not increasing NOx emissions. *(Id* at 740.)

Petitioner argues Water Guideline 1.2 cannot constitute permissible deferred mitigation because it contains no meaningful performance standards. Respondent argued at the hearing that these guidelines cannot be viewed "in a vacuum" and that just because Water Guideline 1.2 may not have a performance standard does not make the EIR inadequate.

The Court has reviewed the entirety of the guidelines appearing within "Water Goal I: Manage the SVRA for the protection of jurisdictional waters of the United States, including wetlands and waters of the state, while maintaining a quality OHV recreational experience." (AR 9821.) Included in this subdivision are Water Guidelines I. I, and 1.2. Water Guideline I. I does not include any performance standards. It simply directs Respondents to "avoid locating facilities" in wetlands and that if avoidance is not feasible to "design facilities to minimize impacts." Water Guideline 1.2, restated 1n full above, also does not contain any performance standards, and mimics the language found to be insufficient in *POET. LLC.* Accordingly, the Court finds these two guidelines are insufficient to support the deferred mitigation of Water Goal I, in violation of CEQA.

The Court has concerns that the Guidelines are deemed to be the basis upon which the project is "self-mitigating" and yet the Guidelines seem to be very vague and speculative as to what kind of actions will be taken to indeed mitigate the significant impacts that development will have on these species. This is especially true when considering the fact that the preferred concept map has indicated what types of activity will occur within specifically identified areas of the Expansion Area. With regard to these species that have habitat covering the entire planning area map, the Court finds Wildlife Guideline I. 7 is insufficient in its conclusion that the mitigation measures that will be implemented are those "agreed upon during consultation with the wildlife agencies." The Court finds this insufficiency is not cured by NRM Guidelines I. I, 1.2, and 1.3, as Respondents argue."

Ruling 15-20

The 2015 DEIR was inadequate for the same reasons the 2024 DEIR is inadequate, as discussed below and in other comment sections.

THE EIR FAILS TO INFORM THE PUBLIC THE EXTENT OF THE IMPACTS, FAILS TO MAKE THE NECESSARY EVALUATION AND DETERMINATION REGARDING THE IMPACTS, AND FAILS TO MAKE THE NECESSARY EVALUATION AND ANY FINDINGS CONCERNING THE PROPOSED MITIGATION MEASURES, PRROPOSES GUIDELINES AND MITIGATION MEASURES WITHOUT ANY PERFORMANCE STANDARDS AND FAILS TO ADOPT A MONITORING PROGRAM. I6-4

The above title to this section accurately summarizes the defects in this DEIR the Ruling and Order found in the 2015 DEIR. The Guidelines in both cases do not set meaningful performance standards. Just as with the prior DEIR, this DEIR largely depends upon management plans that have not yet been formulated, have been peer reviewed as failures, have not been subject to analysis and review within the EIR or in some cases like the SWMP are current or available for review. Some Management Plans, like the Habitat Management System ("HMS) or Wildlife Habitat Protection Plan ("WHPP") have been shown to be only sporadically implemented and then ineffective if they are implemented at all.

REVIEW OF ENVIRONMENTAL IMPACTS I6-5

IMPACT 3.4-1. "HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE?"

NATURAL RESOURCE MANAGEMENT: The Goals and Guidelines lack meaningful performance standards, depend on management plans abandoned or not yet formulated or subject to analysis and review within the EIR.

Natural Resource Management Goal 1: I6-6

NRM Goal 1 is the unmeasurable "Manage Carnegie SVRA for a balance of uses that allow protection and stewardship of natural resources while maintaining a quality OHV recreational experience." It is identical to NRM Goal 1 in the 2015 DEIR. This same language is used in most goals. It lacks performance standards. This goal, and all goals containing this same vague subjective language do not comply with CEQA.

NRM Guideline 1.1. is to "Locate visitor-serving facilities in prior disturbed areas or in areas of relatively low resource value to minimize disturbance to higher-value habitat areas". It cannot be measured. Because the project description does not identify these areas is impossible to monitor or verify compliance. Further, the visitor-serving facilities are at known locations. (See Figure 2-3). There is no reason it is not determined in this DEIR whether the visitor serving facilities are planned for locations facilities in prior disturbed areas or in areas of relatively low resource value. This DEIR can make that determination now. This is a recurring defect in the DEIR: Deferring analysis that should occur now to a future date. I6-7

This NRM is identical to the NRM Guideline 1.1 in the 2015 DEIR. It has been cut and pasted from the 2015 DEIR where the facilities locations were unknown. It does not apply to this DEIR where the location of both the facilities and species habitat are known. This is another recurring error in the 2024 DEIR. Guidelines are cut and pasted from the 2015 DEIR are not applicable to an DEIR where the facilities are described and located. I6-7 (Cont.)

NRM Guideline 1.2 is simply the deferral of studies to a later stage and is also taken almost word for word from the 2015 DEIR. The 2015 NRM Guideline 1.2 is not applicable to the 2024 DEIR because the location of species, habitat and facilities are all known. Still, the 2015 guideline is applied word for word: I6-8

> **"NRM Guideline 1.2:** Before planning new visitor-serving or operations facilities, or expanding existing ones, conduct site-specific surveys/mapping of sensitive biological resources (e.g., special-status species and sensitive habitats, migratory corridors, nesting sites, and colony locations) and take the location and extent of these resources into consideration during the planning and design process. Avoid affecting sensitive biological resources during planning, design, and construction. Utilize fencing and other methods to exclude public access in environmentally sensitive areas, as necessary. Conduct worker environmental awareness training for construction personnel before Construction."
> 2024 DEIR pg. 3.4-2

> "**NRM Guideline 1.2**: Before planning new visitor-serving or operations facilities, or expanding existing ones, conduct site-specific surveys/mapping of sensitive biological resources (such as special-status species and sensitive habitats) and take the location and extent of these resources into consideration during the planning and design process. Avoid affecting sensitive biological resources during planning, design, and construction. Utilize fencing and other methods to exclude public access in environmentally sensitive areas, as necessary. Conduct worker environmental awareness training for construction personnel before construction." NRM Guideline 1.2, 2015 DEIR

The location of the visitor-serving or operations facilities has already been planned. The location of the facilities is known and described in the 2024 DEIR. For example, the location of the new Group Camping Area is known and its impact on the nearby Western Spadefoot toad breeding area can be determined now. The location of the 526 acre Waterfall Canyon which will be opened to the public for hiking, general recreation, mountain bikes and OHV is known, and the HMS and WHPP should contain the habitat and wildlife information, if they are being implemented. All the facilities locations are known now. This GP is approving those facilities in those locations NOW. Still NRM Guideline 1.2 defers all the environmental analysis to the future applying using the inapplicable 2015 DEIR deferral of analysis of impacts. Characterizing this as a program GP and EIR does not justify failure to do that analysis now.

NRM Guideline 1.3 is a combination of a guideline with no performance standards, implementation of measures to be determined in the future, and "coordination with agencies" that may require additional permits or other documents. Such deferral of analysis of the impacts of specific planned facilities is contrary to CEQA. This error is due to the cut and paste of the Guideline from the 2015 DEIR to the 2014 DEIR when here the location of facilities, habitat and species are known: I6-9

> **"NRM Guideline 1.3:** In the event that disturbing a sensitive biological resource is unavoidable, minimize the disturbance to the minimum area necessary to achieve the project purpose, and identify and implement measures to offset those impacts in coordination with a qualified biologist and the appropriate resource agencies, depending on the listing or protection status of the resource. Coordination with the agencies may include acquisition of any required environmental permits, take authorizations, management plans, or other documents as required by the respective agencies." 2024 DEIR

I6-9 (Cont.)

Compare the above to that same Guideline in the 2015 DEIR:

"**NRM Guideline 1.3:** In the event that disturbing a sensitive biological resource is unavoidable, minimize the disturbance to the minimum area necessary to achieve the project purpose, and identify and implement measures to offset those impacts in consultation with a qualified biologist and the appropriate resource agencies (e.g., CDFW, USFWS, USACE, and the Central Valley RWQCB), depending on the listing or protection status of the resource." 2015 DEIR

The effect of cutting and pasting NRM Guideline 1.3 from the 2015 DEIR to the 2024 DEIR is that it is not applicable and provides no mitigation.

I6-10

HMR Guideline 1.4 is new but is merely continued monitoring and a hope for a future approval of a plan. It is summarized as: "Continue to implement the OHMVR Division's Habitat Monitoring System (HMS) *until the Wildlife Habitat Protection Plan (WHPP) for the Carnegie SVRA is finalized.* "The HMS and WHPP have failed and not been implemented as discussed below in detail and cannot be relied upon.

If the HMS was being implemented then all the information necessary to provide a baseline and to determine the wildlife impacts of the GP would be available: "The HMS data is used to accumulate, standardize, and analyze records of plants, animals, and habitats in the planning area and guide adaptive management." (2024 DEIR NRM Guideline 1.4) This information is supposed to be readily assessable: "Biological resource assessments conducted at Carnegie SVRA have been compiled according to the guidelines set forth by this system." (2024 DEIR NRM Guideline 1.4) The information although "compiled" it is not analyzed or used in practice or in the 2024 DEIR to determine the impacts of known new and expanded facilities, including expansion of OHV use in the park to Waterfall Canyon.

The fact is that the HMS and WHPP have NOT been properly implemented and are not effective in mitigating impacts.

The HMS and WHPP cannot be relied upon in the DEIR

In 1995, the OHMVR belatedly designed the Wildlife Habitat Monitoring System ("HMS") for Carnegie SVRA pursuant to § 5090.35(c) which requires an inventory of wildlife populations and their habitats, with the first HMS report issued in 2003. (See attached 2003 Habitat Monitoring Report Carnegie SVRA) HMS is just a monitoring system to collect data and information to be used in impact analysis, which analysis the DEIR does not include. The information from the HMS

should be contained in the baseline project description to allow for a determination of the impacts of the planned facilities at their known locations in this DEIR, and to allow a meaningful analysis of the "Shutdown and Cease Operations" alternative. Further the information the HMS should contain information necessary to do the alternatives analysis, specifically to determine if closure and shutdown is the environmentally superior alternative, if alternative uses will have a significantly reduced impacts, or even what additional alternatives are available and feasible.

I6-10 (Cont.)

In 2001, DPR belatedly prepared a Wildlife Habitat Protection Plan ("WHPP") as required by Public Resources Code § 5090.35(c) taking designed to assist in maintaining and protecting current wildlife populations and their habitats. The WHPP is attached.

The HMS and WHPP are what the DEIR relies upon in its guidelines to find that the GP is self-mitigating. However, the HMS and WHHP have been shown by Parks own peer review to fail to either provide the information or mitigation required. In 2009 the OHMVR Division had a scientific peer review performed of the HMS and WHPP process. A copy of that "Scientific Peer Review and Assessment of the California Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division Habitat Monitoring System ("HMS Peer Review") is attached. It establishes the HMS is inadequate in its data collection, that the data is not analyzed, and the information is not utilized in the field.

As discussed below, the DEIR ignores what should be available data from the HMS and ignores that the WHHP and Parks does not utilize that data and information to implement effective mitigation measures. The HMS and WHPP are intended to provide objective data to be used to mitigate using performance standards and objective data. Because this data is not properly collected, correctly analyzed, or included in the DEIR, there are no performance standards in the DEIR. This undercuts the reliance on the DEIR on the HMS and WHHP. The HMS Peer Review identified many such deficiencies:

> "Existing and historical emphasis appears to be on *how* to do monitoring and in implementing recommended monitoring protocols, including data management and reporting. However, data are commonly not analyzed and even less frequently are the results of data analyses interpreted to investigate whether plant and animal populations are changing through time. Questions related to *why* to do monitoring and to the application of the results of monitoring in effecting management actions are poorly addressed. At present, monitoring does not appear to be tied to specific, well-defined management goals, except in the case of listed species (e.g., snowy plovers and least terns at Oceano Dunes). Although a decade of monitoring has produced much useful data, these data are derived from plots that have often been nonrandomly chosen. Existing data have been inconsistently analyzed, the results of these analyses have been only infrequently interpreted, and in **only a few instances have the interpreted monitoring results led to changes in resource management**. Generally, **natural resource monitoring appears to occur in isolation from site management and results of monitoring activities are not used in making management decisions except in cases of listed species** (e.g., beach closures to protect nest sites of snowy plovers at Oceano Dunes)."
>
> HMS Peer Review Pg. 11

I6-10 (Cont.)

"Multiple methods are used to detect and monitor amphibians, reptiles, and mammals, as some members of these groups may be more effectively detected using one method than another (e.g., Ryan et al., 2002; Garden et al., 2007) and **serious biases may result from the reliance upon a single, or too-few, survey techniques** (Ribeiro-Junior et al., 2008). However, **regular bat surveys appear to be absent from most sites**. Birds are surveyed primarily by point counts except at Prairie City, where line transects have been used. **Data collection is often idiosyncratic, inconsistent, and strongly influenced by staff time conflicts and turnover and regulatory concerns (listed species receive disproportionate attention yet may not yield much information on more general question of how species abundances are changing through time). Several sites have experienced gaps in data collection as well as in the reporting of results**, whereas both the enabling legislation (SB877) in Section 11, paragraph (c) as well as the Division HMS document (OHMVRD, 1998) call for the twice-annual monitoring of birds and the biennial monitoring of vegetation, amphibians, reptiles, and mammals. **As far as we are aware, the every-two-year aerial photographic record recommended in the HMS document (OHMVRD, 1998) as a means to monitor habitat and to document changes in vegetation cover and density does not exist, and this recommendation has not been implemented."**

HMS Peer Review Pg 12-13

"**Field data are well recorded and documented on paper field forms but are inconsistently documented in annual reports and not readily accessible to off-site (e.g. Division HQ) staff nor other interested persons. Data analyses of the type performed in the original monitoring plans** (Kutilek, Shellhammer, and Bose, 1991a-e), **which included numerous statistical analyses, appear to be lacking in most of the annual reports submitted by site environmental scientists.** The annual reports of Ocotillo Wells are notably more faithful to the original methods of data analysis and interpretation. Similarly, thorough interpretation of the results of data collection and analysis efforts are in general missing from annual reports and **we are unaware of examples of specific management recommendations that resulted from the interpretation of the analyses of monitoring data, with the exception of closures to protect the breeding attempts of listed species."**

HMS Peer Review Pg 13

"The calculation of diversity indices is widespread but the **subsequent analyses of trends utilizing indices of diversity is lacking.** Diversity indices are expressly designed to enable the comparison of measures of diversity through time or space (Magurran, 1988), as illustrated in the original Kutilek, Shellhammer, and Bose (1991a-e) and Oceano Dunes 2000 annual reports (Oceano Dunes SVRA, 2001); however, **results of comparisons of multiple indices are rarely reported in the annual site reports, and thus the utility of calculating these indices is lost.** Despite the explicit goals of the WHPP/HMS systems (Kutilek, Shellhammer, and Bose, 1991a-e; OHMVRD, 1998), i.e. to detect trends, **we are aware of few examples of analyses of trends in either vegetation coverage or species populations;** an exception is the comparisons of 1994 to 2000 vegetation coverage at several locations at Oceano Dunes (Oceano Dunes SVRA, 2001)."

HMS Peer Review Pg 14.

I6-10 (Cont.)

The HMS collects data and information badly, does not analyze it, and then the information is not used. The DEIR relies on this failed program for its mitigation. The Recommendations of the HMS Peer review and Kupferberg incorporate exactly the type of quantifiable and objective data, goals and guidelines that should be in the DEIR but are missing. It also makes recommendations that have never been implemented as far as any search of the public record can determine:

> "RECOMMENDATIONS
> **We recommend that the OHMVR Division design a second generation WHPP/HMS system that is expressly designed to meet the needs of the State Vehicular Recreation Areas in fulfilling the goals set forth in SB877 and subsequent legislation as well as legal obligations as described in state and federal statutes**. We recommend that the Division engage senior environmental and management staff, perhaps with outside assistance, in designing the second generation WHPP/HMS system that is focused on answering questions of greatest management interest and need. Questions of interest to SVRA staff may include:
> • Is vegetation coverage declining through time as a result of OHV usage?
> • Is plant species richness declining through time as a result of OHV usage? If so, in which vegetation types?
> • How will we define success in efforts to restore degraded landscapes?
> • What percentage, and which species, of birds that are expected to breed at each SVRA have been confirmed to do so?
> • Does relative rate of trail use affect rates of habitat occupancy by vertebrate animals? Which species are most affected? Does the SVRA provide habitat for these species in non-riding areas?
> • Have the bat species that may be expected to occur at SVRAs been confirmed to occur? Does OHV use affect bat use of appropriate habitats?
> We stress that the questions of greatest management interest must be formulated by SVRA management and environmental staff and that the HMS must then be designed to best answer these questions."
>
> HMS Peer Review Pg. 22

The HMS Peer Review had specific criticisms and recommendations as to Carnegie SVRA:

> "1. The existing two-step randomization (with biased cardinal directions for transects) method for sampling vegetation is poor and it is recommended that it be replaced by a completely randomized sample of points. The concern is that with the existing method, results derived from sampling only half the total area are extrapolated to characterize the entire area.
> 2. Original control quadrats that were later opened to OHV recreation suggest poor coordination or communication between environmental science staff and management. Sacrificing control plots is unfortunate and precludes attempts to establish a consistent time series. A second inefficiency was to exclude the original Kutilek control plots converted to OHV recreation sites from further study, as these plots could have been utilized by environmental scientists to gather important information with management applications relative to types of impacts from motorized recreation. Examples include effects of off-highway vehicles on habitat fragmentation, loss of vegetation cover, and

I6-10 (Cont.)

rate of natural recovery of vegetation under recreation use. The specific start date for the opening of the control plots provided a known time from which to observe and measure change.
3. Repeated trampling and foot traffic by the monitoring team may create lasting impacts on soils and vegetation at monitoring sites, thus great care is needed when sampling from one year to another at the same site to avoid altering the character of sample sites. Using a different set of sampling points every year would avoid cumulative trampling effects on plants and soil but would greatly increase the sample size needed to detect small changes in vegetation.
4. No vegetation monitoring seems to have occurred since at least 2003. No data on vegetation monitoring were made available.
5. Need stratified-random bird point count surveys in riding and non-riding areas coupled with an assessment of surrounding vegetation. Higher concentrations of point count locations in sensitive habitats may also be warranted.
6. Must address potential observer-dependent bias, as multiple observers were used in 2005 and only one observer was used in 2006, potentially affecting results and interpretation.
7. Bird surveys should be concentrated in the winter (= riding) and spring (=breeding) seasons.
8. Need to guide riders away from sensitive areas when amphibians are out; therefore, frequent randomized geospatially referenced sampling with associated vegetation component is warranted. This schema will allow environmental scientists to identify/predict peak activity periods and delimit sensitive areas. May want to overlap with bird count locations to investigate the use of easier to monitor surrogate species.
9. In the newly acquired area, need to:
    a. Identify sensitive sites or hot spots for protection
    b. Establish a baseline for subsequent comparison (pre- vs. post-use)
    c. Design trail system to minimize impacts on soils, vegetation, and wildlife
    d. Heritage oaks likely have unique bird species that warrant/require protection
10. Integrate monitoring plan with new general plan being developed by consultant (EDAW)
11. Continue restoration in riparian area and monitor to evaluate results of efforts
12. Continuity of staff an issue; may want to develop an intern program.
13. Volunteer trails proliferating, must seek to limit riding to established, approved trails and areas. Perhaps limit number of riders in SVRA — establish a site "carrying capacity"
14. Monitoring for small mammals, including bats in mines, especially those that may be near the limits of their geographical ranges, to detect distribution and abundance changes associated with riding and/or climate change. Specific management actions for some of these species?"

HMS Peer Review Pg. 37-39

HMS reports have not been done every year as required. After four years of not preparing an annual HMS report, OHMVR issued a 2011-2014 Report during the comment period for the 2015 DEIR and General Plan. In addition, a review of the 2011-2014 report indicates that it is missing considerable information that is supposed to be presented under the monitoring plan set forth in the WHPP and HMS program. *(See* Critique of CSVRA Adaptive Management, Wildlife Habitat

Protection Plan (WHPP), and Habitat Monitoring System (HMS) Failures to Protect Wildlife and Provide Mitigation, Scott Cashen, M.S. and Sarah Kupferberg, dated June 29, 2015 ("Adaptive Management Critique" a copy of which is attached.) The Adaptive Management Critique establishes that Adaptive Management, which is also extensively relied upon in the 2024 DEIR as it was in 2015 is ineffective. I6-10 (Cont.)

There is no evidence in the DEIR that the WHPP has been effective, or the WHPP has even adopted. There is no second-generation HMS/WHPP. It is apparent that baseline information is missing from the DEIR because Parks has not been collecting, analyzing, or using it. As discussed above and below, this is why the HMS and WHPP cannot be relied upon in the DEIR.

Natural Resources Management Goal 2 I6-11

NRM Goal 2 and its Guidelines do not specify performance standards or provide other guidelines for management requirements. NRM Goal #2 is to **"**Encourage a balance of uses that allow for the restoration or enhancement of natural habitats while maintaining a quality OHV recreational experience." It is identical to NRM Goal #2 in the rescinded 2015 DEIR.

NRM Guideline 2.1 is to implement adaptive management plan, an improper deferral to an unknown future plan, combining the results of the outdated HMS (see above) with the outdated WHPP (See above). It contains no objective standards. It is the same in the 2015 DEIR. I6-12

NRM Guideline 2.2 is adaptative management of closures, signs about sensitive resources and closures, and interpretative materials to visitors. Again, no performance standards and again the same as in the 2015 DEIR. I6-13

NRM Guideline 2.3 is a vague desire to "Manage SVRA landscapes to preserve natural vegetation and to enhance native California plant communities and associated habitat functions and values." It mentions methods that are not used at Carnegie such as fencing riparian areas which occurs randomly, controlled burns and managed grazing which have never occurred at Carnegie and based on the extreme fire risk documented in the DEIR and history of fires at Carnegie there is no evidence that controlled burns will ever be used. Similarly with managed grazing, it has never occurred at Carnegie SVRA and there is no evidence it would even be feasible. It appears to be a vague list including "habitat restoration and enhancement" again complete devoid of any specifics or objective standards. Again, no performance standards and again the same as in the 2015 DEIR. I6-14

NRM Guideline 2.4 is a vague promise to "Apply state-of-the-art science and ecological knowledge to the management of natural communities and associated habitat functions at the SVRA." There has been no use of the HMS information (and none provided in support of the DEIR) and no adoption of use of the outdated WHPP, so there is no basis to conclude to assume that contrary to the failure to implement either the HMS and WHPP that somehow in the future Parks would "…apply knowledge gained through on-site and off-site research to site-specific resource management" when it is not doing that today. Again, no performance standards and again the same as in the 2015 DEIR. I6-15

WILDLIFE: The Goals and Guidelines lack meaningful performance standards, depend on management plans abandoned or not yet formulated or subject to analysis and review within the EIR. I6-16

None of the Wildlife Goals or Guidelines deal with the increased OHV use, and therefor increased impacts, those caused by the opening of 526 acres of the Waterfall Canyon watershed to public and OHV use, the expansion of facilities and new facilities intended to increase park use, or increased used predicted by implementation of the GP. The lack of wildlife baseline information also makes meaningful consideration of alternatives, such as the Shut Down and Closure Alternative, impossible. All the goals and guidelines address only the direct impacts of the facilities themselves, not the increased use over more acreage they are intended to facilitate. To do this analysis, the information the HMS was supposed to provide which would include changes over time, should be included as a baseline. The effectiveness or failure of the WHPP would be determined. Some information would then be available to determine the impacts of expanding facilities, building new trails and opening new areas could be analyzed. The failure to do any of this now is the glaring error of the DEIR.

Wildlife Goal #1: I6-17

Wildlife Goal 1 has a primary emphasis of providing an OHV experience with wildlife protection as a secondary issue: "Manage the SVRA to maintain a quality OHV recreational experience while protecting native wildlife species, including special-status wildlife species and their designated habitats." It is a non-measurable goal with no performance standard. It also incorrectly places protection of species as secondary to "providing an OHV experience". Protecting threatened and endangered species takes precedent over "providing an OHV experience". The Order and Ruling dispatched any argument that the sole objective was to "maintain a quality OHV recreational experience".

Parks has been operating Carnegie SVRA without a Take Permit since its inception. Take of endangered species as "take" is defined has occurred, is occurring and will increase with increased use of the park and expansion into new areas such as waterfall canyon. A goal that is not even mentioned in the GP or DEIR should be to operate the park ONLY after obtaining a Take Permit. I6-18

Parks policy of placing "an OHV experience" before protection of wildlife, particularly endangered species, is contrary to law even without considering the Order and Ruling. Both the federal and state expert wildlife agencies expressed concern about take of protected species at the CSVRA. (USFWS Letter June 24, 2015 pg. 2, attached ("the implementation of the proposed General Plan is likely to result in take of the federally listed species and result in the loss and/or degradation of their habitat.") February 3, 2016 USFW Letter addressing deferral and inadequacy of mitigation measures which is also attached, CDFW June 22, 2015 Letter attached ("CDFW remains concerned that the current ongoing OHV and management activities are not covered for take and that the potential increase in take resulting from the expansion has not been considered or analyzed in the General Plan, draft EIR and Preferred Concept.").) In this DEIR potential take results from expansion into the 526-acre Waterfall Canyon as well as increased use and OHV activity. I6-19

The issues raised by the CDFW have largely been ignored. (See CDFW May 19, 2022 Letter Attached) For example, CDFW commented: I6-20

> "The draft EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternatives' (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§15125 & 15360). CDFW recommends that the draft EIR prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands, vernal pools, breeding ponds, and/or waters of the U.S. or State, the existence of upland burrow complexes for species such as California tiger salamander and burrowing owl, historic nesting sites, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities)."
> CDFW May 19, 2022 Letter, pg. 3)

The DEIR does none of the above. The baseline and description is insufficient to analyze impacts and alternatives and inform the reader.

The DEIR ignores most of the comments by CDFW. The CDFW again raised the issue of the "Potential for "take" of special-status species". (CDFW May 19, 2022 Letter, Pg. 5) I6-21

"Fully protected species such as white-tailed kite and golden eagle may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species." (CDFW May 19, 2022 Letter, Pg. 6)

The DEIR and GP do not address the need for an Incidental Take Permit (ITP):

> "Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take2 of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. CDFW remains concerned that the current ongoing OHV and management activities are not covered for take and that the potential increase in take resulting from on-site recreational activities has not been considered or analyzed in the General Plan. CDFW strongly recommends obtaining an ITP for threatened and endangered species. The Project is within potential upland and breeding habitat of the California tiger salamander (*Ambystoma californiense*), a CESA listed as threatened species; foothill yellow-legged frog (*Rana boylii*), a CESA listed as endangered species; San Joaquin kit fox (*Vulpes macrotis mutica*), a CESA listed as threatened species, and Alameda whipsnake (*Masticophis laterallus euryxanthus*), A CESA listed as threatened species. Ground disturbing activities have the potential for take of these species. In addition, Swainson's

hawk (*Buteo swainsoni*), a CESA listed as threatened species, is known to forage in the Project area. Noise-generating or vegetation-disturbing activities could result in take of Swainson's hawks. If the Project will impact CESA or NPPA listed species, including but not limited to California tiger salamander, foothill yellow-legged frog, San Joaquin kit fox, Alameda whipsnake and, Swainson's hawk, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially impact, substantially restrict the range of, or reduce the population of threatened or endangered species (Public Resources Code §§ 21001(c), 21083, & CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080."

CDFW May 19, 2022 Letter, pg. 12

I6-21 (Cont.)

Takes without an incidental take permit have been occurring at Carnegie SVRA for years. This cannot be allowed to continue just because the GP and DEIR ignore this significant environmental impact. The GP exposes to expand existing facilities, build new facilities and expand OHV use in a facility already operating in violation of the Endangered Species Act.

Wildlife Guideline 1.1 relies on HMS and WHPP to monitor active burrowing owl and kit fox dens, and then to locate facilities 500 feet away from burrowing owl dens and "appropriate setbacks" for SJKF dens. The distance of 500 feet is not supported by science. I6-22

If the HMS and WHPP are current, then the locations of dens should both be known. Since the location of burrowing owl and kit fox dens should be known, and the location of the proposed facilities is known (See Figure 2-3), the analysis of locations of facilities vs location of dens, and therefore the determination of impacts, should occur now. There is no reason for deferral of this analysis. If the HMS and WHPP are abandoned or defective as described above or are not providing the information they are presented to contain, they cannot be relied upon as mitigation measures. I6-23

Wildlife Guideline 1.2 proposes a setback of 150 feet from ponds known to support CRLF, CTS, WPT or Western Spadefoot Toad. The figure of 150 feet has no basis or support in the DEIR. A buffer of 5,587 feet surrounding a breeding pond would protect 95% of the CTS population associated with that pond. (See CDFW May 19, 2022 Letter, pg. 7-8, discussed below)
If the HMS and WHPP are current, then this information and the locations of the facilities are known now, as discussed above. This cut and paste from the 2015 DEIR is not sufficient. I6-24

The 2024 DEIR omits significant information on the CRLF decreasing the baseline information from that presented in the 2015 DEIR. The following is in the 2015 DEIR on CRLF but not the 2024 DEIR: I6-25

"CRLF also has been detected at Lower Juniper and Lime Kiln Ponds and Tyson's Basin (State Parks n.d.[g]). In addition, CRLF may use suitable upland refugia habitats up to 2 miles from suitable breeding habitat (USFWS 2005). The entire SVRA and expansion area

are also within designated critical habitat for CRLF. **Implementation of the General Plan could affect CRLF if construction of new facilities, including trail placement, were to result in impacts on breeding habitat or remove CRLF-occupied burrows in upland refugia habitat. CRLF individuals also could be injured or killed by OHVs or other equipment on trails or roads in the planning area if they were present. Riding areas may also result in a reduction in ground squirrel burrows because disturbance from recreation-related activities may preclude squirrels from an area. This would result in an indirect effect on CRLF through a reduction in available upland/aestivation habitat.**
2015 DEIR pg. 3.3-22

I6-25 (Cont.)

The above excerpt from the 2015 DEIR leaves no doubt that the new and expanded facilities and the new Waterfall Canyon Area opened to public use will impact CRLF. The impacts are not just limited to 150' of ponds.

I6-26

Substantial evidence indicates that OHV operations at Carnegie have had a significant effect on wildlife abundance in the existing CSVRA, including listed species such as the tiger salamander and red-legged frog. *(See e.g.* Technical Memorandum; USFWS Letter June 24, 2015; CDFW June 22, 2015 Letter, pg. 2.)

The comments by the CDFW to the NOP are mostly ignored in the 2024 DEIR:

"Amphibian (e.g., western spadefoot toad, California tiger salamander) Avoidance. Breeding pools for western spadefoot toad are known to occur on the Carnegie SVRA site and they are impacted by off-road vehicles driving through them and near them. Construction and use of off-road trails, roads, practice areas, facilities, and other motorized activities occurring within dispersal distance of known or potential breeding ponds could cause take of CTS and other special-status amphibians. Filling of breeding ponds and aggradation of stream channels with sediments eroding from disturbed hillsides can eliminate aquatic habitat and shorten the hydroperiod, thus causing mortality of larvae prior to successful metamorphosis.

The draft EIR should determine and quantify impacts to amphibians and then present take avoidance and minimization measures and mitigation for impacts to breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology and/or breeding ponds resulting from OHV use on-site.

Avoidance and minimization measures could include the following: erecting protective fencing during the breeding season to block off breeding areas and allow amphibians to disperse without being disturbed or crushed by vehicles; specific areas could be restricted from use during breeding and dispersal times of year or after rains (e.g., from May 1 through August 31 when salamander metamorphs are likely to be migrating away from their natal ponds); and establishing adequate buffer areas. Activities that will impede or cause take of CTS during movement periods should be avoided after the first 0.5 inches of rain in the fall until mid-March and from mid-May until the breeding ponds are dry. ***Based on existing literature, a buffer of 5,587 feet surrounding a breeding pond would protect 95% of the CTS population associated with that pond.*** If

impacts cannot be avoided and fully minimized then compensatory mitigation should be proposed."

CDFW May 19, 2022 Letter, pg. 7-8

I6-26 (Cont.)

Similarly for Western Spadefoot Toad the buffer is inadequate:

"Western spadefoot toad (*Spea hammondii*) is a California Species of Special Concern and has been documented in the Original Carnegie SVRA. Western spadefoot toads are almost completely terrestrial and enter water only to breed (Dimmitt and Ruibal 1980). Recently metamorphosed juveniles emerge from water and seek refuge in the immediate vicinity of natal ponds. They spend several hours to several days near these ponds before dispersing. CDFW staff observed western spadefoot toadlets seeking refuge in drying mud cracks in the breeding pools at the Original Carnegie SVRA. Sound or vibration from rain striking the ground appears to be the primary emergence cue used by spadefoot toads, and even the vibrations of a motor can cause toads to emerge (Dimmitt and Ruibal 1980). Based on calculations from upland habitat use data analyzed by Semlitsch and Brodie (2003), ***a buffer of 1,207 feet from suitable breeding wetlands or pools may provide protection for western spadefoot toads***."

CDFW May 19, 2022 Letter, pg. 8

Similarly, the buffer for Western Pond turtles is both inadequate and not supported:

"Western pond turtles (*Actinemys marmorata*) use aquatic habitat mainly for foraging, thermoregulation, and avoidance of predators. Gravid females leave drying creeks from May through July to oviposit in sunny upland habitats, including grazed pastures. Nesting has been reported to occur up to 1,391 feet from water (Jennings and Hayes 1994), but is usually closer, averaging 92 feet from aquatic habitat (Rathbun et al. 2002). In an arid habitat similar to Carnegie SVRA, radio-tagged turtles left ponds as water levels receded in the fall, traveled 837 to 3,596 feet overland, and remained terrestrial for periods ranging from 10 to 30 weeks (Pilliod et al. 2013). An adequate buffer for western pond turtles should include the upland surrounding their known aquatic habitat."

CDFW May 19, 2022 Letter, pg. 8

Wildlife Guideline 1.3 also arbitrarily designates 100' as the distance between facilities and elderberry shrub locations, unless it is "required" they be located closer there will be consultation. The distance of 100' is arbitrary and unsupported. Again, if the HMS and WHPP are current, then this information and the locations of the facilities are known now. The identical Guideline is contained in the 2015 DEIR. (2015 DEIR pg. 3.3-22)

I6-27

Wildlife Guideline 1.4 proposes to avoid locating facilities within 150 feet of preferred Alameda whipsnake habitat, particularly scrub vegetation types. There is no support that 150 is sufficient. If the HMS and WHPP are current, then this information and the locations of the facilities are known and deferral is not proper.

I6-28

The 2024 DEIR also omits critical baseline information which was included in the 2015 DEIR:

I6-29

"The Alameda whipsnake is federally listed and state listed as threatened. The species may be present in the planning area but has not been confirmed there to date. A whipsnake found in the planning area in 2007 was determined to be a hybrid of a chaparral whipsnake and Alameda whipsnake. A whipsnake that was not positively identified was found in 2013 and another whipsnake was seen in 2014. Both of these observations were at Tyson's Basin. The planning area also is within designated critical habitat for the species. Alameda whipsnake may occupy all habitat types found within the planning area, with its preferred habitat being scrub.

Implementation of the General Plan may result in loss of preferred habitat (e.g., grassland and scrub habitats) for the Alameda whipsnake by removing vegetation to create trails, roads, and other facilities. Individuals, if present, also could be killed or injured by construction equipment or OHVs operating on trails or roads in the planning area. Any new development would also affect designated critical habitat for the species, which would require consultation with USFWS."

2015 DEIR Impact 3.3-10 pg. 3.3-27

I6-29 (Cont.)

Guidelines 1.5 through 1.10 all suffer from the same flaws described above. They either have arbitrary unsupported buffers or no buffers at all. If the HMS and WHPP upon which the DEIR relies are being implemented and up to date, then all the required information should be available today as to both the wildlife and habitat locations and the facilities.

I6-30

In summary, all the information necessary to determine impacts should be available today but is not included in the DEIR, unless the HMS and WHPP are an illusion. The basis for concluding that any of the buffers described above would be sufficient is absent. The DEIR fails to consider at all the indirect impact of increased OHV use in both new areas (526-acre Waterfall Canyon) or the entire park due to the new facilities and projected normal increased use. This increased use due to the new and expanded facilities is an indirect impact of the GP that is ignored.

I6-31

<u>THE CONCLUSION THAT HABITATE, SPECIES AND WILDLIFE IMPACTS WOULD BE LESS THAN SIGNIFICANT BY SELF-MITIGATION IS CONTRARY TO CEQA</u>

I6-32

As to Impact 3.4-1 the DEIR concludes that the goals and guidelines incorporated in the GP, with no mitigation monitoring plan, result in a self-mitigating plan and "there would be **a less than significant impact** on special-status species and their habitats." This technique to avoid identifying significant impacts was rejected when attempted in the prior EIR:

"The Court has concerns that the Guidelines are deemed to be the basis upon which the project is "self-mitigating" and yet the Guidelines seem to be very vague and speculative as to what kind of actions will be taken to indeed mitigate the significant impacts that development will have on these species. This is especially true when considering the fact that the preferred concept map has indicated what types of activity will occur within specifically identified areas of the Expansion Area. With regard to these species that have habitat covering the entire planning area map, the Court finds Wildlife Guideline I. 7 is insufficient in its conclusion that the mitigation measures that will be implemented are those "agreed

upon during consultation with the wildlife agencies." The Court finds this insufficiency is not cured by NRM Guidelines I. I, 1.2, and 1.3, as Respondents argue."
Order and Ruling pg. 20

I6-32 (Cont.)

The best example of a repeat of this same defect is Waterfall Canyon. The types of activities specified to occur in 2025 when Waterfall Canyon is planned to be opened to public use include Mountain Bikes and then OHV use. Yet all analysis is deferred and all impacts are "self mitigating" for a 526 acre expansion. The same is even truer for the other new facilities and expanded facilities. If the HMS and WHPP are functional, then specific site information and species and habitat information is available now. The DEIR cannot ignore this information and defer analysis into the future or rely on consultation with agencies.

I6-33

IMPACT 3.4-2. HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE?

I6-34

The DEIR again relies on "self-mitigation":

> "Therefore, with implementation of these goals and guidelines, General Plan implementation would not cause any direct or indirect adverse effect on direct or indirect adverse effect on riparian habitat or other sensitive natural communities; there would be **a less than significant impact** related to riparian habitat or other sensitive natural communities." DEIR Pg. 3.4-6

Water Goal 1: Water Goal 1 places protection of waters secondary to "maintaining a quality OHV recreational experience" which is contrary to Parks duty to protect the environment first, as has been previously discussed.

I6-35

Water Guideline 1.1 includes "Avoid locating facilities in areas…subject to California Department of Fish and Wildlife (CDFW) regulation under California Fish and Game Code Section 1602. Where avoidance is not feasible, such as for trail crossings, design facilities to minimize impacts." Both the location of the facilities (See Figure 2-3) and the location of areas subject to regulation under California Fish and Game Code Section 1602 are known. The analysis of the conflict between the two should be analyzed now, not deferred.

I6-36

Water Guideline 2.1 states

I6-37

"Water Guideline 2.1: Avoid siting facilities in and immediately adjacent to riparian or stream corridors or within waters of the United States or the state, including seeps, ponds, or drainages. Stream corridors shall be managed with vegetated buffers and crossings shall be properly sited for circulation and designed to minimize erosion and other water quality impacts. Design measures include but are not limited to: armoring approaches, providing sediment traps or filter areas, hardening the crossing surface, protecting the streambanks from vehicle backwash and overflow during flooding, and modifying super elevation (direction of tilt) such that roads and trails drain away from stream corridors. Culverts or bridge crossings shall be considered in highly erosive areas."

The facilities have been sited. (See Figure 2-3) The crossings in highly erosive areas and which are subject to California Department of Fish and Wildlife (CDFW) regulation under California Fish and Game Code Section 1602 are known. Whether the facilities are located "…in and immediately adjacent to riparian or stream corridors or within waters of the United States or the state, including seeps, ponds, or drainages" is known. The DEIR is internally inconsistent relying on a mitigation measure based on locating facilities when those facilities have been located. For example, the new Group Camping Area is located only a few feet from the Corral Hollow streambed. Waterfall Canyon is located in Waterfall Canyon, which as the name implies is a riparian stream corridor with seeps and drainages. The DEIR is inconsistent and again engages in deferral of consideration of impacts which can be determined today with data and information that is supposed to have been collected, analyzed and utilized over many years. I6-37 (Cont.)

Impact 3.4-4. Interfere Substantially with the Movement of Any Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites? I6-38

The DEIR ignores the fact that this project, and these new facilities opening 526 acres of Waterfall Canyon to OHV use is located in the bottleneck of a critical wildlife corridor. Waterfall Canyon itself is just off edge of the corridor, but all the new and expanded facilities, as well as most of the existing SVRA block the corridor. (See Critical Linkages Habitat Corridors in the Vicinity of Tesla Wildlands, Vollmar; Critical Linkages: Bay Area and Beyond Fig. 136 ICF and Critical Linkages, ICF all three of which are attached.) The DEIR baseline does not even mention this critical corridor. There is no discussion of the impacts of the SVRA on the critical corridor by adding new facilities, expanding existing facilities or expanding public and OHV use to new areas such as Waterfall Canyon.

The DEIR just concludes, with no analysis, that the policies described in detail in Section 4.4.6.1 in Chapter 4 of the General Plan will reduce the impacts, which are not even discussed, to no significant impact. There is no baseline information on how the existing Park impacts the corridors, or how the new and expanded facilities will directly, indirectly or as cumulative impact affect the corridor.

The DEIR again indicates the facilities "will be planned, designed, constructed and maintained consistent with General Plan goals…" and this does not address how corridors are affected by existing facilities or will be affected by the planned facilities and expansion of OHV use to new areas. (2024 DEIR 3.4-9) Again the DEIR ignores that the location of these facilities in the corridor is known, and policies and guidelines based on unknown facility locations are not applicable when the location of the facilities in the corridor is known.

In the environmental baseline description, the DEIR does not discuss the overall value of the Carnegie SVRA as being within an important biodiversity corridor that avoids as critical habitat corridor in the Diablo Range. This was discussed extensively in comments to the 2015 DEIR and was primarily focused on the Tesla Expansion Area *(See* attached Cashen Letter Attached. Pgs 28-29; Critical Linkages and see Critical Linkages Habitat Corridors in the Vicinity of Tesla Wildlands,

Vollmar; Critical Linkages: Bay Area and Beyond Fig. 136 ICF and Critical Linkages, ICF cited above.)

I6-38 (Cont.)

The Bay Area Conservation Lands Network recognized Tesla's importance as a critical linkage, important to maintaining contiguous landscapes of large areas of linked protected lands, namely the critical linkage connecting Mount Diablo with the greater Diablo Range. *(See* Cashen, AR 1621.)

In its abandoned 2005 attempt to update the 1981 General Plan, Parks recognized that Carnegie SVRA sat in the middle of a critical corridor:

> ***"3.4.1.6 Wildlife Movement Corridors***
> A wildlife movement corridor can be defined as a linear landscape feature that allows animal movement between two areas of habitat, or between habitat and geographically discrete resources (i.e. water). Corridors may link two or more large areas of natural open space and are necessary to maintain demographic and genetic exchange between wildlife populations residing within these geographically disjunctive areas. Corridors may also be smaller in scale and function to allow resident wildlife access to necessary resources (i.e. water, food, cover, or den sites) within a large habitat patch, and they may also function as secondary connections to larger corridor systems. These smaller corridors may facilitate the daily movements of individual animals or allow dispersal and genetic exchange for less mobile species. A corridor suitable for large mammals would include cover, free movement passage, and in the case of longer corridors, foraging and water resources. Corridor requirements for smaller mammals, birds, or reptiles may be less stringent. Aquatic species would require a continuous stretch of open water during the movement period. Factors constricting or constraining a wildlife corridor can include incompatible habitats such as urban development; topographical features such as steep slopes; larger waterways, or lakes; lack of cover or resources; or a variety of human impacts such as guard dogs, road traffic, lighting, noise, or human presence,
> The primary onsite wildlife corridor is Corral Hollow, with several secondary movement corridors which facilitate north-south movement located on the project site."
> Recirculated Program Draft Environmental Impact Report (RDEIR) pg. 3.4-26, attached)

The complete lack of any analysis of critical wildlife corridors renders the DEIR inadequate.

3.6 Energy

I6-39

Section 3.6-1 considers "Construction-Related Energy Consumption" and "Operational Energy Consumption". It fails to consider or discuss increased energy consumption due to increased OHV use because of expanded facilities and the opening of additional areas, such as Waterfall Canyon.

OM Guideline 7.4: "Implement the following operational emission reduction measures to help reduce regional emissions" does not include several mitigation measures that should be adopted and added to OM Guideline 7.4. They include:

I6-40

(1) Shut down the Park to OHV use on spare the air days. Since conditions on such days are unhealthy allowing a public recreational activity using engines, including two cycle engines, for recreational use is contrary to public policy. The Park could still be used for non-OHV activity.
(2) Prohibit two cycle engines used for recreational purposes.
(3) Allow only electric OHVs on spare the air days.
(4) Have all routine ranger and law enforcement patrolling done in electric vehicles by 2026.
(5) Have all routine maintenance done by electric vehicles by 2026.
(6) Have all routine maintenance currently done by UTV, or that can be done by UTV, such as routine garbage collection, facilities inspections, restroom and facility cleaning done using electric UTVs.

I6-40 (Cont.)

The "operational emission reduction measures" described in OM Guideline 7.4 lack quantifiable objectives and performance standards. The measure "Replace diesel-fueled maintenance equipment with alternative-fuel equipment (e.g., propane, electricity) when feasible" needs to have a definitive date for this measure to be achieved. Large diesel one-ton trucks with a single occupant are used to pick up bags of garbage, and even Park's maintenance UTVs are not electric. Electric UTVs are routinely used by governmental agencies and for the OHV Division not to be leading the way in this conversion is unexplainable. Regional Air Quality Districts are offering the private sector financial incentives to replace the vehicles Parks continues to purchase and use when electric vehicles would be more effective. Although some law enforcement personnel occasionally use gas ATVs or motorcycles, most patrolling is done in gas or diesel ¾ ton extended cab pickups or SUVs. This is highly wasteful. A measure should be to have all patrolling done in rechargeable vehicles by a date specific. There is no reason routine patrolling and routine maintenance like restroom cleaning, trash pick is not done by electric vehicle. The mitigation measure should include specific deadlines and measures.

I6-41

3.7 Geology and Soils/Paleontological Resources states "This section is supposed to analyze the potential impacts of implementing the Carnegie SVRA General Plan on geology, soils, and paleontological resources."

I6-42

3.7.1 Existing Conditions does not provide baseline information on soils such as current erosion at Carnegie SVRA. Without this baseline information it is impossible to determine whether alternatives such as Shut Down and Closure are environmentally superior or how the proposed project with its increased use might increase that erosion.

Section 2.3.1, "Physical Resources," in Chapter 2, "Existing Conditions," of the General Plan includes a discussion of the existing setting for geology, soils, and paleontological resources. It does not provide baseline information on erosion. GP Figure 2-6 shows vast areas of eroded soil, indicating that the mitigation measures and guidelines are not working.

I6-43

The failure to have sufficient baseline information about erosion and wildlife is necessary to meaningfully consider the Shutdown and Closure Alternative in addition to determining the increased impacts increased OHV use and expanding OHV into approximately 85 acres of Waterfall Canyon will have. Without this information the DEIR is useless as an information document. (See Alternatives and Baseline Comments)

I6-44

The adverse impacts erosion having on Carnegie SVRA was recognized in 2015. "Excessive erosion from trails such as that occurring at the Original Carnegie SVRA can cause amphibian breeding ponds or streams to fill with sediment and/or smother amphibian eggs or result in a shortened hydroperiod resulting in death of larvae before metamorphosis can be completed." (CDFW June 22, 2015, pg. 7, S2-9.) Excessive erosion from OHV riding impacts CRLF and CTS through damage to or destruction of upland habitat, as well as sediment runoff that harms aquatic breeding sites for this species. *(See* Technical Memorandum, pg. 36-37 attached.) I6-45

Some of the Best Management Practices, including those used by the SVRA to reduce or respond to impacts from OHV riding, themselves impact wildlife. (See 2015 Restoration Impact Comments, attached.) The DEIR does not examine the impacts of the BMPs themselves on sensitive wildlife and plant species. For example, sediment basins are used at Carnegie to capture and detain sediment to keep it from flowing into Corral Hollow Creek. Sediment deposition is a function of erosion along the hillsides and bare trails, mostly because of excessive off-road vehicle use. (2005 USFWS Consultation, pg. 3.) These sediment basins create traps for sensitive aquatic amphibians, such as CTS and CRLF, that rely on rare sources of water as central breeding locations for the entire season. *(*Cashen, pg. 30.) Because the basins fill with sediment, the ponds have a shorter hydroperiod relative to other water bodies that are successfully producing new recruits to the population. Further, because they are supposed to drain faster, the basins are more likely to create an ecological trap /sink due to wasted reproductive effort. This point was recognized by DFW in its rejection of CDPR's Streambed Alteration Permit application. *(*CDFW Letter dated March 24, 2014, "Incomplete Notification of Lake or Streambed Alteration Notification No. 1600-2014-0086-R3, ("t]he basins themselves may create a local sink for listed amphibians."); *see also* Technical Memorandum pg. 37-38; Cashen pg. 29-31.) Even if the basins function effectively in detaining sediment movement to Corral Hollow Creek, they may have significant and even catastrophic impacts on the local amphibian populations, by inducing such populations to expend their limited resources in habitat that is ultimately unsuitable for breeding success." Where a local population is so diminished as a result of past poor management, they are at greater risk of entering a demographic vortex, a point of no return toward local extirpation. *(Id.)* I6-46

To keep these basins functioning properly and to keep sediment out of the creek, one of the Division's BMPs is the "removal of accumulated sediment from sediment basins" However, even this removal of sediment itself may have impacts on wildlife. In the 2005 consultation, USFWS found that sediment removal had been suspended in the basins as of September 2002, because of potential effects to the red-legged frog and tiger salamander. (2005 USFWS Consultation pg. 3)

The DEIR relies on BMP to conclude that impacts are reduced to less than significant. No where is there a base line or any evidence that BMPs work, or that BMP can reduce the impacts of new and expanded facilities.

The DEIR inaccurately states "The SVRA is currently closed during and immediately following strong winter storms and closure information is posted on the SVRA website." (DEIR 3.7-6.) The DEIR and GP never quantify any rainfall amount during any time period that requires closure. This appears to be completely subjective and often random. The Corral Hollow creek area, MX tracks, 4x4 area and other areas on the Corral Hollow Creek remain open. There is no logical reason why the streambed areas, which would be equally impacted by OHV and other vehicle use in I6-47

the flood plain and at unprotected streambed crossings would continue to be used. "Strong" winter storms need to be quantified and the areas actually closed need to be described. Is a strong winter storm 1" of rain in 24 hours? Is it 1" in 12 hours? What is a "strong" storm? Why is the flood plain and the unprotected creek crossings not closed during "strong" storm events? (The turbidity and total suspended solids test results would indicate this is an issue.) I6-47 (Cont.)

The DEIR states: I6-48

> "**Soils Guideline 1.4** in Chapter 4 of the General Plan (shown at the end of this impact discussion) limits construction of trails and buildings, depending on the amount of slope. Because steeper slopes are more prone to landslides, adhering to this guideline would help reduce the potential damage if a landslide were to occur. Construction of buildings or other structures intended for human occupancy generally would be limited to locations that are outside mapped landslide areas. If landslide areas cannot be avoided entirely site-specific building placement would be investigated by a licensed engineer, and all construction methods recommended by the engineer would be implemented to ensure public safety. In addition, State Parks personnel would periodically inspect trails that cross through landslide areas, and trails would be maintained and/or closed to preserve rider safety related to landslides as necessary." 2024 DEIR 3.7-6 to 3.7-7

A good example of how this Guideline is inadequate is Waterfall Canyon. Even if landslide potential is created buildings and trials could still be constructed and trial would be inspected "periodically" and trails would be "maintained and/or closed". Not only are these guidelines devoid of performance standards but why deferral to the future to consider the impacts of opening a 526-acre area already at severe risk is not adequate.

"**Soils Guideline 1.1** is to "manage" Carnegie SVRA facilities to meet the current OHMVR Division *Soil Conservation Standard and Guidelines* (Soil Standard) (State Parks 2020). (2024 DEIR pg.3.7-7) The DEIR does not indicate what if any performance standards are required by the Soil Standard, or whether the State has been meeting any objective standard. It is known that Carnegie SVRA has not been managed in compliance with the Soil Standard. I6-49

The BMPs and SWMP are not consistently implemented in compliance with the Soil Conservation Standard and Guidelines at Carnegie. (Leverich-Stillwater pgs. 10-12.) For example, trails have not been adequately inventoried, monitored, or repaired. (*Leverich*-Stillwater June 25, 2015 pg. 3-4) The curtailment of off-trail riding has also failed based on the increase of trail length by 16% between 2012 and 2014. (Leverich-Stillwater June 25, 2015 pg. 3, 9 & 13). Keeping users on designated trails has been ineffective. The DEIR indicates that off trail riding at Carnegie SRVA still continues uncontrolled.

Parks changes the Goal Posts by ceasing to rate all trails and rating only named trails: I6-50

A history of the SWMP is necessary. In 2007, DPR completed the Corral Hollow Watershed Assessment ("CHWA" attached), which provided information on the impacts of off-highway motorized vehicle use on the Corral Hollow Watershed. In December 2007, DPR approved a "Storm Water Management Plan for Carnegie SVRA" ("SWMP 2007") that was intended to reduce sediment and other pollution runoff to insignificant levels. In February 2012, the Central Valley

Regional Water Quality Control Board's ("CVRWQCB") issued a Cleanup and Abatement Order (Cleanup and Abatement Order", attached) as a result of continued unlawful discharges of sediment, metals, and other pollutants into Corral Hollow Creek from OHV riding. The Order found: "Problematic erosion, hydrologically connected roads and trails, gullies, sediment deposits, and damaged riparian vegetation were also observed" (Cleanup and Abatement Order pg. 4)

I6-50 (Cont.)

To comply with the 2012 CAO Order, DPR adopted an updated Storm Water Management Plan ("SWMP 2012") in August 2012. Since the issuance of the 2012 SWMP in August 2012, OHMVR has issued three SWMP reports: 2013, 2014 and 2019 SWMP Reports. The reports indicate that erosion at Carnegie SVRA is extreme.

It should be noted that most of the documents, including any SWMP reports, are not provided in the DEIR, on the Parks website, or readily available to the public. This is also a fatal flaw throughout the process. Without the data that should be in these reports, such as turbidity and TSS for the entire period, and with large gaps in information, it is impossible to evaluate the efficacy of any guideline, plan, policy or BMP. The same is true for trails. Without consistent reporting available to the public, such as consistent methodology for trails rating and classification consistently measured and available, the public does not have the information necessary to evaluate the DEIR or GP.

Parks has changed the goal posts since 2015 by changing the designations. **Parks simply stopped measuring all trails and started measuring only "named trails"**. Parks did SWMP Reports in 2013 and 2014, and then ceased making reports until 2019. No reports after 2019 could be found. They are not referenced in the DEIR and not available on the DEIR website.

I6-51

In the 2014 Management Report, attached, Parks rated 248 miles of trails and only 30 miles in 2029, a virtual abandonment of meaningful trail rating. The 2014 SWMP Report measured **248 miles** of trails. (2014 SWMP Report pg. 57.) Those trails are shown on Map 10 in the 2014 SWMP Report. In the 2019 SWMP Report rated only **40 miles** of trails. (2019 SWMP Report pg.63) Of those 40 miles, only 76% were rated, which means only 30 miles of the 248 miles measured in 2014 was even rated. Even the 2014 trail estimates vastly understated the trails as reports submitted by Connolly Ranch Inc. and Connolly Garamendi LLC show.

This reduction can't be attributed to elimination of trails because no SWMP Report documents closure of trails sufficiently to show closure of 218 miles of trails. Map 7, Annual Trail Evaluations, shows only the main designated "named" trails were rated, and Map 7 itself shows these are only a fraction of the trails and riding areas. (2019 SWMP Report, Map 7, pg. 65) A comparison of Map 10 in the 2014 SWMP Report and Map 7 in the 2019 SWMP Report shows clearly that **218 miles of trails did not disappear, they are just no longer rated**. Just as in 2015, the trails are greatly undercounted:

> "[I]t appears from examination of the rated trails using recent aerial photography and ground reconnaissance that there is no clear distinction between the classifications, as all trails appear to show signs of deterioration and are experiencing soil loss at an unsustainable rate. If this was not the case, the trails would not be visually discernible from the surrounding landscape." (Leverich-Stillwater pg. 4.)

Similarly misleading is the change in the rating protocol. I6-52

> During the evaluation, the BMPs were assigned a condition code: Green+, Green, Green-, Yellow+, Yellow, Yellow-, Red+, Red, and Red-. A "green" rating means the BMP is fully functional and shows no signs of wear. A "yellow" rating means the BMP is still functional but is showing signs of wear. A "red" rating means the BMP is no longer serving its original purpose and needs to be repaired, removed, or replaced. More specifically, **a "red" rating means there is no benefit being realized from the BMP**. The overall result showed **10 percent of the Park's BMPs were not evaluated**, 75 percent were green, 10 percent were yellow, and **5 percent were red**.
> 2019 SWMP Report pg. 69

"Off-trail travel" was added as a category in the Trail Condition Evaluation Key Code. Instead of being rated, if an illegal trail intercepted one of the named trails, this warranted a yellow or red rating. (2019 SWMP Attachment I, Revised Trail Evaluation Form) This means that 15 percent of the named trails were intercepted by one or more illegal trails. Freeride areas were not included. The exclusion of illegal trails was built into the rating system after 2014.

PRC § 5090.35(b)(1) identifies the 2008 Soil Conservation Standard as the applicable state standard governing soil erosion at SVRAs. Section 5090.35(b)(1) requires OHMVR to adopt updated Soil Conservation Standards, which OHMVR did in 2008. Section 5090.35(b)(2)-(3) then requires all further OHV riding meet those soil conservation standards or to close those parts of the facilities where such standards cannot be met. I6-53

> The 2008 Soil Conservation Standard referred to in § 5090.35 is as follows:
>
> Off-highway vehicle (OHV) recreation facilities shall be managed for sustainable long-term prescribed use *without generating soil loss that exceeds restorability, and without causing erosion or sedimentation which significantly affects resource values beyond the facilities*. Management of OHV facilities shall occur in accordance with Public Resources Code, §§ 5090.02, 5090.35, and 5090.53.

Parks operates "red" trails. The rating system indicates red trails are trails where BMPs do not work. This is in violation of the Public Resources Code. It indicates that the Guidelines, including BMP and the SWMP will not reduce erosion to a level of insignificance.

The water guidelines set no objective measurable performance standards. For example, **Water Guideline 2.6** uses vague unquantifiable terms like "improve" and "substantial erosion": I6-54

> **"Water Guideline 2.6**: To reduce erosion and sedimentation, improve areas that have experienced substantial erosion from surface water runoff as determined by annual inspections. Implement rehabilitation concepts for these features as described in the SWMP or subsequent or replacement documents."

The 2019 SWMP Report, attached, also provided data on Turbidity and Total Suspended

Sediments entering the Park on the upstream side and existing on the downstream side. (2019 SWMP Report Map 6) This data remains unanalyzed by Parks because it shows erosion is not being controlled. I6-54 (Cont.)

The foundation of the DEIR, that the SWMP, Soils Standards, CHWA, BMP, WHPP, and HMS somehow are effective and reduce impacts to insignificance are incorrect and contrary to all the evidence. Table 10 in the 2019 SWMP Report has useful information only for 2019. On February 13, 2019 the Corral Hollow Creek (CHC) entering Park, which drains a vast upstream watershed including the Tesla Mine site, had a NTU of 350 and exiting the park a mile downstream of 921 NTU. On March 2, 2019 entering the park the NTU was 35 and exiting the park it was 660. On March 23, 2019 entering the park it was 51 and exiting the park downstream it was 357. The NTU measurements provided would indicate erosion control at Carnegie SVRA is not working, not just on "red trails" but throughout the park. I6-55

Total suspended solids (TSS) is the dry-weight of suspended particles, that are not dissolved, in a sample of water that can be trapped by a filter that is analyzed using a filtration apparatus known as sintered glass crucible. In measurements of mg/L these are shown entering the OHV park upstream and exiting downstream. The results in Table 11 of the 2019 SWMP Report show Carnegie SVRA is contributing greatly to the sediment load in the stream. On February 2, 2019 entering the park it was 572 mg/L and downstream exiting the park was 1,846. On February 10 entering the park TSS was 484 but exiting it was 559. On February 13 it was 137 entering and exiting it was 1,566. On March 2 it was 40 entering the park and 785 exiting. On March 23 it was 69 entering the park and 110 exiting. The unanalyzed data in the 2019 SWMP Report shows that Carnegie SVRA BMP are not working.

Table 11 shows that this sediment is due to sediment being generated upstream of sediment basins, indicating failed BMPs and erosion control above the sediment basin. For example, on December 1, 2018 an astounding 38,280 TSS was measured entering Tyson pond. On that same date 27,026 was entering Carrol Pond and 36,461 when exiting meaning the pond was adding TSS to water. 15,841 was flowing in Kiln Ponds showing upstream erosion control failure.

Table 11, although often incomplete, leaves no doubt here the TSS is coming from. For example, water entering the park upstream on the Corral Hollow carried 572. TSS entering Tyson's pond was 5,563 and exiting to the CHC at 598. TSS entering Carrol Pond was 3,526 and existing to Corral Hollow Creek at 1,127. Kiln Pond had TSS entering at 1,905 and exiting to the Corral Hollow Creek at 1,149. As would be expected, the water exiting the park at Corral Hollow Creek out after collecting this sediment as 1,846. It is not possible to argue based on the data that BMPs, the SWMP or anything else is successfully controlling erosion at Carnegie SVRA. There is no evidence to support the claim that any measure at Carnegie SVRA will reduce an impact to insignificance. There is no evidence that any guideline, BMP or anything else is reducing the impact to insignificance. If other data on TSS and NTU was included in the DEIR or readily available to the reader of the DEIR, then additional analysis could be performed.

Water Guideline 2.8 is ineffective because it does not require "temporary closure of portion of the SVRA based upon condition established by the rain closure policy" but only that Parks "consider invoking" temporary closures. I6-56

All Park's documents seem to be evasive about what objective measurement, if any, requires any temporary closure. (See 2019 SWMP pg. 60) There does not appear to be any objective standard. I6-56 (Cont.)

Soils Guideline 1.1 requires Parks "Manage Carnegie SVRA facilities to meet the current OHMVR *Division Soil Conservation Standard and Guidelines* or subsequent amendments or replacement documents." The DEIR does not indicate that the Soil Guidelines contain any performance standards. There is no baseline evidence to determine if Carnegie SVRA is currently in compliance with the OHMVR *Division Soil Conservation Standard and Guidelines* or whether they are effective if implemented. I6-57

The 2015 DEIR acknowledged the sediment and erosion problem at Carnegie SVRA: I6-58

> "The removal of vegetative cover also would increase erosion potential. In addition, erosion may occur in places where unprotected soil surfaces are exposed to regular or continual disturbance (e.g., OHV use). The degree of erosion that these activities may cause and the resulting amount of pollutants (including sediment) transported would depend on soil conditions, climate, and the frequency and amount of disturbance." (2015 DEIR pg. 3.8-13.)

Like the 2015 DEIR this 2024 DEIR ignores the unavoidable impacts of OHV use and failed policies, plans and BMPs:

> "The draft EIR and General Plan acknowledge the primary pollutant in the Corral Hollow watershed is sediment and that gullies have formed in the planning areas largely because improperly designed trails and stream crossings have modified watershed hydrology. The report prepared by United States Geological Survey (USGS) (Ouran, et al. 2007) describes the effects of OHV activities on soils and watershed function including soil compaction resulting in diminished water infiltration, reduced presence and impaired function of soil stabilizers, and accelerated erosion rates. Additionally, soil compaction may inhibit root growth among plants, in which case organic matter, litter, soil fertility, and vegetative cover are diminished, further exacerbating the soil's susceptibility to erosion. Soil compaction also makes it harder for burrowing animals to construct their burrows." (CDFW June 22, 2015 Letter pg. 7 commenting on 2015 DEIR)

Failed implementation of BMPs and guidelines is shown by direct delivery of excessive runoff of muddy water directly into Corral Hollow Creek. (Leverich-Stillwater pg. 13, Exhibits 10 through12.) In three canyons in Carnegie, Parks 2013 Report shows 400, 1000 and 1500 cubic yards of sediment erosion which represents deliver rates of 300, 900 and 1,000 metric tonnes per square kilometer. The wetter Lagunitas Creek in Marin county averaged 10s to 300 metric tonnes per square kilometer, and the closer and more developed Alameda Creek watershed has an estimated range of 10s to 400 metric tonnes per square kilometer. (Leverich-Stillwater pg.26-27.) Sediment delivery rates from the tributaries draining the existing SVRA area are about ***10 times greater*** than

observed in other topographical and geologically similar watersheds in the central Coast Ranges. (Leverich-Stillwater pg. 27.) Parks 2007 study presented results from an un-validated soil loss analysis performed for portions of the existing SVRA predicted soils loses from 1.7 to 6.9 short tons per acre per year, which corresponds to the sediment removal from the three canyons described above in 2013. (Leverich-Stillwater pg. 26-27.) Excessive quantities of sediment appear to be frequently produced from hillside and tributary erosion in the existing Carnegie SVRA and then released downstream to the mainstream Corral Hollow Creek, based on the information reported in the 2019 SWMP Report discussed above, and when compared to background estimates from other regional watersheds having similar topography and underlying geology, but lack the influence of OHV land use. The DEIR fails to address this condition, particularly with respect to existing conditions in the expansion area, and how the proposed land use and facilities may alter erosion and sedimentation rates with associated downstream effects in receiving waters. (Leverich-Stillwater Pg. 28.)

I6-58 (Cont.)

In 2015 Parks was willing to admit that "Sedimentation is inherent in OHV recreation". Because 1,575-acre Carnegie SVRA has least 0.14 miles of trails per acre, this means that ***there were 44 miles of red trails in Carnegie SVRA in 2015***. (Leverich-Stillwater, AR 5, 1446.) The EIR does not quantify how many miles of these red trails, if any, are closed for rehabilitation. Based on the maps showing red trails it is certain that a majority of the 44 miles are open to the public.

I6-59

If 34% of the trails were in yellow condition in 2015, this means there are almost 75 miles of yellow trails. 54% of the trails in Carnegie SVRA are in red or yellow condition.

In the three-year period between 2012 to 2014 active trails increased 31 miles or 16%. This is a rate of 5.3% year or 10.33 miles per year for the 3 years. This is an underestimate because the maps are flat distances. (Leverich-Stillwater, Pg. 4.) Parks claims that a significant number, 20% of the trails, are "red" which it claims is decrease between 2009 and 2013 (2015 FEIR pg. 7-96, Response, 024-m) This means red trails miles were increasing at a rate of 2 miles per year.

If red trails decreased by 8%, or 17.64 miles between 2009 and 2013, or 3.5 miles per year for 5 years, as Response 024-m indicates, there is an annual net decrease of only 1.5 miles per year in red trails. At that rate, it will take almost 30 years to eliminate red trail riding with red trail riding occurring in the park during that entire period.

Park's solution to this problem is to only measure "named trails" and reduce the measured trails by over 218 miles.

Soils Guideline 1.3 relies on the OHV BMP Manual, but nowhere is there any information to show the OHV BMP Manual practices are followed or effective. There is no discussion about the environmental impacts caused by the BMP, such as cleaning out retention basins which creates environmental sinks, as discussed above:

I6-60

> **"Soils Guideline 1.3:** Incorporate the guidance provided in the OHV BMP Manual [*OHV BMP Manual for Erosion and Sediment Control*] or subsequent or replacement document when planning for the development of new facilities. Select, implement, and maintain BMPs [best management practices], including those designed for stockpiles, during and

after construction activities to avoid soil loss and the potential for resulting air pollution or degradation of water quality."

I6-60 (Cont.)

The 526 acres of Waterfall Canyon to be opened to public use including future OHV use has slopes of 30 to 50% (GP Figure 2-6) The soils shown in Waterfall canyon are shown as "Severe" Off Trail Erosion Hazard with a high runoff potential. (GP Table 2-3) The GP proposes to open this area to public use with mountain bike and OHV trails and there is no analysis of potential erosion impacts. **Soils Guideline 1.4** states:

I6-61

> **"Soils Guideline 1.4:** Use slope to help manage soils. A full range of park facilities may be considered on areas with less than 20 percent slopes. Trails may be constructed (with BMPs) in areas with slopes between 20 percent and 45 percent, but buildings should not be constructed in these areas. **On areas with slopes in excess of 45 percent, trails and park facilities should be limited and serve only the most advanced riders**. Appropriate BMPs should be implemented in each area to manage erosion potential."

The DEIR proposes to open a new 526 acres to public and OHV use with slopes of 50%. The slopes are known today. The proposed use is known today. The fact that the soils are rated as "severe" for off trail erosion is known today. Deferral of what will be an adverse environmental impact cannot be deferred.

I6-62

3.8 GREENHOUSE GAS:

I6-63

The Greenhouse Gas section has the same deficiencies discussed as to prior impacts. They will be summarized here.

3.8.1: EXISTING CONDITIONS:

This section fails to consider greenhouse gas emissions resulting from (1) existing and historical OHV use in Carnegie and (2) existing and historical Parks vehicles. This baseline deficiency makes it impossible to consider alternatives, such as the Shutdown and Close Park Alternative. The Existing conditions analysis does not provide any information or estimates of greenhouse gas emissions at Carnegie SVRA. Without this information the remaining analysis is purely speculation.

3.8.3 Impact Analysis and Mitigation Measures:

I6-64

By too narrowly defining the project as just new facilities and not the continued operation of the park, the DEIR does not consider the impacts of continued gas, both 4 stroke and two cycle, at Carnegie SVRA. (See DEIR Impact 3.8-1) This is a General Plan Update, not just a General Plan for new facilities. (See Project Description and Baseline Comments.) The analysis of section 3.8.3 means that all public OHV use will NEVER have been considered in any greenhouse gas emissions analysis. They were not considered in 1981. If they are not considered in this updated GP, then they will never have been considered. "Fair Share" cannot be considered without information about what the entire park, from all uses, generates.

The methodology was not based on OHV use relative to increased OHV use, but merely an estimate of increased use: I6-65

> "Emissions associated with an increase in visitor attendance were estimated using the maximum projected annual growth rate between San Joaquin County and Alameda County (0.71 percent), historical SVRA attendance records and transportation data collected in online and in-person surveys as part of this EIR, and emission factors obtained from ARB's Recreation Vehicle 2013 (RV2013) model and EMFAC2021. Please see Appendix C of this draft EIR for model details, assumptions, inputs, and outputs." DEIR 3.8-5

Without any baseline information on Greenhouse gas emissions at Carnegie, the DEIR concludes:

> "Implementation of the goals and guidelines under the proposed General Plan would not result in a net increase in GHG emissions or any conflict with a policy or regulation adopted for the purpose of reducing the emissions of GHGs. Park facilities and grounds maintenance activities, as well as the majority of the other programs and plans, under the proposed General Plan have been occurring and presently occur in the General Plan area, and, therefore, are considered part of the baseline conditions for this analysis; as demonstrated in this EIR, they do not increase emissions or conflict with any relevant policy or program. There is **no impact** associated with GHG emissions and implementation of the General Plan goals and guidelines." DEIR 3.8-5

The Goals and Guidelines have no performance standards. I6-66

OM Goal 1: "Provide visitor services and infrastructure that encourage responsible visitor use of Carnegie SVRA and meet visitor needs." This is a meaningless Goal. (DEIR pg. 3.8-7)

OM Guideline 1.2 uses the language **"**Investigate and implement the use of solar and other innovative and renewable technologies to provide electricity at the SVRA" but has no quantifiable measurement. Does this mean a single solar panel?

OM Guideline 1.3 is equally immeasurable and devoid of performance standards:

> **"**Promote opportunities to incorporate sustainability into SVRA development, operations, and maintenance. Sustainability initiatives could include supporting and encouraging the use of electric vehicles, promoting energy efficiency, using reclaimed water, and applying energy efficiency and green building standards to new construction and other initiatives that may be developed in the future." DEIR pg. 3.8-8

As discussed previously, without providing any information on existing baseline operational emissions, Guidelines do not have performance standards. In addition to not having obvious previously discussed objective guidelines, such as not allowing gas engine recreational OHV use on spare the air days, Guidelines such as OM Guideline 7.4 have no performance standards, (DEIR pg. 3.8-9)

As with the 2015 DEIR, the 2024 DEIR uses goals and guidelines with no performance standards to conclude that additional impacts to an unquantified baseline require no mitigation. 3.8-10

I6-66 (Cont.)

3.10 Hydrology and Water Quality

I6-67

As previously discussed, the DEIR does not describe the drainage, hydrology, erosion and sediment transport, stream geomorphology, and water quality in the planning area because they do not describe the ongoing impacts from the Park's operation as an OHV park. As discussed above, the SWMP Report 2019 contains information, but it is not analyzed or utilized in the DEIR. An analysis shows that BMPs and the other Plans and Guidelines have not reduced NDT and TSS in the Corral Hollow Creek. Discussion of non-OHV alternatives is therefore impossible because a real discussion would have to acknowledge the immediate improvement of water quality of OHV use ceased. Erosion, sediment transport and water quality impacts at Carnegie SVRA are significant.

I6-68

The DEIR again relies on the outdated SWMP, BMPs, with no evidence that any have been effective. (DEIR pg. 3.10-5 to 3.10-8) Again there are no performance standards, and it is concluded that with these guidelines of undocumented effectiveness that no mitigation is required.

Impact 3.10-3. Substantial Alteration of Drainage Patterns Resulting in Increased Stormwater Runoff Volumes that would Exceed Stormwater Drainage Capacity or Substantially Increase Downstream Flooding?

I6-69

The DEIR proposes to open approximately 526 acres in a severe erosion potential area to public and OHV use. There is no analysis of this impact. The DEIR acknowledges such impacts could occur: "New and improved trails in the Waterfall Canyon and Franciscan area could also contribute to increased erosion, if unchecked." (DEIR Pg. 3.10-10) The DEIR concludes that the SWMP, which has not provide of Waterfall Canyon, and BMP will reduce the impact to less than significant. This is again reliance on unproven BMP and programs at some point in the future. It is improper deferral.

3.16 RECREATION

I6-70

The DEIR states "This section analyzes the potential impacts of implementing the Carnegie SVRA General Plan on recreation." This is not a correct statement of the issue. Some commentators have also misstated the issue as if impacts on recreational opportunities at Carnegie were a CEQA issue. They are not and this is not a CEQA issue. The questions under Appendix G of the CEQA Guidelines are (1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and (2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? The question as stated in the DEIR is too broad.

The answer to the second question, does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, is yes. The DEIR avoids any discussion of these impacts by concluding: I6-71

> "Environmental impacts related to constructing new and improved visitor facilities are analyzed throughout the various environmental topic specific chapters of this DEIR in conjunction with overall development in the planning area. Where necessary, these chapters include mitigation measures and identify Carnegie SVRA General Plan goals and guidelines that would reduce or avoid the impacts of construction new and improved visitor facilities. Construction of new and improved visitor facilities would not generate any adverse physical impacts beyond those addressed in detail in the environmental sections of this EIR (air quality, biological resources, cultural resources, etc.); therefore, this impact would be **less than significant**." (DEIR Impact 3.16-1, pg.3.16-3)

This incorporation of general guidelines into the GP to reduce all impacts to insignificance is not proper. It avoids real analysis and a mitigation monitoring plan. Worse, the DEIR does not discuss the correct CEQA "recreation" issue.

3.20 WILDFIRE I6-72

THE PLANNING AREA FIRE HISTORY UNDERSTATES AND MISREPRSENTS THE FIRE HAZARD AND FIRE HISTORY OF CARNEGIE SVRA AND IS MISLEADING.

First hazard is a significant adverse impact of the General Plan. Carnegie SVRA is causing OHV caused wildfires almost once a year.

The following is the incomplete and misleading fire history as described in the DEIR which ignores fires started on Carnegie SVRA and the fact that none were stopped by the mitigation measures described in the DEIR:

> "Wildfire records show that, within the last ten years, a large wildfire occurs in or around the SVRA every 3.33 years (DPR and CAL FIRE 2020). Carnegie SVRA has had four major fires in the area. The first being the Corral Fire that started on August 13, 2009, lasting three days and burning 12,500 acres. The second fire was the Tesla Fire that started on August 19, 2015, lasting 3 days and burning 2,700 acres. The Hollow Fire that started on July 3, 2019, lasting 2 days and burning 283 acres (DPR and CAL FIRE 2020). The Santa Clara Unit Lightning Complex fire that broke out in September 2020 denuded a portion of the drainage area of vegetation."
>
> DEIR 3.20-3

This description is particularly misleading by listing only "large" fires and not mentioning fires caused by public OHV use. It is the hazard and risk that needs to be accurately represented, and the hazard and risks are becoming greater.

In the last 10 years there have been **8 wildfires that have occurred on or around Carnegie** SVRA affecting the park, an average approaching one fire per year. **Since 2019 four (4) fires have been started on the Park by motorcycles, an average of almost one park OHV caused fire per year since 2019**. Another fire started near a Park employee residence on the Tesla Park area on the I6-73

I6-73 (Cont.)

west Carnegie SVRA boundary possibly from a bird strike on a power line. **Five (5) of the fires started on Parks property.** The fire history provided in the DEIR ignores that 50% of the 8 fires affecting the park were started by OHV use on the park, and over 60% originated on Park property. It also ignores that fires have become an almost annual occurrence. It is a certainty that Carnegie SVRA will in the future cause a catastrophic fire similar or larger than to the 12,500 acre Corral Hollow Fire resulting in destruction of property, injury or death. Most of the SVRA is rated as high fire hazard, and the park has no policy to close any areas on "red flag" days putting hot air cooled motorcycles in dry brush and grass filled canyons which has resulted in wildfires. This is a particular risk since the Park remains open even when fires have broken out or are occurring.

The detailed fire history is as follows:

August 13, 2009: The Corral Fire burned 12,500 acres. This fire started north of Carnegie SVRA in Kiln Canyon on property then owned by SRI International and burned south and east burning into Carnegie SVRA. No trails or roads on Carnegie SVRA stopped the fire.

August 19, 2015: The Tesla Fire burned 2,700 acres. **This fire started on the Tesla Park area probably from Tesla Road not the Carnegie OHV area, and burned east onto Carnegie SVRA**. It burned into the park and was stopped by fire breaks as shown on photograph August 19 2015 Photo 1, attached. OHV roads and trails did not stop it from entering Carnegie SVRA or burning areas of Carnegie SVRA. The OHV park has no buffers or fire breaks on its boundaries to prevent fire from entering or exiting the park.

July 3, 2019: The Hollow Fire burned 283 Acres. This fire was **caused by a motorcycle** on a trail in Kiln Canyon in Carnegie SVRA. Attached is the "Supplementary Investigation Report" by Russell West dated July 17, 2019 which states:

> "Based on my training, experience, witness statements, and evidence found in the origin area, I believe the Hollow fire was started from a vehicle. The fires origin was located on an off-road trail located in a off-road recreational area. Evidence located in the origin area shows somebody recently was riding an off-road vehicle on an overgrown trail with cured vegetation. A witness statement put an unknown person on a dirt bike in the area of the fire's origin. The exact heat source coming in contact with the vegetation causing the fire is undetermined. I have ruled out all other possible cause for the fire."
>
> Supplemental Investigation Report, Pg. 3

Pictures taken by Parks personnel show the fire burning in Kiln Canyon on the OHV Park where it started. The fire not only started on a road or trial on Carnegie SVRA by a park user, it burned across that road as shown on the photograph attached.

July 16, 2019: A fire **started on Parks property** and burned east and south onto the Franciscan Loop and toward the Connolly Ranch. Photographs are attached showing the fire burning on Carnegie SVRA (July 16, 2019 Photo 1), the large burned area which shows an extensive trail and off trail hill climb area that failed to stop the fire. (July 16, 2019 Photo 2, July 16, 2019 Photo 3, July 16, 2019 Photo 4)

September 2020: The SCU Complex Fire burned within 2 miles of south boundary of Park with Carnegie SVRA used as a Cal Fire staging point. It started at multiple points south of the Park required park closure.

I6-73 (Cont.)

October 18, 2020: a Fire was **started by a motorcyclist** who laid his motorcycle down in the grass in Dead Cow Canyon. (See Carnegie Weekend Report 10/12/2020 to 10/18/2020

May 23 2021 Maintenance Facility fire: In 2021 a **motorcycle started a fire** west of the Maintenance Facility on Carnegie SVRA. Amazingly, while fire trucks were responding and the fire was not under control the park remained open and no efforts were made to evacuate the park. Motorcycles can be seen driving around the fire. (See 2021 Fire Video 1) This fire was also started by a motorcycle in the park. (See May 23, 2021 Investigative Report, attached)

2023 Kiln Canyon & Carnegie Ridge Fire: In 2023 **a motorcycle again started** a fire in Kiln Canyon on an OHV trial in Carnegie SVRA near the Carnegie Ridge Connolly Ranch easement Road. This fire at some points was stopped by fire crews using widened OHV trails as fire breaks. Photographs are attached as 2023 Carnegie Ridge Fire Photos 1 and 2. This fire required helicopters and air crew as well as multiple vehicles responding.

Figure 3.20-2, Fire Hazard Severity Zones shows almost all of Carnegie SVRA as a high fire hazard zone. I6-74

The Management Plan (DEIR 3.20-7) provides no meaningful plans to mitigate the increasing and more frequent threat from wildfire at Carnegie SVRA.

The above fires establish that OHV trails in the high fire hazard zones are occurring more frequently. OHV trails and roads on the park are ineffective in stopping wildfires. The history shows that the 3 wildfires started in the last 4 years were started by motorcycles on trails and roads. Far from being a protection against fire, trails and roads that put OHV users far into the high fire hazard area has increased the risk and frequency of fires.

Expansion of OHV use due to new and expanded facilities, new trails and the opening of the 526-acre Waterfall Canyon Watershed all increase the risk of wildfires which has increased to being an almost annual event when a fire is started in the Park.

The fire history establishes that Carnegie SVRA and its expansion: "Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands". (Section G, CEQA Guidelines, VIII Hazards and Hazardous Materials). It is only luck that the 4 OHV fires started on Carnegie SVRA has not yet caused loss, injury or death outside the Park boundary, but actual injury is not the CEQA test. The project should be considered to have a significant impact on the environment.

Roads and trails increase the risk of wildfires and do not stop wildfires. With no evidence to support its conclusion, the DEIR comes to the opposite conclusion: 'The Carnegie SVRA's existing on-site roads and trail network serve as a firebreak system.' (DEIR pg. 3.20-11) This conclusion is the opposite of what the history proves. I6-75

The DEIR comes to the unsupported conclusion that "Wildfire risks would be offset by State Parks compliance with fire safety and wildfire suppression measures identified in Section 3.20.2 above, including (but not limited to):…" (DEIR pg. 3.20-11) Without addressing the actual frequency and cause of fires, and addressing only construction, the DEIR concludes "…impacts related to the potential for construction of new and improved visitor facilities to exacerbate wildfire risks would be **less than significant"** and "impacts related to the potential for the new and improved facilities to exacerbate wildfire risks would be **less than significant".** (DEIR pg. 3.20-12) I6-76

The DEIR should consider an accurate fire history. Fire hazard risk is a significant environmental impact under the Guidelines and these facts. An accurate description of the fire history needs to be included and used in the alternative analysis, since non-OHV use would reduce the fire risk and in this case 3 of the 4 fires starting on Carnegie SVRA would have occurred. I6-77

Mitigation measures with a mitigation monitoring plan need to be included. At a minimum these need to include (1) buffers prohibiting OHV use inside park boundaries to prevent fires from immediately exiting the park, (2) fire breaks within the park and along boundaries to control fires, not just trails and roads, (3) closure of the park on Red Flag days and (4) a BMP, policy or plan to immediately close and immediately evacuate the Park whenever there is a fire within the Park, when emergency vehicles have to enter the Park due to a wildfire in the park or vicinity, or (5) a wildfire is uncontrolled within 3 miles of the park boundary. The DEIR needs to recognize fire hazard as a significant environmental impact, analyze it, and adopt appropriate mitigation measures. It is not a matter of "if" Carnegie SVRA will cause a catastrophic wildfire, it's a question of "when". I6-78

THE 2024 DEIR IS INADEQUATE JUST AS THE PRIOR 2015 DEIR WAS INADEQUATE IN ITS ALTERNATIVE ANALYSIS

I6-79

Connolly Ranch Inc. and Connolly Garamendi LLC

This is the 4th attempt to approve a DEIR for Carnegie SVRA since 1981. The most recent was litigated with the 2015 DEIR determined to be insufficient and adoption of the General Plan and approval of the FEIR ordered rescinded. That 2015 DEIR is substantially identical to this 2023 DEIR in finding Air Quality as being the only significant impact, using self-mitigating Guidelines with no objective goals and objectives, no Mitigation Monitoring program and insufficient alternatives and alternative analysis. A copy of the Ruling on Submitted Matter Re: Petition for Writ of Mandate, Sacramento County Superior Court Case #34-2016-80002496 is attached to the "Order Granting Petition for Writ of Mandate" ("Order and Ruling") is submitted with this comment.

I6-80

This comment will repeat the court's findings in that prior action identifying the flaws in that 2025 DEIR, then review the similarly flawed provisions in this 2024 DEIR.

RULING IN SACRAMENTO COUNTY SUPERIOR COURT CASE #34-2016-80002496

The Order and Ruling states as follows:

"The DEIR provides that project alternatives were considered,

> [h]owever, implementation of the proposed project... would cause no significant impacts, with the exception of air quality impacts related to operations, which are significant and unavoidable. Therefore no Alternatives exist that could reduce or eliminate significant environmental impacts. However, alternatives were identified that have the potential to minimize at least one less-than significant impact in at least one resource area ... The following two project alternatives are considered in the alternative analysis:
>
> No-project Alternative
> Reduced Developed Use Area Alternative
>
> Under the Reduced Developed Use Area Alternative, developed and OHV uses in the planning area would be restricted to a smaller area ... All goals and guidelines would be implemented as described in the General Plan. *This alternative is considered the environmentally superior alternative given the increased Limited Recreation areas; however, this alternative does not meet the project objectives.* (AR 8248)(emphasis added)

The Court, exercising its independent judgment with regard to Respondents' statutory interpretation finds Respondents have failed to proceed in the manner required by law. Public Resources Code section 5090.02 subdivision (c)(3) **directs Respondents to support *both* motorized recreation and motorized off-highway access to nonmotorized recreation.** The statute does not mandate Respondents to prioritize OHV

use, but rather directs Respondents to strike a balance to support both activities. Respondents have not cited to *any* authority that *prohibits* them from adding acreage to an existing SVRA without including OHV recreation opportunities on the newly acquired acreage or, considering the Carnegie SVRA as a whole, utilizing the additional acreage with a reduced use alternative. Clearly, in the present circumstances OHV recreation opportunities are already available in the Carnegie SVRA, therefore if the Expansion Area includes solely off-highway motorized access to nonmotorized recreation (or, more likely, minimal OHV recreation as was presented in the reduced use alternative) the Carnegie SVRA as a whole complies with the legislative intent concerning SVRAs.

At oral argument, Respondents asserted that they had in fact engaged in the balancing test required by the statutes and that substantial evidence supported Respondents' decision to have OHV activity on the Expansion Area and in rejecting both the Reduced Use Alternative and the No Project Alternative. However, the record and Respondents' arguments concerning their statutory interpretations belie this argument. The administrative record demonstrates Respondents consistently asserted that they did not have the authority to implement a project alternative that did not prioritize OHV use. Accordingly, the Court finds there is no evidence that Respondents *meaningfully* considered the alternatives under the appropriate statutory directives.
The Court finds that Respondents did not proceed in the manner required by law."
Ruling 7-8

I6-80
(Cont.)

ANALYSIS OF THE ORDER AND RULING IN SACRAMENTO COUNTY SUPERIOR COURT CASE #34-2016-80002496

I6-81

The Court found the prior 2015 DEIR, like the current 2024 DEIR identified only air quality as a significant unavoidable impact. Like the current DEIR it had only two alternatives. In the 2015 DEIR the alternatives were the "No-project Alternative" and the "Reduced Developed Use Area Alternative". In the 2023 DEIR they are the (1) "Reduced Emissions Alternative" which is not an alternative but a list of 3 additional air quality management measures (§ 6.21), (2) SVRA Shutdown and Park Closure (§6.22) and the No Project Alternative, which is a continuance of operation of the existing OHV park under the 1981 GP.

The defects in the 2012 DEIR were (1) failure to proceed in the manner required by law as PRC 5090.02(c)(3) directs Parks to support *both* motorized recreation and motorized off-highway access to nonmotorized recreation, (2) prioritizing OHV use rather than striking a balance to support both activities, (3) asserting that they did not have the authority to implement a project alternative that did not prioritize OHV use. As discussed below, Park's repeats these errors.

Here Parks makes the same errors, and some additional ones. First, the alternatives in the 2023 still only meaningfully consider OHV alternatives. Alternative #1, which is not really an alternative, is continued OHV use with additional mitigation measures. The No Project Alternative #3 is continued operation of the Park for OHV use as it is being operated today.

Alternative #2 the "Shutdown and Park Closure" is not an alternative considering non-OHV use, but a bizarre alternative where Carnegie SVRA becomes some kind of ghost town

with no further use, no environmental actions to repair existing OHV damage, no organized shut down and reclassification in the State Park system and no future use of any kind. That is an intentionally inadequate and incomplete description. It is also not legally possible or permitted. It is an alternative intentionally crafted to be rejected. Reclassification of Carnegie SVRA as a Reserve within the State Park system is how this Alternative should be described and considered.

I6-81 (Cont.)

Alternative #2, "Shutdown and Park Closure" would be the environmentally superior alternative because OHV activity would cease. In reality and adequately described, the park would be reclassified as a "Reserve" which is what "Shutdown and Closure" means. Alternative #2 should be correctly described as the reclassification of Carnegie as a "Reserve" with real analysis of the environmental benefits of that reclassification. That analysis would require baseline information on the continuing and ongoing environmental impacts of the park as operated as an OHV park so the benefits of reclassification as a Reserve could be discussed. The alternative that is missing is consideration of Carnegie as a State Park, rather than an OHV park, which discussion is missing from the 2023 DEIR as it was missing from the 2015 DEIR. A real description and analysis of Alternative #2 needs to occur.

I6-82

ALTERNATIVE 1: REDUCED EMISSIONS ALTERNATIVE (§6.21.1)

I6-83

Alternative #1 is not an alternative. It is the GP with the adoption of three "additional air quality management measures". (§6.21.1) This mitigation measures, which should be considered as mitigation measures and not an alternative when lumped together are (1) handing out flyers at the entrance on air quality (OM Guideline 7.2) (2) prohibiting OHVs during high-wind conditions, which conditions are undefined (OM Guideline 7.3) and (3) the vague unmeasurable replacing maintenance equipment when feasible and installing more EV chargers (OM Guideline 7.4) None of these have quantifiable measurable objectives, but even so these mitigation measures are all summarily rejected without any objective analysis or support:

> "Implementation of this alternative would put further restrictions on OHV use in the SVRA and create additional administrative burden on SVRA staff in implementing these additional measures without the benefit of substantially reducing operation impacts further to where they would be below regional exceedance of air quality thresholds. Thus, compared to the General Plan, the Reduced Emissions Alternative would result in **similar impacts** on regional air quality." (§6.21.2)

Handing out flyers, prohibiting OHV activity during high winds and replacing maintenance equipment when feasible and installing EV charges would create additional administrative burdens that outweigh the benefits? No evidence supports this conclusion. These mitigation measures could be, and should be, included and adopted as part of the GP not presented as an alternative, which they are not.

In summary, grouping 3 mitigation measures together to pretend they are an alternative and then rejecting them without any quantitative analysis or support required to consider mitigation measures is not alternative analysis. It's attempting to avoid reasonable mitigation measures by pretending when grouped together they are an alternative.

ALTERNATIVE 2: SVRA SHUTDOWN AND PARK CLOSURE (§6.22)

I6-84

This is an appropriate alternative if discussed as what it would really be and how it would be implemented: reclassification of Carnegie SVRA into a "Reserve". Carnegie SVRA would not be abandoned as ghost town like the original town of Carnegie with the public picking apart and scavenging the buildings and facilities as presented and implied. (The description in the DEIR conjures images of a "Walking Dead" situation where hordes wander the Park.) Parks would still own and protect the property, including all facilities, cultural values, habitat and species and facilities. Parks would have to repair OHV damage done to the habitat. (Abandonment would still be the environmentally superior alternative as the many studies submitted with these comments show to continued operation as an OHV park.) Carnegie would be reclassified in the State Park System for the most protected status for a Park under 5,000 acres: Reserve.

The "Shutdown and Park Closure" alterative is rejected by the DEIR with both illogical assumptions and conclusions based on a vague and inaccurate description not only unsupported by any evidence, and contrary to the evidence that OHV use causes significant environmental impacts.

Shutdown and Park Closure Description is inadequate.

The Description of this alternative is completely inadequate. The alternative as described is contrary to CEQA. It consists of two sentences: "Alternative 2 would aim to further reduce operational emissions by shutting down the SVRA. This would mean that Carnegie SVRA would close and no OHV use or other Park activities would occur." (§6.22.1) A shutdown would not just mean the sudden abandonment of the site and all activity as is to be assumed. Environmental damage caused by over 40 years of use as State OHV park, which the DEIR blames on management in the 20th century, would need to be repaired. (The last 1981 GP and all Park operation for 2/3 of the 20th Century was as a State OHV Park!) CEQA would require that. The land would immediately benefit when OHV use ceases as the biological studies of Shilling and Kupferberg document, but the assumption that the State would just abandon the park like the ghost town of Carnegie was abandoned in 1911 is on its face ridiculous. Would all the buildings be abandoned? Would the trails in need of repair be abandoned to continue eroding? Does no "other Park activities" mean the Park would disappear from the State Park system and its classification system? The DEIR needs to describe what shutdown and closure would be. The description is intentionally unclear and in conflict with how state park land is classified and administered.

A shutdown and closure would logically result in Carnegie being reclassified as a "Reserve" which would protect **ALL** of its cultural, biological and other resources. This is discussed in more detail below.

A reader of the DEIR cannot make an informed decision about this alternative because it is named and described in a negative manner ("Shutdown and Park Closure") rather than

"Reclassification to Reserve", or some other classification, which would have very positive conations. The alternative is intentionally misnamed and inadequately misdescribed. I6-84 (Cont.)

The inadequate Baseline and information on existing OHV impacts makes consideration of this alternative impossible. I6-85

The most basic problem in the analysis of this alternative is that the 2023 DEIR provides no baseline information on the impacts of OHV use at Carnegie SVRA. (See Baseline Analysis Comments). Without baseline information about erosion, water quality impacts, wildlife, biological and habitat impacts, or any impact caused by 40 years of State OHV use, it's impossible to determine the benefits of shutdown and park closure. The DEIR does not provide the baseline information to compare continued operation versus Shutdown and Park Closure, or reclassification. It's impossible determine the benefits of shutdown and closure if the impacts of Carnegie SVRA, not just of the facilities and new areas to be opened, are unknown.

Programs are not environmental conditions. I6-86

The 2023 DEIR confuses programs with environmental conditions. Programs, plans, conservation and restoration efforts are not environmental conditions. Discontinuing a program, plan or efforts is not an environmental impact. It may mean a Park employee has to find another task or new employment, but it is not an environmental impact. What is even more illogical, is that the programs to be discontinued are only necessary because of OHV use. If OHV use is discontinued, and the Park not just abandoned like an old west ghost town, there would be no need for these programs all necessary to deal with the significant adverse impacts of OHV use. This confusion in the DEIR is clear:

> "For example, if the SVRA shut down, biological resources, including conservation and restoration efforts, would no longer be managed and the wildlife habitat protection plan would not be implemented. Similarly, cultural resources would no longer be managed or protected. Additionally, geology and soils and hydrology and water quality could be negatively impacted due to lack of implementing the soils management plan or the stormwater management plan." (§6.22.2)

The lack of logic and support in the record for the above is breathtaking. These plans (Storm Water Management Plan, HMS, WHHP) were and are only required because of severe adverse impacts of OHV use. None of the surrounding Connolly Ranch, Connolly Garamendi, Corral Hollow Ranch or other surrounding thousands of acres requires any such intensive management. There is NO evidence to support the assumption that cessation of OHV use would negatively impact geology, soils, hydrology and water quality. All evidence is to the contrary: shutdown and closure would have an immediate positive impact on each of these. This is demonstrated by the biological studies submitted with these comments showing the contract between Carnegie SVRA and the adjoining property.

Unless the State abandons the SVRA like Chernobyl, some conservation and restoration efforts would continue. Unless the Parks sells the property, it will be reclassified in the State I6-87

Park System. The assumption that Carnegie SVRA would be abandoned if it were to be shut down and closed is ridiculous. Carnegie would be reclassified in the Park System as a "Reserve". As a Reserve all of the resources would be protected. It could be reclassified as a "Historic Park". This two-sentence alternative is intentionally inadequate. I6-87 (Cont.)

Once the park is restored, biological resources would no longer need to be managed and a wildlife habitat protection plan would not need to be implemented as none is necessary to protect biological resources from the OHV use, which is the only reason a wildlife habitat protection plan is necessary in the first place.

No "soils management plan" or "stormwater management plan" would be necessary in the absence of OHV use once restoration is completed. Restoration is by definition restoration to the properties natural condition. Property is never restored at Carnegie as it is soon afterward reopened to OHV use and the damage commences again.

In 2007, DPR completed the Corral Hollow Watershed Assessment ("CHWA"), which provided information on the impacts of off-highway motorized vehicle use on the Corral Hollow Watershed. (CHWA, attached) In December 2007, DPR approved a "Storm Water Management Plan for Carnegie SVRA" ("2007 SWMP") that was intended to reduce sediment and other pollution runoff to insignificant levels. (SWMP attached.) In 2009 the OHMVR Division had a scientific peer review performed of the HMS and WHPP process. (HMS Peer Review, attached to Impact and Mitigation Analysis) I6-88

In February 2012, the Central Valley Regional Water Quality Control Board's ("CVRWQCB") issued a Cleanup and Abatement Order No R5-2012-0700, State of California, Department of Parks and Recreation, Carnegie State Vehicular Recreation Area Alameda and San Joaquin Counties as a result of continued unlawful discharges of sediment, metals, and other pollutants into Corral Hollow Creek from OHV riding. ("Cleanup and Abatement Order" attached.) The Order found: "Problematic erosion, hydrologically connected roads and trails, gullies, sediment deposits, and damaged riparian vegetation were also observed" (Cleanup and Abatement Order pg. 4)

To comply with the 2012 CAO Order, DPR adopted an updated Storm Water Management Plan ("2012 SWMP") in August 2012. ("SWMP 2012" attached.) Since the issuance of the 2012 SWMP in August 2012, OHMVR has issued SWMP reports in 2013 SWMP (2013 SWMP Report attached) 2014 (2014 SWMP Report, attached) and 2019, also attached. It does not appear that any further SWMP Reports were done after 2014 other than one in 2019 based on the DEIR and what is available in the public domain and from Parks.

The history recited above, and the Plans, Orders, and Reports, establishes that the programs that would be in theory be discontinued are themselves only necessary to because of OHV use. Additionally, most are outdated with no current information provided in the DEIR about these base line impacts. As the many studies and comments indicate (Kupferberg, HMS Peer Review, CDFW and USFWS) Parks collects data, but then does nothing with it.

Cultural Resources

I6-89

The illogical and legally incorrect assumption in rejecting this alternative is that cultural resources would no longer be managed or protected. If the park is shut down and closed by that very act cultural resources would no longer be subjected to abuse and destruction by the public. Cultural resources would still be protected unless the State removes it boundary fences and no longer prevents trespass. (This assumes the park is not abandoned like the original town of Carnegie where the machinery was salvaged and shipped out and some structures blown up, or a "Walking Dead" closure occurs.)

Additionally, Parks has an obligation to protect cultural resources regardless of the classification of the property. This should not be an issue in dispute based on the goals, purposes and objectives of the Department of Parks and Recreation which would apply to any property owned by the State and managed by that Department.

Non-OHV Alternatives must be considered.

I6-90

The DEIR incorrectly and inconsistent with the Order and Ruling cites PRC § 5090.32, 5002.2(b), the "SVRA Vision" and PRC § 5006 (it was purchased with OHV Trust funds) and PRC § 5006.48 as a basis to reject this alternative. This was rejected in the Ruling on the 2013 DEIR:

> "The Court, exercising its independent judgment with regard to Respondents' statutory interpretation finds Respondents have failed to proceed in the manner required by law. Public Resources Code section 5090.02 subdivision (c)(3) **directs Respondents to support *both* motorized recreation and motorized off-highway access to nonmotorized recreation.** The statute does not mandate Respondents to prioritize OHV use, but rather directs Respondents to strike a balance to support both activities." Ruling 7
>
> "However, the record and Respondents' arguments concerning their statutory interpretations belie this argument. The administrative record demonstrates Respondents consistently asserted that they did not have the authority to implement a project alternative that did not prioritize OHV use. Accordingly, the Court finds there is no evidence that Respondents *meaningfully* considered the alternatives under the appropriate statutory directives.
> The Court finds that Respondents did not proceed in the manner required by law."
> Ruling 8
>
> This 2023 DEIR makes the same error as the 2015 DEIR.

Recreation is not an environmental impact.

I6-91

The DEIR incorrectly equates "recreation" in general as an environmental impact. It is not. DEIR measure impacts on the environment, not losses of recreational opportunities. This

equating of "Recreation" as an environmental impact is shown in the following two statements from the DEIR:

I6-91 (Cont.)

> "Alternative 2 would be a significant and ***unavoidable impact to recreation*** as it would be a complete loss of a SVRA.
>
> Thus, compared to the General Plan, the SVRA Shutdown and Park Closure Alternative would result in similar impacts on regional air quality and would create a ***significant unavoidable impact on recreation***." (§6.22.2)

First, there is no such thing in CEQA as a "significant unavoidable impact on recreation". Second, it may be a loss for OHV recreation, would not be a loss to recreation. If Carnegie SVRA were reclassified as a "Reserve" or a "State Park" it would offer great recreational opportunities without almost all the erosion, air quality, water quality and other impacts. Case law is clear that a social effect, such as on recreational opportunities, is not a CEQA issue:

> "As these quotations demonstrate, the impacts of closing the Stock Farm and building homes in its place are psychological and social—not environmental. CEQA does not apply to such impacts. "Economic or social effects of a project shall not be treated as significant effects on the environment." (Cal. Code Regs., tit. 14, § 15131, subd. (a).) "CEQA addresses physical changes in the environment, and under CEQA 'economic and social changes resulting from a project shall not be treated as significant effects on the environment.' " (*Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019, 100 Cal.Rptr.2d 413 (*Friends of Davis*).)"
>
> *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 566

> "CEQA addresses physical changes in the environment, and under CEQA 'economic and social changes resulting from a project shall not be treated as significant effects on the environment.' " (*Friends of Davis, supra,* 83 Cal.App.4th at p. 1019, 100 Cal.Rptr.2d 413; Guidelines, §§ 15064, subd. (e); 15382.) "Economic and social changes resulting from a project are not treated as significant environmental effects [citation] and, thus, need not be mitigated or avoided under CEQA." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1516, 258 Cal. Rptr. 267.) "The focus of the analysis shall be on the physical changes." (Guidelines, § 15131, subd. (a).)"
> *Preserve Poway v. City of Poway* (2016) 245 Cal.App.4th 560, 575

It should be noted that some commentators to the NOP and NOA raised the issue of OHV users as being underserved, or social impacts on that form of recreation could be adverse. That is not a CEQA issue, and to the extent the DEIR treats recreation impacts as CEQA issue as it does that is error.

As discussed in the Impact and Mitigation Comments, the correct questions related to recreation under Appendix G of the CEQA Guidelines are (1) Would the project increase the use

I6-92

of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and (2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? The question as posed in the DEIR is neither of these and is too broad. I6-92 (Cont.)

In summary, the DEIR intentionally misnames, mischaracterizes, inadequately describes and misrepresents the "Reclassification" alternative as a "Shutdown and Park Closure" alternative. Even then the DEIR rejects the alternative with illogical and flawed analysis not based on substantial evidence. The impact on recreation is not a CEQA impact. The DEIR needs to meaningfully consider the reclassification as a Reserve, or State Park, of Carnegie SVRA rather than the intentionally flawed "Shut down and Closure". Parks is attempting to circumvent the Order and Ruling by still presenting ONLY OHV alternatives by making only a token and intentionally flawed effort to consider none OHV alternatives. I6-93

ALTERNATIVE #3: NO PROJECT ALTERNATIVE (§6.23)
Project Description (§6.23.1) I6-94

The description of the "No Project" alternative cannot be understood. It is clearly just a continued OHV alternative.

The "No Project" alternative indicates: "The No Project Alternative would keep the previous 1981 General Plan in place with all of its goals and policies and the additional acreages as it relates to State Park use." What are "*additional acreages as it relates to State Park use*"? What additional acreages? The reader can only guess at that this means but it means some undescribed "additional acreages". This also seems to imply that operations would continue as they are today, but this assumption is not consistent with the description later that some protections currently in place would disappear. I6-95

This section illogically states: "It is assumed that the existing patterns of operation and management would continue, and recreational and operational facilities **could be implemented** as described with the 1982 General Plan." (Section 6.23.1, pg. 6.24-4) Nowhere in the DEIR is it described what "…recreational and operational facilities **could** be implemented as described in the 1981 General Plan" since that would imply that some facilities described in the 43 year old 1981 GP were not constructed, otherwise the word "could" would not be used. The reader is left to guess what the 1981 GP could allow to be implemented that has not in the past 43 years. The DEIR needs to describe what "management policies" would be abandoned, and the impact of such abandonment. It does neither. I6-96

The reader is left to guess what goals and guidelines of the 1982 General plan remain to be implemented, or how implementation would be difficult due to undisclosed polices enacted since 1981: I6-97

> "The No Project Alternative, which would continue to follow the management goals and guidelines within the original General Plan approved in

1982, would be difficult to implement due to the extensive policies that California State Parks has enacted since its approval."
DEIR 6.24-4

I6-97 (Cont.)

This GP is described as being an abandonment and rollback of some protections, but the reader is left to guess as to what protections:

"Many of the management actions that would protect, preserve, and restore natural, cultural, and other sensitive resources that have been identified for the General Plan would not be in place to guide the stewardship of the Park's resources." DEIR 6.24-4

Almost all the BMP and Plans (SWMP, WHPP, HMS, etc.) are in theory in place today as is the 1981 GP. Which of these would somehow disappear? Would the SWMP and annual reports required due to earlier violations and impacts cease?

The DEIR does not explain to the reader that the 19891 GP has not been followed, leading the reader to assume that looking at the 1981 GP the assumption can be made that that is what will continue. The 1981 GP has not been followed. (See 2015 Failure to follow 1981 G Comments, attached) What exists on the SVRA today is NOT what was described in the 1981 GP, again highlighting the failure to provide any meaningful baseline description. (See Baseline Comments) A copy of the 1981 GP is attached to these comments. ("1981 GP")

This section states: "Many of the management actions that would protect, preserve, and restore natural, cultural, and other sensitive resources that have been identified for the General Plan would not be in place to guide the stewardship of the Park's resources." The reader can only guess about what "management actions" currently in place would be abandoned. If management practices are to be abandoned, then this is not a "No Project" alternative.

I6-98

The insufficient baseline description including the existing plan, policies, BMPs and here effectiveness makes it impossible. To determine what the impacts or benefits of a no project alternative would be (if that is continue operation of the park as it is being operated, or worse with the abandonment of "management practices") the current impacts must be known. It is impossible to determine the impacts of the "no project" alterative without knowing the impacts on soil, hydrology, species, habitat, noise, etc. of the existing project, not just descriptions of policies, guidelines, BMPs and plans.

Impact Evaluation (§6.23.2)

I6-99

The DEIR is misleading and incomplete in blaming "policies that now exist" as the reason the facilities described in the 2023 GP and EIR "would be difficult to implement". It is not just that the facilities would be difficult to implement. Implementing them would violate the Ruling and Order. The facilities described and planned in the GP and DEIR are prohibited by Ruling and Order. The Order Granting Petition for Writ of Mandate ordered:

"Suspend all activity associated with the implementation of Resolution 04-

I6-99
(Cont.)

> 2016 that could result in any change or alteration to the physical environment until Respondents have brought the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with the requirements of CEQA." Order and Ruling 2:3-7

In the prior action, Eduardo Guaracha, District Superintendent, stated in a Declaration under penalty of perjury to the court in response to the Order and Ruling that he issued a "…September 14, 2021 directive to Carnegie SVRA Staff regarding compliance with the Court requirements, as I understand was previously filed with the Court". (Guaracha Declaration, attached) The Guaracha directive states:

> "Based on the above court language, Carnegie SVRA staff shall refrain from activity associated with implementing Resolution 04-2016 *that could change or alter the physical environment until the CEQA compliance is corrected.* To put it more plainly1 in terms of development, *staff must maintain the status quo conditions at Carnegie SVRA so that park development remains generally the same as before the Commission approved the 2016 General Plan Revision, until the corrected CEQA process is completed.* Maintaining the status quo development as it was prior to the 2016 General Plan Revision means different things for the two sides of Carnegie SVRA as detailed below."
>
> **"Guidance on Maintaining the Status Quo on the Original Carnegie:**
> For the 1575-acre portion of Carnegie SVRA referred to as the Original Carnegie, maintaining the status quo conditions generally means continuing to manage the Original Carnegie in the same fashion aa prior to the October 2016 approval of the General Plan Revision. The 1981 General Plan, as augmented by *subsequently developed resource and management plans that preceded the 2016 General Plan Revision, will serve as the management framework for the park until the CEQA correction for the :2016 General Plan Revision is completed.* Broadly speaking, Carnegie SVRA staff shall manage the Original Carnegie as follows until the CEQA correction is completed:
>
> *New recreational facilities on the Original Carnegie shall not be developed,* except that staff can continue to implement the Resource Management Area (RMA) rehabilitation projects, which are independently justified projects that do not depend on the 2016 General Plan Revision, and which have their own environmental review and permits where necessary, except:
>
> • Staff shall refrain from constructing new OHV trails within Zone 3" as defined by the 1981 General Plan even when these areas are within an RMA." (Guaracha Declaration, Exhibit A)

The DEIR is intentionally misleading in indicating some undescribed difficulties in implementing policies is responsible for the need for this 2023 GP and DEIR. A court order prohibits the GP facilities without CEQA compliance.

The implication is again made that the No Project alternative means abandonment of undescribed policies: I6-100

> "The No Project Alternative, which would continue to follow the management goals and guidelines within the original General Plan approved in 1982, would be difficult to implement due to the extensive policies that California State Parks has enacted since its approval. These policies provide a multitude of measures to protect resources within the Park and all other parks managed by State Parks." (§6.23.2)

The DEIR needs to describe the goals and guidelines that would be difficult to implement and why. For example, in 1995, the OHMVR belatedly designed a Wildlife Habitat Monitoring System ("HMS") for Carnegie SVRA pursuant to § 5090.35(c) which requires an inventory of wildlife populations and their habitats, with the first HMS report issued in 2003. (AR 43491 *et seq*) Would this be abandoned? (This information should also be in the base line.)

In 2001, DPR belatedly prepared a Wildlife Habitat Protection Plan ("WHPP") as required by Public Resources Code § 5090.35(c) (WHHP attached) designed to assist in maintaining and protecting current wildlife populations and their habitats. (WHPP pg. 1). The WHPP was intended as an adaptive management program based on HMS monitoring of plants and wildlife. (WHHP pg. 1) Is this what is referenced as a plan that would be abandoned?

The DEIR creates more mystery making the following statements: I6-101

> "Based on the policies that exist now, many of the recreational and operational facilities upgrades or constructions proposed in the General Plan would be difficult to implement. The main reason that a revision to the previous General Plan was determined to be necessary, was because it was outdated, not compatible with current policies, and does not adequately address current resource issues." (§6.23.2)

The "many of the recreational and operational facilities upgrades or constructions proposed in the General Plan would be difficult to implement" not just due to policies but due to court order. The "main reason" for the update is the court order, but what makes the 1981GP "not compatible with current policies" and how it does not "current resource issues" is unexplained. This is a complete lack of information and analysis.

Lack of adequate Project Description and baseline and inconsistency in DEIR makes consideration of this alternative impossible. I6-102

To analyze the alternative of continuing to operate the park under the 1981 GP, which is what this alternative appears to be, the ongoing impacts of the Park operation must be known. As discussed in other comments and above, it is necessary to have data on wildlife impacts from 1981 to the present, water (turbidity and total suspended solids) for all periods available from 1981 to the present, as examples. Much of this is not available if it exists at all since it data is inconsistently collected and not used or analyzed.

This alternative also highlights an inconsistency in the DEIR. The GP is for continued operation of the OHV Park, not just for new and expanded facilities. As discussed, the DEIR too narrowly considers only the impacts of the new and expanded facilities. I6-103

ENVIRONMENTALLY SUPERIOR ALTERNATIVE (§6.24) I6-104

The DEIR summarily concludes with no analysis that the General Plan is the environmentally superior alternative. Logic, common sense, and all the environmental evidence and analysis indicates that "Shutdown and Closure" would be the environmentally superior alternative. This would be a reclassification of Carnegie SVRA to a "Reserve" classification, or even a State Park alternative. To conclude that an expansion of the acreage open to the public and to future OHV use, and a massive expansion of facilities is environmentally superior to closure and shutdown is ridiculous on its face. The DEIR needs to recognize the significant unavoidable environmental impacts of the continued operation of Carnegie SVRA, consider meaningful mitigation measures implemented with a mitigation monitoring plan, and weight the project against the environmentally superior alternative of reclassification of the park as a Reserve.

OTHER ALTERNATIVES I6-105

A "no project alternative" appears to be is a continuation of the status quo but what policies, guidelines and plans would remain implemented is uknown. The baseline information is completely missing to evaluate that alternative. To know the impacts of this alternative, the impacts of the existing operation must be known. They are not disclosed in the 1981 GP They are not disclosed in this DEIR. The failure to provide the impacts of the existing operation dooms any alternative analysis. The DEIR needs to provide baseline impact information and information as how effective the current BMP, Guidelines and policies are before any alternative analysis can occur.

The grossly defective "Shutdown and Park Closure" alternative needs to be discussed as an actual "Shutdown and Park Closure" and describe what that is. Is it somehow abandoning the Park? Is it restoring the park and selling the property? Is it reclassifying the property as a "reserve"? Connolly Ranch believes the "Shutdown and Park Closure" means reclassifying the Park as a reserve and suggesting the "Shutdown and Park Closure" alternative be identified and analyzed as such. I6-106

As described in the Ruling and Order, alternative uses to OHV must be considered. Non-OHV activity could be considered for the entire park, or parts of it. Historic or preserve or other classifications within the park could be included in a plan. This could be included to provide mitigation for ongoing and future environmental impacts. Portions of the park, without expansion, could be set aside for alternative uses such as hiking or biking.

Portions of the park such as high fire areas could be closed during the fire season. The park could be closed during the rainy season when erosion and water impacts occur. The park instead of being open 7 days a week could be opened only seasonally when impacts are minimal. I6-107

CEQA requires a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts. (§ 21002; Guidelines, § 15002(a)(3); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) "[T]he core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at 564) Guidelines § 15126.4 requires that the Final EIR describe all feasible measures that can minimize significant adverse impacts of the project. CEQA does not allow an agency to defer analysis of impacts and mitigation measures. (Guidelines, § 15126.4(a)(I)(B).) The alternatives analysis in the 2024 DEIR appears to create alternatives that are so incomplete and inadequately described as to make feasibility analysis impossible. I6-108

The 2024 DEIR like the 2015 DEIR characterizes OHMVR's authority as limited to operating OHV Parks without acknowledging its authority to oversee sensitive areas as natural preserves or to designate the area for non-motorized recreation. (§ 5090.43(c).) OHMVR, as the lead agency does not lack discretion to approve a GP that does not involve off road vehicle recreation. (§ 5090.43(c); *see* 8260, 8517.) It needs to consider such an alternative. I6-109

BASELINE COMMENTS

Connolly Ranch, Inc. and Connolly Garamendi LLC

I6-110

The Baseline in this case is particularly important because the need to know the impacts of the existing OHV activities which is necessary to analyze the Shutdown and Closure Alternative, which if properly described would be a reclassification to Reserve Alternative, as well as other alternatives. Without an adequate description and baseline, which includes information on existing impacts, such as noise, erosion, water quality impact, impacts on wildlife, species and impacts, it is impossible to conduct any meaningful alternative analysis.

Without baseline information on environmental impacts its impossible to determine if the Guidelines, BMP, SWMP, HMS, WHPP or any of the other plans, policies and programs have been effective or will be effective to reduce impacts to insignificance eliminating the need for mitigation as the DEIR concludes on almost every impact. Most importantly, without a baseline that describes the impacts of the existing park, the reader has no information to make any informed decision on any issue. For example, the GP and DEIR are devoid of photographs of Carnegie SVRA even on issues like aesthetics. HMS reports don't' appear to have been done for many years, with indication they will be done in the future, although the DEIR implies they are ongoing. SWMP reports ceased in 2014 with the exception of 2019, at least as can be determined by searches outside the DEIR. Information and data, both for the HMS, WHPP, and SWMP reports is collected sporadically and not analyzed or used in implementation Such necessary information is not contained in the DEIR.

I6-111

This is called a General Plan "Update" which is supposed to update a 43-year-old 1981 GP. To be an "update", the reader of the description needs to know what has occurred between 1981 and 2024. The reader would assume incorrectly that the baseline today is what is described in the 1981 GP, but that is grossly incorrect. There are entire facilities such as 4x4 recreation area that don't exist in the 1981 GP were built. Reading the 2024 GP and DEIR it would be assumed that since 1981 the Park has been operated with erosion controlled by trails only use, BMP, the SWMP and the WHPP monitored by the HMS and updated by Adaptive Management. All that would be false. To be an "Update" the DEIR needs to describe the actual condition of the Park and ongoing operations, for example how many trails are rated red, yellow or green and how has that changed? (This trail classification issues is discussed in detail in the Impacts and Mitigation Comments.) Has there been a deterioration of important infrastructure, like the Connolly LWC, other streambed crossings and other infrastructure that protects streambeds. (This is also discussed in a separate Comment in more detail.) In almost no respect is the Baseline description adequate to inform the reader of the condition of the park and the impacts it is causing today.

I6-112

An EIR must adequately describe the environmental setting where the project is located. *San Joaquin Raptor v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722-723. *Friends of the Eel v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 874. The EIR fails to adequately describe the environmental baseline in the existing CSVRA as it existed at the time of DEIR preparation. (*See also Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 125 ("As a general rule, baseline determination is the first rather than the last step in the environmental review process."

The baseline must include a description of the current state of the environment in the existing CSVRA. I6-112 (Cont.)

As noted in *Communities For a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 124, "the relevant question...is not how the effect of the project at issue compares to the preexisting cumulative effect, but whether "any additional amount" of effect should be considered significant in the context of the existing cumulative effect." Without knowing current noise impacts, it is impossible to make the determination as this DEIR does that cumulative noise impacts will be insignificant. Without knowing the condition of trails in Carnegie SVRA including the erosion they generate and the effectiveness of the measures to control erosion, it is impossible to know the cumulative effect of opening approximately 85 acres to mountain bike and OHV use. I6-113

Finally, the failure to address the environmental effects already caused by OHV recreational uses at Carnegie as part of the environmental baseline skews the EIR's impact and alternatives analysis. Under this framework, any additional substantial contribution to these existing impacts must be considered significant. (*See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 718. I6-114

There are two significant consequences from the EIR's failure to provide baseline information regarding environmental baseline for the project area. First, as discussed, the ongoing and future Carnegie operations are part of the project being approved in the General Plan and the ongoing effects of that operation will continue in the future. By failing to disclose or discuss the ongoing impacts of this operation, as part of the Project baseline, the EIR fails to present an accurate baseline of ongoing effects to which the additional significant impacts of expansion of OHV use into new areas, like Waterfall Canyon, and expansion of facilities to accommodate planned additional park use. Second, OHMVR's relative success or failure at controlling the significant adverse effects of OHV riding at Carnegie over the last two decades is critically relevant to the DEIR's evaluation of whether Parks will be able to avoid significant environmental impacts from riding in the future, especially given that the Plan is relying on BMPs, guidelines, plans and programs. The failure to discuss these ongoing impacts at the SVRA as part of the project baseline is contrary to CEQA. *(See Friends of the Eel, supra,* 108 Cal App.4th at 874 (the "EIR omits a meaningful discussion of the conditions in the northern part of the water supply system: Most notably, the diversion of Eel River water to the Russian River, the impact these diversions have had on salmonid species in the Eel River, and the proposals pending before FERC to curtail Eel River diversions in order to protect these species."); (Guidelines, § 15125(c).) I6-115 I6-116

The failure to provide an adequate baseline and project description skews the entire analysis of the DEIR. The following are only a few examples.

WILDLIFE BASELINE ANALYSIS I6-117

The differences between wildlife abundance on Carnegie SVRA and adjoining undisturbed land is dramatic and documented in other comments submitted by Connolly

Ranch, Inc. and Connolly Garamendi LLC. The Baseline presents an incomplete and misleading picture of wildlife, habitat and species. I6-117 (Cont.)

The Baseline does not discuss habitat abundance. (See Technical Memorandum, Cashen, 2015 Baseline Comments, HMS Peer Review) Although the DEIR provides some basic information on whether species are observed on Carnegie SVRA, it provides no information beyond that. As discussed in other sections, Carnegie SVRA operates as an environmental sink or trap. The project description and baseline information are insufficient to inform the reader.

FAILURE TO DESCRIBE THE EXTEND OF OHV USE OR EXISTING TRAILS I6-118

The GP and DEIR represent that only one new trail will be created under the GP. There is no meaningful information on existing trails in Carnegie SVRA. Since trails and OHV use cause impacts, as discussed in other sections, it is impossible to know the impact of existing trails, the impact of new trails, or what the impact of increased use.

The location and density of existing OHV trails in the CSVRA are grossly under-represented in the 2015 GP and the 2024. (*See* 2015 GP Figure 2-1. Surrounding Land Uses, 2024 GP Figure 2-1, Surrounding Land Uses, both attached, Leverich-Stillwater pg.3.) In contrast, DEIR Figures 2-2, 2-3 and GP figures 1-2 in the 2024 DEIR still shows the extensive off trail riding. It shows almost no trail system at all. In both General Plans the failure to accurately describe the extent of OHV use substantially biases the associated environmental analysis of Project effects on physical resources by implying that Waterfall Canyon will similarly host an unrealistically low density of OHV trails once OHV use commences there, or that a single trail will remain a single trail, consistent with the OHV use designations (zoning) contained in the RGP. This issue is significant because adverse effects with respect to runoff, erosion, and sedimentation processes are considerably greater with a broader and denser network of OHV trails. (Leverich-Stillwater June 25, 2015, pg. 3.) I6-119

The GP map (Figure 2-1) does not depict the full extent of the existing trail usage, which in places exceeds the 'marked' trail by multiple factors. (See 2015 GP figure 2-1, 2024 GP Figure 2-1.) Overlaying GIS photos of the actual trails being used over the DEIR's photo shows that there are many more trails than are presented in the DEIR. (Leverich-Stillwater June 25, 2015, Exs. 1-4, pg. 3-10.) These frequently unsustainable red and yellow rated trails – have created large areas denuded of vegetation, with bare soil exposed. In these areas, further damaging erosion and sedimentation are inevitable results. (Leverich-Stillwater June 25, 2015, pg. 3; Grassetti, pg. 1-4.) I6-120

"Red" trails have trail failure, considerable damage in connection with eroded soils, vegetation damage, are not sustainable, in need of restoration and should be closed. (AR 863, Leverich-Stillwater June 25, 2015, pg. 3.) "Yellow" trails are trails with water features or trail tread show signs of deterioration. (Leverage-Stillwater June 25 2015, pg. 4.) Red indicates soil loss at an unsustainable rate and repair, or closure is needed. (Example photograph, Exhibit 7, Leverage-Stillwater pg. 9.) Pursuant to § 5090.35, red trails are to be closed until restored to sustainable condition. I6-121

The location and density of existing OHV trails are grossly unrepresented. The great difference between reported trail locations and overall density is shown on Exhibit 4 to the Stillwater Sciences Comments (Leverage-Stillwater June 25, 2015, pg. 7.) An inventory of existing Carnegie SRVA trails is not included, and hundreds are ignored. (Stillwater February 4, 2016, pg. 2.) I6-122

Photographs submitted in 2015 show uncontrolled off trail riding that bears no similarity to the description presented in the EIR. (2015 Base Line Comments, attached; CDFW June 2, 2015, pg. 2) Trails which are vast denuded hill climbs are depicted as two "red "trails. (2015 Baseline Comments 1276, 1277) Photographs show compaction and erosion effects of OHV use that existed at the time of DEIR preparation-compaction and erosion that was still existent despite Best Management Practices ("BMP") to control erosion and compaction. (2015 Buffers Comments, pg. 3, 2015 4x4 Failure to Follow 1981 GP pg. 1-2.) Google Earth images show vast denuded and graded areas which do not correspond to any map or project description of the EIR. (2015 Baseline Comments 1279.)

The California Department of Fish & Wildlife ("CDFW") commented that the 2015 project baseline descriptions for Carnegie and Tesla were inadequate as to how many trails, how much landscape, how much activity is anticipated in each area. CDFW indicated in the absence of such information, it used Google Earth images showing "...'Limited Recreation' OHV use areas are still crisscrossed with trails. and the areas designated as "Advanced Trails" are etched with densely paced trails across the landscape, leaving highly degraded habitat and soils exposed to erosion. (CDFW June 25, 2015 Letter pg. 2.) I6-123

The "Trails Only" designation is misleading and inaccurate. Park's 2009 Habitat Monitoring Systems Report, pg. 19, concluded although areas were designated as "open riding" and "trails only" that "these designations ***were ineffective*** at keeping users on designated trails." (Leverich-Stillwater June 25, 2015 pg. 13.) I6-124

In the three-year period between 2012 to 2014 active trails increased 31 miles or 16%. This is an underestimate because the maps are flat distances. (Leverich-Stillwater June 25, 2015, pg. 4) I6-125

Overlays of red, green and yellow trails, as they are on the ground, show little relationship to Park's trail system as depicted in the DEIR. (2015 Failure to Follow 2015 GP, Exhibits 7 and 8.) I6-126

As discussed in the Impacts and Mitigation section in detail, Parks solution to the red trail problem is simply to stop measuring 218 miles of trails. Parks reduced its monitoring to 30 miles of trails leaving 10 unrated. Instead of increasing its monitoring to address the impacts documented in 2015 Parks and the DEIR are decreasing the monitoring to an almost insignificant level. I6-127

BASELINE NOISE INFORMATION IS INADEQUATE I6-128

The Noise testing done is grossly inadequate and provides no information on noise at any location except 4 locations designed to detect noise at Tesla and Corral Hollow Roads. There is no measurement of OHV noise. This DEIR suffers from the same defect as the 2015 DEIR which took the same approach, ignoring OHV noise. This is discussed extensively in the Noise Comments.

BASELINE INADEQUATE AS TO IMPACTS OF EXISTING OPERATION I6-129

By failing to disclose or discuss the ongoing impacts Carnegie SVRA operation, as part of the Project baseline, the EIR fails to present an accurate baseline of ongoing effects to which the additional significant impacts of expansion of OHV recreational use into Tesla will contribute. Without this information analysis of alternatives is impossible.

OHMVR's relative success or failure at controlling the significant adverse effects of OHV riding at Carnegie SVRA is critically relevant to the DEIR's evaluation of whether Parks will be able to avoid significant environmental impacts in the future since the GP is relying on the same guidelines and BMP's that have failed. The failure to discuss these ongoing impacts at the CSVRA as part of the project baseline is contrary to CEQA. (*See Friends of the Eel, supra,* 108 Cal.App.4th at 874, Guidelines, § 15125(c))

A DEIR which ignores all the impacts of the existing operation in its property description and baseline is inadequate.

Guidelines section 15125, subdivision (a) states: "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." Noise impacts are documented to cause impacts no just on Carnegie SVRA, but on adjoining property (See Shilling, Martin and Technical Memorandum). That is part of the baseline. Yet it is missing from the DEIR. Impacts on wildlife, species and habitat, including the take of endangered species without a permit, occur on the SVRA and almost certainly off the OHV park. These are required to be part of the baseline. In this case that is necessary to measure the impacts of increased use as well as expansion of use into areas like the 526 acres of the Waterfall Canyon Watershed and the Franciscan Loop. I6-130

> "Our Supreme Court has recognized that to achieve CEQA's goal of informing decision makers and the public of any significant environmental effects a project is likely to have, the environmental disclosure document (such as an EIR) "must delineate environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified." (*Neighbors for Smart Rail, supra,* 57 Cal.4th at p. 447, 160 Cal.Rptr.3d 1, 304 P.3d 499.) Thus, the concept of a baseline is a key component in identifying and quantifying a project's

I6-130
(Cont.)

environmental effects. CEQA does not use or define the term "baseline," but Guidelines section 15125, subdivision (a) provides in part:

> "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, *at the time environmental analysis is commenced* , from both a local and regional perspective. This environmental setting will *normally* constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Italics added.)"
> *Poet, LLC v. State Air Res. Bd.* (2017) 12 Cal.App.5th 52, 78

There is no justification provided for narrowing the baseline to just the impacts of the new facilities as opposed to the continued and expanded operation of the OHV Park.

> "These principles serve CEQA's informational purpose by insisting the "CEQA analysis employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." (*Neighbors for Smart Rail v. Exposition Metro Lin Construction Authority (2013)* 57 Cal.4th 439 at p. 449, 160 Cal.Rptr.3d 1, 304 P.3d 499.

The baseline information is not sufficient to inform the reader of the impacts of the OHV park. The baseline is not just facilities. The baseline is the impacts of operations and facilities. Without that information the DEIR is inadequate.

THE PROJECT DESCRIPTION IS MISLEADING AS THE PROJECT IS NOT AS REPRESENTED AN UPDATE OF THE 1981 GENERAL PLAN, BUT MERELY AN GP AND DEIR FOR NEW FACILITIES PROJECTS NOT IN COMPLIANCE WITH THE ORDER & RULING OR PUBLIC RESOURCES CODE I6-131

Connolly Ranch Inc. and Connolly Garamendi LLC

THE GP IS AN UPDATE IN NAME ONLY

The GP is titled "Preliminary General Plan Update". It is not. An update would update all operations of the 1981GP, not just list and consider new and expanded facilities. This GP is a Program GP to expand facilities, build new facilities, add trails and expand OHV use to an additional 526 acres of the park. An update would require an explanation of what has changed since the 1981 GP, including what has been added, changed and built, and then from that baseline discuss the new and expanded facilities and expansion. The GP and DEIR do not "update" the 1981 GP. The reader is provided almost no information on the period between 1981 and 2024. The reader is provided two snapshots: (1) the 1981 GP, (2) facilities existing now and how they will be expanded and new facilities and OHV use added. The 43 years between 1981 and 2024 is an informational desert.

> "State Parks adopted the first general plan for Carnegie SVRA in 1981. Much has changed in the 42 years since the plan's adoption, including types of SVRA recreation, associated operations facility needs, and updates to environmental laws and regulations." GP Section 1.5

Much may have changed, but the DEIR certainly does not inform the reader of even what has changed at Carnegie SVRA. This is a fundamental flaw in the project description. What facilities not contained in the 1981 GP have been constructed? (4x4 area, camping area, race tracks, etc.) What plans have been adopted, and are they up to date? (HMS, SWMP, WHPP, etc.) None of this is disclosed, although programs like the SWMP, HMS, and WHPP are discussed, the fact that most are no updated or even abandoned (HMS reports, SWMP and SWMP Reports) is not disclosed.

THE GP AND DEIR DO NOT COMPLY WITH THE ORDER AND RULING I6-132

The Order Granting Petition for Writ of Mandate of June 7, 2021 was not just an order to prepare a new General Plan and EIR only for new facilities before building new facilities. That is all the 2024 GP and 2024 DEIR are. The GP is not an update of the 1981 GP describing how Carnegie is planned to be operated differently than as described in the 1981 GP, which would required information about is different today than as described in the 1981 GP in terms of both facilities, but also in terms of operations and impacts. A copy of the 1981 GP is attached. The GP and DEIR is just a GP and DEIR with an inadequate baseline, and a discussion of new facilities. The GP and DEIR need to be an update, not just a plan for new facilities.

The GP and DEIR avoid the mandate to bring the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with the requirements of CEQA: I6-133

"Suspend all activity associated with the implementation of Resolution 04-2016 that could result in any change or alteration to the physical environment until Respondents ***have brought the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with the requirements of CEQA;***"
Order and Ruling 2:3-7

I6-133 (Cont.)

Parks is sidestepping that Order and Ruling. Parks has not prepared an Updated General Plan for Carnegie SVRA but a General Plan for new facilities. The 2015 GP was not just a GP for new facilities. It was much broader. The 2024 DEIR is merely a sub-part of the 2015 DEIR considering only new and expanded facilities. Where are the plans for protected Corral Hollow Creek crossings as opposed to just a new Maintenance Facility Bridge? The bait and switch strategy of presenting the 2024 DEIR as satisfying the court's Order and Ruling should be rejected.

I6-134

Where is the analysis of impacts of ongoing operations required of a General Plan? Setting aside the fact that without such information alternative analysis is impossible, the GP drafted as a GP for new facilities and the DEIR considers only the impacts of those facilities. The prior GP and DEIR were not just for new facilities. They were a GP and program DEIR for operation of the parks, including Carnegie SVRA. Preparation of a program DEIR for specific facilities is not compliance.

I6-135

The Order and Ruling clarified Parks responsibilities:

"Prior to development of any new facilities as part of an SVRA, the Department "shall prepare a general plan or revise any existing plan" for the SVRA. (Pub. Res. Code§ 5002.2(a).) The general plan shall be approved by the Commission. *(Id* at (a)(3).)" Ruling and Decision pg. 1

There is no explanation of how the 1981 GP is revised. The 1981 GP is just mentioned as a historical fact. The DEIR reader can only guess at what in the 1981 GP is being revised. The GP and DEIR are not an update of the 1981 GP as required by the Order Granting Petition for Writ of Mandate of June 7, 2021 ("Order and Ruling").

I6-136

What a GP is supposed to be as referenced in the Order and Ruling can be better understood by reviewing the NOP which was the subject of that Order and Ruling. The following is the Project description of contained in the May 7, 2012 NOP:

"PROJECT DESCRIPTION
A General Plan is the primary management document for each park unit within the California State Park System, including SVRAs. The General Plan establishes the primary purpose and management direction for the park unit. An approved General Plan is required before State Parks can move forward with site-specific improvements that are beyond minor capital outlay projects. The OHMVR Division is initiating the process of preparing a General Plan and associated EIR for Carnegie SVRA to develop a long-term management framework and to establish the foundation for future park improvements. As part of this framework, the General Plan will describe

I6-136
(Cont.)

appropriate recreational opportunities and management strategies for the existing Carnegie SVRA and the Alameda-Tesla expansion area.

Preparation of the General Plan is in its early stages, so land use and resource management provisions have not been developed. Initial General Plan research included documenting existing conditions, developing and launching a project website, and outreach to park users and interested parties to raise awareness of the planning effort. The next step will be to identify potential issues and opportunities to be addressed during the planning process. Based on the results of these efforts, planning alternatives will be developed to illustrate scenarios for how the management and visitor services at Carnegie SVRA may be improved over the long term. A preferred alternative will be generated based on public input and an evaluation of the planning alternatives developed for the project. The preferred alternative will be a land use plan that will be used to prepare the General Plan. Use areas will be designated in the General Plan. Use areas will be based on geographic relationships, resource values, management issues and goals, and visitor use and experiences. The General Plan will also contain goals and guidelines that guide Carnegie SVRA management and provide long-term direction for development of future facilities.

NOP May 7, 2012

Much of the May 7, 2012 NOP is cut and pasted into the NOP and NOA of the 2024 GP and DEIR. The March 31, 2022 NOP provided the following project description:

"PROJECT DESCRIPTION

A General Plan is the primary management document for each park unit within the State Park System, including SVRAs. The General Plan establishes the park unit's primary purpose and management direction. An approved General Plan is generally required before State Parks can move forward with site-specific improvements that are beyond minor capital outlay projects. **The OHMVR Division is preparing a General Plan Update and associated EIR for Carnegie SVRA to update the long-term management framework set in the 1981 General Plan and establish the foundation for future park improvements**. As part of this framework, the General Plan Update will describe appropriate recreational opportunities and management strategies for the Carnegie SVRA.

The General Plan Update preparation will be based on extensive resource and user information developed during the prior planning effort and through ongoing management and operations. **The General Plan Update will document existing conditions and include a proposed land use plan, including specific use areas. Use areas will be based on geographic relationships, resource values, management issues, and goals, and desired visitor uses and experiences while recognizing this is an existing OHV park with existing uses.** The General Plan Update will also contain goals and guidelines that guide Carnegie SVRA management and provide long-term direction for the development of future facilities. ***Given that a previous General Plan/EIR is in place, adopted in 1981, this General Plan Update may be more specific than other similar SVRA General Plans where***

no prior General Plan exists. Where appropriate, the location and extent of future facilities will be disclosed, and associated impacts analyzed in the General Plan Update EIR. *If approved, the General Plan Update will supersede the 1981 General Plan and guide long-term and day-to-day management at the Carnegie SVRA.*

NOP pg. 3

I6-136 (Cont.)

The GP may be specific about the new and expanded facilities to be constructed, but is is not specific about their impacts or impacts occurring in Carnegie SVRA. This is a flaw in the GP and DEIR.

The January 15, 2024 NOA also describes the project as an update of the 1981 GP:

I6-137

"PROJECT DESCRIPTION:
A General Plan is the primary management document for each park unit within the State Park System, including SVRAs. The General Plan establishes the park unit's primary purpose and management direction. An approved General Plan is generally required before State Parks can move forward with site-specific improvements that are beyond minor capital outlay projects. **The Division prepared the General Plan Update and associated EIR for Carnegie SVRA to update the long-term management framework set in the 1981 General Plan and establish the foundation for future park improvements**. As part of this framework, the General Plan Update describes appropriate recreational opportunities and management strategies for the Carnegie SVRA. The preparation of the General Plan Update is based on extensive resource and user information developed during the prior planning effort and through ongoing management and operations. **The General Plan Update documents existing conditions and includes a proposed land use plan, including specific use areas**. Use areas are based on geographic relationships, resource values, management issues, goals, and desired visitor uses and experiences while recognizing that this is an existing OHV park with existing uses. The General Plan Update will also contain goals and guidelines that guide Carnegie SVRA management and provide long-term direction for the development of future facilities. Given that a previous General Plan/EIR is in place, adopted in 1981, this General Plan Update is more specific than other similar SVRA General Plans where no prior General Plan exists. *The location and extent of future facility upgrades or additional projects are also described in the General Plan update, and the associated impacts are analyzed in the General Plan Update EIR. If approved, the General Plan Update will supersede the 1981 General Plan and guide long-term and day-to-day management at Carnegie SVRA."*

NOA pgs. 2-3

The NOPs and NOAs and Ruling and Order all indicate a GP is more than just a list of new facilities with deferral analysis of their impacts to future date. "Existing conditions" includes existing and ongoing impacts, not just potential impacts of new and expanded facilities. To update the 1981 GP, it is necessary to know what conditions on Carnegie SVRA today are different than what is shown in the 1981 GP. That analysis is missing.

I6-138

The whole of the action in this case is the continued operation and expansion of OHV activities with new and expanded facilities, but the DEIR treats the project as if it were just expanded and new facilities.

> "The terms "activity" and "activities" appear throughout CEQA and the Guidelines, but they are not defined. The Guidelines' definition of "[p]roject," however, substitutes the phrase "the whole of an action" for the statutory phrase "[a]n activity." (Guidelines, § 15378, subd. (a).) Thus, courts routinely state the term "project" means the whole of an action. (E.g. *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 Cal.App.4th 832, 858, 174 Cal.Rptr.3d 229 ; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730, 32 Cal.Rptr.2d 704.)
>
> The broad interpretation of "project" to encompass "the whole of an action" (Guidelines, § 15378, subd. (a)) is designed to provide the fullest possible protection of the environment within the reasonable scope of CEQA's statutory language. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222, 66 Cal.Rptr.3d 645 (*Tuolumne CCRG*); *Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 653, 54 Cal.Rptr.3d 500 ["CEQA's conception of a project is broad"]; Guidelines, § 15003, subd. (f).) This broad interpretation ensures CEQA's requirements are not avoided by chopping a proposed activity into bite-sized pieces which, when taken individually, may have no significant adverse effect on the environment. (*Tuolumne CCRG* , *supra* , at p. 1223, 66 Cal.Rptr.3d 645.)"
>
> *Poet, LLC v. State Air Res. Bd.* (2017) 12 Cal.App.5th 52, 73

The Project is the continued operation of an expanded use Carnegie SVRA with multiple new and expanded facilities that affect the use of all of the park and surrounding areas. All these new and expanded facilities and at least 526 acres of expanded OHV use cannot be separated from the future operation of the rest of the park:

> "We described the reach of this test by stating there are different ways actions can be related to (i.e., connected with) each other. (*Tuolumne CCRG* , *supra* , 155 Cal.App.4th at pp. 1226–1227, 66 Cal.Rptr.3d 645.) For instance, the two actions could be "related in (1) time, (2) physical location and (3) the entity undertaking the action." (*Id* . at p. 1227, 66 Cal.Rptr.3d 645.) We also examined how closely related the acts were to the overall objective of the project, stating: "The relationship between the particular act and the remainder of the project is sufficiently close when the proposed physical act is among the 'various steps which taken together obtain an objective.' (Robie et al., Cal. Civil Practice–Environmental Litigation (2007) § 8.7.)" (*Tuolumne CCRG* , *supra* , at p. 1226, 66 Cal.Rptr.3d 645.)"
>
> *Poet, LLC id at* 74-75

I6-139

THE GP AND DEIR DO NOT COMPLY WITH THE PUBLIC RESOURCES CODE

The requirements for a GP are described in PRC § 5002.2.

"The general plan shall consist of elements that will evaluate and define the proposed land uses, facilities, concessions, **operation of the unit, any environmental impacts,** and the management of resources, and shall serve as a guide for the future development, management, and operation of the unit." PRC § 5002.2(a)(2)

These are the requirements of a General Plan. A "General Plan Update" must comply with these requirements. Just as the GP and DEIR evade the requirements of the Order and Ruling, they evade these requirements. They don't evaluate and define the operation of the entire unit and certainly not "any environmental impacts". A GP and DEIR for just the new facilities evades the requirements of a GP and DEIR as required by the Public Resources Code.

I6-139 (Cont.)

"The resource element of the general plan **shall evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships** and shall contain a declaration of purpose, setting forth specific long-range management objectives for the unit consistent with the unit's classification pursuant to Article 1.7 (commencing with Section 5019.50), and a declaration of resource management policy, setting forth **the precise actions and limitations required for the achievement of the objectives established in the declaration of purpose**."
PRC § 5002.2(b)

The GP, or the DEIR, does not comply with PRC § 5002.2(b). The 2024 GP does not "…evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships…". The GP does not "evaluate the unit" in any respect. It describes the setting, but there is no evaluation of how the unit affects the Mount Diablo Wildlife Corridor for example. There is no HMS information that is evaluated, since the Park collects data but does not evaluate or utilize it. The GP and DEIR evaluate in very limited and inadequate manner the proposed expanded and new facilities, but not "the unit".

In summary, the Project Description is misleading. It is an attempt to pretend that the GP complies with the Order and Ruling and PRC § 5002.2. It does neither.

I6-140

I6-141

COMMENTS ON NOISE & SOUND

Connolly Ranch Inc. & Connolly Garamendi LLC

FAILURE TO MEASURE EXISTING NOISE CONDITIONS OR INCLUDE SUCH MEASUREMENTS IN THE GUIDELINES. (NOISE 3.13)

INTRODUCTION

The description of Existing Conditions for Noise in the DEIR is as follows:

> **"3.13.1 Existing Conditions**
> Section 2.3.5, "Sound," in Chapter 2 of the General Plan includes a discussion of the existing setting for noise including acoustic fundamentals, existing sound environment, and existing noise-sensitive land uses." DEIR pg. 3.13-1

The GP contains no useful noise or sound information to provide a baseline or adequate project description. As discussed in the "Inadequate Description Comments", this must be an updated GP for the entire "Unit" and its position in the region, not just an analysis of ambient noise near a State Highway. The DEIR and GP contain no noise measurements other than those taken adjacent to Tesla and Corral Hollow Road at 3 locations and at a residence not on the OHV Park and separated from OHV use. OHV noise, when measured, was considered ambient sound, instead of project sound. (GP 2.3.5.2) Effort was made in the DEIR ONLY to measure ambient noise and apparently to avoid any noise or sound measurements generated by OHV activity. There was no attempt to distinguish OHV noise from noise from the nearby State Highway. The results were by design meaningless for areas of the park away from the State Highway and provide no useful information on noise impacts on areas of the park away from the State Highway. The project is predicted to increase OHV use throughout the park. The noise measurements provided no information as to noise impacts on the 625 acres of the Waterfall Canyon watershed to be opened to OHV use. The DEIR ignores sound studies done by Parks and does not even citeto them. It would be very easy to use existing sound measurements, some taken by Parks in other studies, and quantify the impact of OHV Noise in Waterfall Canyon if it was opened to OHV use, which the GP and DEIR indicate will occur if additional park property can be acquired.

I6-142

The sound measurements taken were chosen to avoid measurement of OHVs. Sound measurement Location LT-02 was not located on the State Park where OHV use occurs. (See GP Figure 2-22 Noise Measurement Locations) Location LT-01 was located off Carnegie SVRA with a significant separation between OHV use due not just to being off the park but because of closed areas between it and OHV Use. ST-01 and ST-02 were located next to a State Highway. None were located near hill climbs or trails where, as explained in the Fraser Shilling and Steve Martin studies noise generation is greater. (See below for discussion of the Shilling and Marting sound studies which are attached.) Worse, speed limits for OHV use in the flat level areas of the three locations adjacent to Corral Hollow and Tesla Road are limited to speeds of 15 mph making noise generation even less.

The above was the extent of the sound measurements contained in the DEIR and GP. None of that information is helpful in considering the "Shutdown and Close Park alternative. There is no information to determine the benefits of stopping OHV use at all or part of Carnegie SVRA. The information available proves the benefits to wildlife and habitat would be immediate. (See Shilling Report, Shilling Testimony, Cashen, Technical Memorandum attached) Neither is it possible to measure cumulative sound impacts from increase OHV use predicted in the DEIR due to the projects. This omissions are intentional since as discussed below Parks has two sound studies, one of which it contracted, and it used neither. I6-143

The ambient noise measurements referenced in the DEIR are about as far away from the 526-acre Waterfall Canyon to be opened to OHV use as possible. The sound studies included in the GP are useless even to measure ambient noise in Waterfall Canyon with is far away from Corral Hollow Road. No consideration is given in the DEIR or GP to noise impacts in opening this very steep area which according to the DEIR would be limited to intermediate or advanced trails It can be assumed the noise impacts will be similar to those measured by both Martin and Shilling, described below, which were in freeride and trails only areas with intermediate and advanced trails governed by the same guidelines which will presumable apply in Waterfall Canyon. I6-144

As discussed below, sound measurements in wildlife areas caused by OHV use are necessary to determine the benefits of closing the park to OHV use and reclassifying it as Reserve (See Alternative Analysis) Parks has the information to provide this analysis since it has both the Martin study, which it contracted, and the Shilling study, which it was provided. Parks is intentionally ignoring the relevant sound studies in its possession. I6-145

Not surprisingly, the noise measurements taken at these few locations next to a State Highway on the far north side of the OHV Park are inconsistent with measurements taken by Steven Martin for Parks and with measurements taken by Fraser Schilling for Connolly Ranch, Inc. In the Martin and Shilling studies attempts were made to measure OHV noise. These studies, known to Parks and ignored in the DEIR, will be discussed in detail below. I6-146

As will be discussed below, wildlife is damaged by Lmax sound levels above 55 decibels. The very limited testing done as shown on Table 2-15, Summary of Sound Measurements: shows Lmax Daytime levels of 61, 73, 63 and 63. For nighttime at two locations levels were shown at 52 and 66 decibels. Since there was no measurement of sound at any other location of the park, nor any attempt to differentiate OHV noise from vehicle noise, the data is relatively useless. It does show at nighttime, when it can be assumed the Park is closed, Lmax levels are lower: Dropping from 61 to 52 at LT-01 and from 73 to 66 at the Office Area North of the Moto Mart. Measurement data from the other two locations is not provided. Even indirectly this demonstrates the impacts of OHV noise. I6-147

NOISE LEVELS DAMAGING TO WILDLIFE AND HABITAT I6-148

Before discussing the Martin and Schilling studies, noise impacts on wildlife need to be discussed. This information is completely missing from the DEIR and GP but is highly relevant to any discussion.

I6-148 (Cont.)

California ground squirrels are known to be impacted by noise. (Technical Memorandum, pg.48.) Golden eagles would be impacted because squirrels are their primary food source in the area. *(Id.)* A loss of ground squirrels in the area would also severely impact the federally-protected CRLF and CTS, as these species rely on burrow networks created by the squirrels and spend much of the year inside these burrows. (Technical Memorandum, pg. 37, 39, 48.)

Like the 2015 DEIR, the 2023 DEIR fails to consider OHV noise impacts on birds. Such impacts are well documented:

> "Ordination analyses do not explicitly examine the cause and effect mechanisms underlying the divergence in bird assemblage shown here. However, there is a body of scientific literature on the disturbance factors influencing bird abundance. Of these, the DEIR fails to face the potentially significant impacts of noise on birds. (Barnton and Holmes 2007). Recent field investigations of the impacts of noise pollution on birds have found a number of responses which could explain the differences in species composition and abundance. Some bird species avoid noisy areas, some show changes in reproductive success and levels of stress hormones, while others make changes in vocal communications (Ortega 2012). The DEIR does not explore any other mechanistic reasons driving the differences between the riding areas and the control area, such as the loss of vegetative cover which could influence food availability, predation risk, nest site availability etc."
>
> (Kupferberg and Fury commenting on 2015 DEIR.)

Noise also adversely affects amphibians. Noise and vibration near habitat result in emergence in resulting in mortality or reduced fitness. (Adaptive Management Critique, Cashen & Kupferberg, pg. 17-18.)

> "In addition to providing protections for direct effects or running over burrows, compacting soils, and riding through pools where tadpoles are resent, buffer zones need to protect toads from the low frequency vibrations of motorcycles and ATV's which can cause spadefoot toads to emerge in inappropriate (i.e. dry) times. **Controlled experiments with adult toads have shown that motorcycle sounds cause them to break dormancy and emerge from burrows even though there is no change in moisture.** (Dimmitt and Ruibal 1980; Brattstrom and Bondello 1983). This could be a costly mistake for an amphibian in a xeric environment with respect to losing water from its body. USFWS Vernal Pool Recovery Plan (2005) states (page 111-16): When choosing sites to protect essential habitat features such as breeding ponds, sufficient upland habitat for estivation, and dispersal corridors, it may be important to consider the current and potential presence of objects or activities that create low frequency noise. It also may be wise to protect additional habitat that can serve as a buffer against low-frequency noise around these essential habitat features". (Cashen & Kupferberg)

Sam McGinnis, professor emeritus form Cal State Hayward, co-author of "Field Guide to Amphibians and Reptiles of California" indicated "..animals tend to avoid such areas of audio

disturbance…" (McGinnis) OHV noise also impacts amphibian's ability to communicate. (Save the Frogs Letters, pg. 1.)

I6-148 (Cont.)

Since 2019 Parks has had a report by Dr. Shilling, a research professor at University of California Davis Department of Environmental Science and Policy. (Dr. Shilling's CV is attached.)

> "There are a variety of mammal, amphibian, reptile, and bird species that are sensitive to key aspects of anthropogenic noise, including loudness, sound frequency, loudness at certain frequencies, and stochastic vs. chronic noise. Off-road vehicle noise (ORV) originates from the vehicles' engines and wheels and is intensified during acceleration and at high speed/revolutions. Up to a point, the greater the number of vehicles, the greater the vehicle-associated noise. Stochastic and chronic noise levels can cause stress, habitat avoidance, nest abandonment, reduced foraging, road/highway avoidance, and fear responses (e.g., flight). This means that if there is natural habitat near and area with vehicle noise disturbance, wildlife (e.g., mammals and birds) will avoid, or fail to flourish in these areas, decreasing the ecosystem value of the area. The degree of impact depends on noise level entering the habitat area, propagation of noise through the area, and sensitivity of the particular species." (Testimony of Fraser Shilling Regarding Noise Effects of ORV and Carnegie SVRA, "Shilling Report", attached, pg. 1)

Dr. Shilling also offered testimony in a civil trial between Connolly Ranch Inc. and the Department of Parks and Recreation in 2019. Portions of that testimony are attached. ("Shilling Testimony")

> "**Q. And now, I want to ask you questions individually about wildlife sensitivity to noise. Can you tell us about, for example, specific species' sensitivity to noise and how they react to it?**
>
> A. So I can tell you about groups a little more easily because they are -- there's some crossover, saying song birds have been studied in terms of their sensitivity to noise and whether they are warblers or, say, oak tick mouse or different species you would expect in an oak woodland like the one we're talking about, they might respond to noises in different ways,
> and often that response is related to the level of the noise, and quite often, also the frequency, is it low frequency, rumbling, is it high frequency like a whistle.
>
> And so some of the responses are -- as you might imagine, if you had a very loud noise like a vehicle suddenly drove into a forest, then the birds would fly off.
>
> Same thing if you were to run out into your yard, and there were birds there, so we call that flushing. They're afraid of what's happening, they're flying away. If they happen to be on their nest, then they may leave the nest. They may or may not return, and if they have eggs there, then the eggs or chicks may or may not survive that departure.
>
> If they do it very often, they're using up a lot of energy to run away, run away, run away, so that's one type of response.
>
> Another type is that animals will just leave an area if it becomes loud or if it stays loud. Not all wildlife will do that. Some are more sensitive than others, and it

I6-148 (Cont.)

will depend on how loud it is and how continuously loud it is, and then there's some technical terms that we use. One is fitness. Another might be reproductive success, and they refer to if you have a population of wildlife like birds, song birds, and they're repeatedly disturbed and they go away, it may reduce the size of the population.

They're eventually not going to be there as a species or as a group because they're too sensitive to the type of disturbance, in this case noise."

Shilling Testimony 825:10-826:16

"Q. What is the significance, in terms of species of the 55-decibel level?

A. So that's -- 55 decibels shows in the human health literature and now also in the wildlife literature as a moderately safe threshold for sound level, so if you have -- there are scientific studies, about a quarter of scientific studies that have been -- that have looked at sound impacts on wildlife show that you can get impacts to wildlife below 55 decibels, but if you're at 55 or lower, then your chance of having those impacts is lower."

Shilling Testimony 847:4-15 (See next section for Shilling measurements of OHV noise at 120 decibels.)

The sound studies included in the DEIR measured Lmax at 61, 73, 63, 63 52 and 66. (As discussed below sound measurements on Carnegie SVRA are regularly over 120 decibels.) For wildlife, the maximum, the Lmax, not the average, causes the greatest impact on wildlife:

"Q. **What were you using, what were you measuring, and why is that important for the wildlife?**

A. So I estimated the average, as well, but the maximum is the one that seems most relevant from scientific studies for wildlife, and it's also true for humans, so the maximum value -- the maximum sound value is the one that you want to pay attention to the most because it's the most likely to cause some kind of effect, and you can imagine that if you were driving along in your car and a motorcycle came up behind you from -- somewhere in the distance, a hundred yards behind you, you would hear, oh, it was a motorcycle coming, and you would notice that it was occurring, but it wouldn't necessarily be disturbing, and as it passed your window, that would be when it's most disturbing or certainly most noticeable, and it would go away again, so the maximum noise is the one that would disturb you and the one that would disturb certain wildlife, as well, so the maximum sound is the biologically most important sound, not the average."

Shilling Testimony 848:6-23

The Lmax, or maximum value, of the sound studies is what impacts wildlife, and motorcycles and OHVs generate noise at 120 decibels. As discussed below, OHVs at Carnegie regularly generate sound at 120 decibels and above.

OHVs AT CARNEGIE GENERATE NOISE AT 120 DECIBELS AND ABOVE

I6-149

Motorcycles regularly generate over 120 decibels at Carnegie SVRA:

I6-149
(Cont.)

"Q. So let's go to -- let me ask. Was this observation significant, in terms of some sound measurements that you took?
A. Yeah. So while the motorcycles were climbing the hill, because that was happening and it was distant, I was interested, can I actually measure that because it's pretty far away.
Turned out to be over -- a little over a half a mile away, and so I looked at the meter that was closest to me, and it showed -- it was bouncing up over 60 decibels occasionally, which is pretty high sound level for motorcycles that far away, approximately half a mile.
In the field, I estimated half mile. In Google Earth, it's a little closer. Instead of 800 yards, it's more like 900 yards, a little over half a mile, so I'll say half a mile, so while they were going up, there were definitely high sound levels, and after the fact, when I looked at the data, there were sound levels over 60 decibels for when those motorcycles were climbing that hill.
Q. What did that indicate to you, if anything, about what that noise the motorcycles were generating at the location of the hill?
A. So if you were measuring -- in order to be able to get a value of 60, let's call it, at the location I was standing for that distance, those motorcycles would have to be producing a sound close to 120 decibels, and that's because the sound is going in all directions, so by the time it gets to me, it's much lower, and so if we were to use that on-line calculator earlier and calculate what would it take to get 60 decibels where I was standing, at least a couple of them would have to be operating at 120 decibels, which is not unusual for big motorcycles in a hill climb.
...
Q. Let me ask you specifically now. I know it's not Steve Martin, the comedian. You reviewed documents or testimony from an expert witness of the state; is that correct?
A. Yes.
...
Q. Is there anything that you read in Mr. Martin's analysis that you -- that confirmed or reaffirmed your sound measurements at this location?
A. Yes.
Q. Okay. And what was that?
A. The locations where Mr. Martin measured sound along State Vehicle Recreation Area side of the fence were similar to -- in position to -- our measurements on -- my measurements on the Connolly Ranch side of the fence, so it was really a difference of, say, 10 feet, the measurements on the other side of the fence and the sound levels that he measured there, and in other locations in the State Vehicle Recreation Area were quite a bit higher –."
Shilling Testimony pg. 836-838 (Objections removed)

Shilling's measurements of 60 decibels a half mile away showed motorcycles on Carnegie SVRA are generating around 120 decibels:

"Q. **How would that vary using the exhibit from what you expected?**

I6-149
(Cont.)

A. It's a lot higher because what I'm expecting is based on motorcycles meeting the state park threshold of 96 decibels when they're under operation, so to get a sound level that high that far away, you would have to have a much higher starting sound level of about 120, ***so I estimated it was about 120 decibels***. For it to be a little over 60 decibels at half a mile, it would have to be around 120 decibels right next to the motorcycle."

Shilling Testimony 844:7-16, See Exhibit 389

Shilling documented and mapped areas outside Carnegie SVRA where noise levels were greater than 55 decibels showing environmental impacts extend beyond the boundaries of the SVRA described as follows. This is significant because the GP and DEIR contain no buffers to protect wildlife, endangered species, or habitat from noise either on the park or on adjoining property which is affected for great distances off site:

"Q. So describe what -- in terms of the red area, what does the red area show on Exhibit 433?
A. So the red area shows a -- an area on the south side of the boundary fence where you would expect to have sound levels greater than 55 decibels. The measured sound levels were sometimes greater than 55 even outside of that area, but this would be the sort of minimum area impacted by sound levels of 55 decibels or greater.
Q. What is the significance, in terms of species of the 55 decibel level?
A. So that's -- 55 decibels shows in the human health literature and now also in the wildlife literature as a moderately safe threshold for sound level, so if you have -- there are scientific studies, about a quarter of scientific studies that have been -- that have looked at sound impacts on wildlife show that you can get impacts to wildlife below 55 decibels, but if you're at 55 or lower, then your chance of having those impacts is lower.
Q. What is the -- what's the significance of the red being areas in excess, you would expect in excess of 55?
A. So that shows the predicted area where the area where sound levels are predicted to be greater than 5 decibels, and, again, I want to emphasize that the actual measurements were even higher than that.
So you would expect to have in that red area, sound levels greater than 55 while vehicles were operating in the State Recreational Area.
Q. Would you expect that to have an impact on species in that area?
A. Yes. Not all species certainly, but there is wildlife living there that you would expect to be impacted by those sound levels."

Shilling Testimony 846:24-847:27, Exhibit 433 attached

Increase OHV use caused by the plan will generate increased OHV noise and sound both off site and on site. These impacts will occur at the 526-acre Waterfall Canyon watershed and no attempt is made in the DEIR to consider these impacts. Buffers would be a mitigation measure that would mitigate these impacts but are not considered in the DEIR or GP.

Parks retained Steve Martin to measure sound near the south boundary of the park. He has done sound measurements at Prairie City, Oceano Dunes and other State OHV Parks. (Martin Testimony, attached, 1507:23-1511:27, Ex. 389, 590, all attached)

Steve Martin's measurements verified that sound measurements even at the boundary of Carnegie SVRA were far in excess of 55 decibels. LAF max measures at the Connolly Ranch Inc and Connolly Garamendi LLC boundaries on the south boundary of the OHV park, were 98 decibels on ***average*** during weekends meaning that readings of over 100 decibels frequently occurred. (Martin Testimony 1575:24-1577:3) Motorcycles are able to generate over 100 decibels. (Martin Testimony 1578:7-24)

At Marting Station 2 on weekdays (See Exhibit 597) for the 133 hours (5.5 days) measurements were taken, which included both daytime when the park was open and night when it was closed, in 34 of those hours the Lmax exceeded 85 decibels. Assuming the park was open 10 hours during that time period and this noise is obviously not background noise, this would mean of the 55 hours the Lmax exceeded 85 decibels 34 of the 55 hours. A bird or person would be exposes to 85 decibels every two hours, but obviously much more frequently when the park was open during the day. (Martin Testimony 1581:24-1583:17)

On weekends in daylight hours it was much worse, **with an event exceeding 85 decibels every hour**. (Martin Testimony 1583:25-1584:5) This would have a devastating impact on wildlife and habitat, as the wildlife surveys, Technical Memorandum and Shilling testimony verify.

At Marting Station 4 ***AVERAGE Lmax*** readings were also taken above 90 decibels, not just a maximum of one reading, at the park boundary. What his meant that for one second each hour the average sound reading was at least 90 decibels. (Martin 1580:19-1581:23) The level of disturbance of wildlife and habitat would be severe, again as supported by all studies.

I6-149 (Cont.)

4.4.11 NOISE (CUMULATIVE IMPACTS)

I6-150

The DEIR ignores the significant cumulative noise impacts by ignoring OHV use. The DEIR concludes that since noise is temporary noise impacts cannot be cumulative. Carried to its logical extreme, additional noise could never be a cumulative impact because all noise is temporary. The fallacy with this argument is that additional noise must be considered for its cumulative impact when combined with existing noise, such as OHV noise. With no data for OHV noise, it's impossible to arrive at any conclusion concerning cumulative noise.

CONCLUSION:

I6-151

The General Plan Update must be an update for the entire unit as required by the PRC. I must consider the unit in the region. As to noise the GP and DEIR do not even consider noise in the Unit, just ambient noise along a State Highway.

I6-152

Sound in Carnegie caused by OHVs regularly exceeds 90 and often 120 decibels. The baseline and description ignore this fact. Sound measurements taken and reference in the DEIR along a State Highway which ignore OHV noise make the DEIR misleading in its description

and baseline. A member of the public would falsely believe that sound and noise at Carnegie is as stated in the DEIR. This false information means the impacts of expansion into the 526-acre Waterfall Canyon watershed is not analyzed. It means increased noise due to new facilities including tracks intended to attract new users, is not analyzed. It means increased use due to new facilities is not analyzed. The alternative analysis is grossly inadequate as noise impacts on species are not considered, leaving to the false conclusion that the GP is the environmentally superior alternative. The impacts of the OHV Park on species beyond its boundaries are not even discussed. Buffers as a mitigation measure for sound based on OHV noise are not discussed as a guideline or as they should be as mitigation measure. The increase in sound impacts due to the new facilities, which will increase OHV use is not considered. The DEIR is misleading and inadequate as to noise analysis, particularly as to its impacts on wildlife both on and outside the SVRA.

I6-152 (Cont.)

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PIECEMEALING OF THE ENVIRONMENTAL REVIEW PROCESS

Comments by Connolly Ranch, Inc, and Connolly Garamendi LLC

I6-153

THE 2024 DEIR IS INADEQUATE FOR PIECEMEALING JUST AS THE 2015 DEIR PIECEMEALED THE PROJECT

The prior most recent attempt to adopt a GP and approve a DEIR involving Carnegie SVRA resulted in a "Ruling on Submitted Matter Re: Petition for Writ of Mandate, Sacramento County Superior Court Case #34-2016-80002496 ("Order and Ruling"). That action was brought by Connolly Ranch, Inc.

This DEIR fails for the same reason that prior DEIR was inadequate. This EIR has drawings in the appendix of buildings and facilities. The 526-acre Waterfall Canyon watershed is planned to be opened to OHV use under this GP. In other comments, and here, Connolly Ranch Inc. and Connolly Garamendi LLC have identified that this 2024 DEIR is improperly deferring analysis just as the 2015 DEIR did. Like the prior DEIR, this EIR improperly piecemeals the project.

> "The Court finds Petitioner is correct. The facts in this case are distinguishable from *Rio Vista Farm Bureau* and *Al Larson Boat Shop.* Here, the Respondents purchased the property with the intent of using it to expand the SVRA. Unlike the general plan in *Rio Vista Farm Bureau,* Respondents have ownership of and control over the entirety of the land subject to the general plan. Further, Respondents *have* made definitive decisions as part of the "program" EIR that make certain reasonably foreseeable impacts ready for analysis *now,* as opposed to a circumstance wherein environmental analysis must be detailed because the project decisions will not be made until a future date. Respondents here have committed to a selection of development "zones" such as a gathering area and interpretive facility at the Tesla Coal Mine site, Gathering and Service areas as denoted in Figure 2-3 of the Draft EIR (AR008268), as well as entrance and exit locations for the Expansion Area.
>
> This case is analogous to *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376. Similar to the facts in that case, the intended use of the property has been established. Like the facts before the Supreme Court, the future expansion and general type of future use is reasonably foreseeable here. Respondents have clearly stated the purpose for the acquisition was to expand OHV use at Carnegie SVRA; various· areas within the Expansion area have contemplated uses such as an Advanced Trails area, an Intermediate/Beginner Trails area, and a Potential Gathering Area. The Court acknowledges that case law does not require absolute precision. Although Respondents argue that the specific site of the visitors' center, for example, has not been determined, the use of the land outlined in the General Concept Map is clearly foreseeable. As the Supreme Court in *Laurel Heights* pointed out, "[t]he fact that precision may not be possible, [] does not mean that no analysis is required." *(Id* at p. 399.)

> While Respondents argue a more substantial environmental review will be done at a future date, CEQA does not authorize them to delay analysis in such a manner. On this issue, the Court finds the Respondents did not proceed in the manner required by law."
> Ruling 12-13

I6-153 (Cont.)

This DEIR does exactly what the 2015 DEIR did. Hiding behind the mask of a program DEIR, it defers analysis of specific facilities shown in drawings in detail in Appendices of the DEIR to the future. 526 acres of watershed will be opened to public use including the cutting of tails and building of facilities, no wildlife, habitat, erosion, water quality or any other analysis and no Take Permit pursuant to the Endangered Species Act. These individual impacts are discussed extensively in other comments submitted by Connolly Ranch Inc. and Connolly Garamendi LLC. The comment letter to the NOP from the CDFW, contained in the Appendix, identifies the failure to consider these impacts now.

I6-154

Further evidence of piecemealing of Carnegie SVRA planning is the "NOP-Notice of Preparation of Draft EIR" of February 16, 2023, a copy of which is attached. The Project Description is:

> "DPR proposes to progressively establish new Resource Management Areas (RMAs) and provide ongoing sustainable OHV recreation management within the new and existing RMAs. The project consists of implementing activities that disperse storm water runoff, prevent accelerated erosion, and manage the existing trail system. Sediment loss and erosion control measures include reducing the number of trails, increasing vegetation, building sustainable trails, and enforcing trails-only riding."

The project issues were:

> "Aesthetics, Air Quality, Biological Resources, Cultural Resources, Drainage/Absorption, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Noise, Recreation, Vegetation."

This EIR and the RMAs are integral to and should be part of this 2024 GP and DEIR. Fragmenting into multiple EIRs the RMA's from the 2024 DEIR when the issues are almost identical and overlap serves no purpose. As far as this commentator is aware, no action has been taken on the RMA Program EIR as no further notices were received. Connolly Ranch Inc. did provide an extensive response (See Connolly Email Response to 2-16-2023 NOP SVRA RMA Program, attached) indicating raising the same issues raised in these comments, including that such a program would violate the Ruling and Order. This NOP demonstrates the attempt to piecemeal Carnegie SVRA planning. Fragmenting the project into multiple EIRs is a violation of CEQA.

THE GUIDELINES PROHIBIT THE PIECEMEALING OF THE PROJECT WHICH OCCURS IN THE DEIR

I6-155

Guidelines § 15152(b) provides that ["t]iering does not excuse the lead agency from adequately analyzing reasonable foreseeable significant environmental effects of the project." In *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112 the Court held that "an EIR must include an analysis of the environmental effects of future expansion or other action if it is a reasonably foreseeable consequence of the initial project and the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Id.* at 396.) Here physical expansion into the 526-acre Waterfall Canyon Watershed is identified, but all analysis is deferred. There is no baseline information on species or habitat in Waterfall Canyon to even begin the required analysis. CEQA does not allow tiering to be used to piecemeal the project.

I6-156

Wal-Mart Stores v. City of Turlock (2006) 138 Cal.App.4th 273 held that where there are reasonably foreseeable project specific changes in the environment that are significant and peculiar to the zoning amendments to a site, further environmental review must be conducted.

In *Center for Biological Diversity v. California Department of Conservation* (2019) 36 Cal.App.5th 210, the Court discussed when "tiering" of environmental documents is appropriate, after the preparation of a programmatic EIR. Quoting *In Re Bay Delta* (2008) 43 Cal.4th 1143, the Court cited the following language: "Tiering is proper 'when it helps a public agency to focus on the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports.'" (36 Cal App 5th at 230, *citing Bay Delta, supra*, at 43 Cal.4th at 1170.) *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036 held that the preparation of an EIR that was a "project level" EIR was proper. The level of specificity of an EIR is determined by the nature of the project and the "rule of reason' rather than by any semantic label accorded to the EIR." (Id at 1048*; see also California Oaks Foundation v. Regents of the University of California* (2010) 188 Cal.App.4th 227, 271, fn 25.) *Koster v. County of San Joaquin* (1996) 47 Cal.App.4th 29 held that to the extent a County GP committed the County to "new community growth "rather than "city centered" growth, that Plan had to consider the environmental impacts of its decision to favor "new community growth. The court concluded: "As a practical matter, we question how seriously any subsequent study would consider alternative sites for the new towns." (47 Cal.App.4th at 42.) Using the opening of the 526 acres of the Waterfall Canyon Watershed to OHV use is planned in this DEIR. Trails and facilities will be constructed in 2025 and the area opened to OHV use not just when adjoining property is acquired but could happen when by NOE or other action Parks determines it can be opened. This GP is opening these 526 acres to construction of all facilities necessary for OHV use today and committing those 526 acres to OHV use. Like in *Koster* Waterfall Canyon is committed to OHV use and other alternatives are gone.

CONCLUSION

I6-157

Parks cannot again use a Program GP and DEIR and tiering for approval of very specific facilities, including the opening of a 526-acre watershed. It cannot fragment the RMAs from the 2024 GP and DEIR. That is piecemealing the project. That approach was rejected in 2015 and it

is not appropriate in 2024.

I6-157
(Cont.)

I6-158

AESTHETIC IMPACTS

Connolly Ranch Inc. and Connolly Garamendi LLC

The DEIR is fundamentally flawed in its analysis. Carnegie SVRA is a public park, open to hikers, joggers, mountain bikers picnickers, bird watching and anyone seeking a scenic view. Carnegie SVRA is a nonurbanized area. There are many pictures showing the scenic views and vistas that have been submitted. Carnegie is a public park, just as accessible to the public as Tesla or Corral Hollow Road. Appendix G of the CEQA Guidelines states that implementation of a General Plan would result in a potentially significant impact on aesthetic resources if it would substantially degrade the existing visual character or quality of **public views** of the site **and its surroundings** (public views are those that are experienced from **publicly accessible vantage point**). Any place in the park is a "public view" and a "publicly accessible vantage point". The DEIR engages in the flawed treatment of Carnegie SVRA as if it were private property from which the public is excluded, and therefore it considers only views, or areas visible, from outside the park boundary. That's a fundamental error.

The above fundamental failure would be the equivalent of saying that if Half Dome in Yosemite cannot be seen from outside Yosemite it does not need to be protected. NO! Both Yosemite and Carnegie SVRA are public parks accessible to the public. Waterfall Canyon, planned for scarring by OHV use, is visible from inside and outside the park. There is no analysis of impacts on any Carnegie feature in Waterfall Canyon based on this fundamental flaw.

This fundamental flaw resulted in the DEIR only measuring what could be seen from outside the park and even then in a "drive-by":

> "Created using geographic information system (i.e., GIS) applications, Figure 3.1-1 illustrates the results of a viewshed analysis that determined the visibility of the planning area from surrounding areas at an elevation of 6 feet. The purpose of the viewshed analysis was to quantify views of the planning area and offer a visual analysis to aid in the evaluation of potential impacts.
>
> A 3-mile radius around the planning area is shown in Figure 3.1-1 for scale. Locations of higher visibility as depicted in the figure have views across the entire planning area, whereas locations of moderate visibility have only partial views, and locations of lower visibility have very limited views of the planning area. Figure 3.1-1 provides a general analysis of potential views, and does not factor in trees, buildings, other structures, or atmospheric conditions (e.g., haze) that may affect visibility.1 **Generally, irrespective of visual obstructions such as buildings or hillsides, a person can see out to a distance of approximately 2.7 miles at mean sea level and approximately 26.46 miles at an elevation of 500 feet (Research Maniacs 2014).**
>
> In addition, the duration of views of the planning area from Corral Valley Road is considered in this analysis. **The views of the planning area are variable and largely dependent on vehicle speed traveled.** The higher vehicle speeds allowed on Corral Valley Road reduces the opportunity for prolonged views of the planning area. DEIR pg. 3.1-2

As described above and shown by Table 3.3.1 a person at the higher elevations of Carnegie SVRA has a vista view of over 50 miles of the central valley and to the Sierras. Additionally, nothing in CEQA or any case law makes a view less important based on the speed of traffic on the road passing it. I6-160

The view **from** Carnegie SVRA towards the valley and protected habitat of Connolly Ranch and Tesla Park are magnificent, as many photographs submitted show. These views are scarred by trails, gullies and denuded eroded areas, again as many photographs show. The DEIR fails to consider whether the damage to Carnegie will "…have a substantial adverse effect on a scenic vista". (CEQA Guidelines, Appendix G) A member of the public standing on a high hill on Carnegie looking out over 40 miles of the valley (25.46 miles at 500 feet elevation) must look upon scarred and denuded hills and the muddy, compacted and denuded 4x4 area on the Corral Hollow Creek below as photographs submitted show. There are many vista and view photographs of the badly damaged and ugly park property next to natural green adjoining private property like the Connolly Ranch and some of these photographs are submitted by Parks. Public scenic views come from within Carnegie looking out, not just outside looking in. Corral Hollow Road, Tesla Road and Carnegie SVRA all have one thing in common: They are public property. Carnegie offers incredible panoramic views of the valley to the Sierras on a clear day. The DEIR is misleading when it states: "There are no ***designated*** scenic vistas, overlooks, or viewpoints in or near the planning area. Therefore, implementation of the Carnegie SVRA General Plan would have no impact on a scenic vista, and this issue is not discussed further in this DEIR." (DEIR pg. 3.1-1) There are many "scenic vistas, overlooks, or viewpoints in or near the planning area". What is meant by "designated" is unknown, but it is not a recognized limitation by the Guidelines or CEQA. I6-161

The DEIR does not include ANY analysis of what can be seen looking out from Carnegie. **Not a single photograph is included in the aesthetics analysis**. The photographs on the cover of the DEIR show lush green areas and a stream undisturbed by OHV use, which based on the Turbidity and Total Suspended Sediments measurements taken at Carnegie SVRA could not exist on Carnegie SVRA! This photograph was certainly of any area with NO OHV use and upstream of Carnegie SVRA. Does the DEIR consider the impact on the aesthetics of Corral Hollow Creek by this increase in turbidity and total suspended sediments by someone standing on the creek bank trying to enjoy what should be a creek of clear running water? It does not. Worse, the expanded and new facilities are all planned to be on the flood plain adjacent to this Corral Hollow creek, further increasing the visual impacts. I6-162

ICEQA aesthetics is not just limited to the threshold descriptions of Appendix G.

> "To the extent "community character" involves aesthetics, CEQA requires it to be examined. This is because CEQA defines "environment" to include "objects of ... aesthetic significance." (§ 21060.5.)
>
> Accordingly, in addition to *Banker's Hill* and *Bowman,* other courts have also recognized that aesthetic issues are properly studied under CEQA, and include impacts on public and private views and on the historic character of the project site and surrounding area. (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 363, 374–375, 54 Cal.Rptr.3d 485 [colorful

school playground's aesthetic impacts on "historic character" of neighborhood]; *Pocket Protectors v. City of Sacramento, supra,* 124 Cal.App.4th at p. 937, 21 Cal.Rptr.3d 791 [visual "tunneling" or "canyoning" effect of "long double rows of houses flanking a narrow private street"]; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 485, 492, 14 Cal.Rptr.3d 308 [condominium project's impacts on public and private ocean views]; *Ocean View Estates Homeowners Assn., Inc. v. Mont e cito Water Dist.* (2004) 116 Cal.App.4th 396, 402–403, 10 Cal.Rptr.3d 451 ["overall aesthetic impact" on public and private views of aluminum reservoir cover]; *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 889, 901, 69 Cal.Rptr.3d 105 [MND approved for constructing 219 single-family homes on a hillside despite neighborhood complaints that the area " 'is a very desirable place to live, and I do want to see that it is kept that way.... We have beautiful hills in Porterville.... I would like to see [less development] that would preserve, really the beauty of the area.' "].)"

Preserve Poway v. City of Poway (2016) 245 Cal.App.4th 560, 577.

I6-162 (Cont.)

The view from neighboring private property must also be considered as *Preserve Poway* describes. OHV trails, gullies, erosion and construction visible from adjoining private property must also be considered. As shown in comments on buffers from 2015 and in the present comments, Carnegie SVRA aesthetically damages property right up to the property boundary.

I6-163

Just as the 2015 DEIR was fundamentally flawed by limiting alternatives which limited its analysis, this 2024 DEIR is fundamentally flawed by treating Carnegie SVRA as if it were private property the public can only view from miles away or traveling along a State Highway at 45 miles per hour looking in. Aesthetics is any view from any point in the Park looking at any point in the park or beyond. The DEIR assumes that back areas of the park can be treated and ignored like a timber clear cut, an open pit mine or a garbage dump not visible from a public road. Many of the Google Earth images used to locate facilities, trails and areas and fire damage show vast denuded areas of the park hidden from the State Highway. This is a public park, not a clear cut or open pit mine on private property.

The DEIR aesthetics is fundamentally flawed. The description and baseline analysis, as well as analysis of the new and expanded facilities along the streambed and areas such a Waterfall Canyon all require a CEQA complaint aesthetics analysis. (A few photographs would be nice.)

I6-164

Letter I6 Response Connolly Ranch Inc. & Connolly Garamendi LLC, February 24, 2024

I6-1 The commentor is an adjacent landowner who has fought the park for years. He is an attorney and has sued the park numerous times, over environmental documents, easements and sundry other issues. His win-loss record decidedly favors the losing side. His comments attempt to confuse readers about the difference between general plans done for private projects under California State Planning Law, and General Plans prepared for California State Parks; he confuses General Plans with other secondary management plans, which are required by statute before development is allowed to take place and discusses deferred maintenance for General Plan policies, which he confuses with project specific projects. He makes ill–disguised and pejorative comments and with a voluminous letter of 37 pages and 78 comments, plus an additional 14-page letter, that is primarily a recast of his previous comments.

The current EIR is different from the 2016 EIR in several ways: 1) it analyzes the implementation of the General Plan for the existing Carnegie SVRA only, while the prior EIR analyzed impacts from General Plan implementation for a greatly expanded SVRA that included large expanses of lands not currently open to public recreation; 2) in addition to impacts resulting from operation and maintenance associated with the General Plan, the current EIR analyzes impacts resulting from all reasonably foreseeable projects that could be implemented under the General Plan. The purpose of a General Plan, as required by State planning law, is to provide broad-level goals and policies that would serve to guide ongoing operations and maintenance, and any future development that may occur, for many years into the future. The purpose of the EIR is to identify whether implementation of the General Plan goals and guidelines would result in less-than-significant impacts, or whether additional mitigation measures (in addition to the goals and guidelines contained in the General Plan) would be required.

Unlike the situation where an applicant submits a proposed project or a particular piece of property with finite choices available to a city or county, State Parks manages the land that it owns. As a property manager with statutory duties to manage state parks for cultural and natural resources and recreation, State Parks is able to avoid environmental degradation by choosing where, when and how specific projects are carried out and located. When State Parks propose a project, the project has already been designed to avoid or lessen environmental impacts, based on resource inventories, the application of state laws to protect various resources, and standard conditions that govern the design of projects. This is totally unlike a project proposed by an applicant who wants to maximize development on a piece of property, or even a project proposed by a governmental agency on their property where site constraints, available land, type of project (a state prison, for example) limit choices for siting and therefore raise the possibilities of environmental impacts. Projects are not proposed where there are significant natural and cultural environmental impacts. For example, where there is air impacts identified as potentially significant, Parks does not identify these types of impacts as “self-mitigating”, because they are not

impacts that we can design around, other than not doing the project. Where they apply, performance standards have been included in goals and guidelines. Furthermore, under CEQA, a lead agency is not required to publish or adopt a Mitigation and Monitoring Plan at the time the DEIR is circulated for public review. Instead, adoption of a Mitigation and Monitoring Plan would occur if and when the lead agency decides to adopt either the proposed project or one of the alternatives (see State CEQA Guidelines Section 15097).

I6-2 As described throughout the DEIR, and more particularly in the Executive Summary and in Chapter 1, "Introduction," and Chapter 2, "Project Description," the project considered in this EIR is the implementation of the Carnegie SVRA General Plan. As explained on DEIR page ES-1, "The Carnegie SVRA General Plan provides much of the regulatory setting description and the project description used for the CEQA analysis in this EIR. Chapter 2, 'Existing Conditions,' in the General Plan describes the geographical, physical, and management setting, including resource conditions and planning influences." Restating in the DEIR the baseline data that is already presented in the General Plan would be unnecessarily duplicative. Therefore, throughout the DEIR, at the start of the environmental analysis for each topic area the reader is specifically referred to the location in the General Plan where the existing conditions information is provided. For example, DEIR Section 3.4.1, "Existing Conditions," (page 3.4-1) states: "Section 2.3.2 'Biotic Resources,' in Chapter 2, 'Existing Conditions,' of the General Plan provides a detailed description of the landcover and vegetation types that occur in the planning area and detailed information on the status of common and special-status plants and wildlife species and which occur in the Carnegie SVRA and vicinity."

Alternatives are driven by the requirement to reduce or avoid any significant or potentially significant impacts that result from a project (State CEQA Guidelines Section 15126.6). The General Plan was developed to adequately manage and protect sensitive resources at the SVRA while providing high-quality recreational opportunities. As described in the impact analysis contained in DEIR Chapter 3.4, "Biological Resources," implementation of the General Plan does not result in significant impacts on sensitive resources. The projects that are reasonably foreseeable to be implemented under the General Plan (described on pages 4-6 through 4-9 of the General Plan and on pages 2-11 through 2-14 of the DEIR) largely consist of upgrades or expansions of existing facilities and are largely located in disturbed and heavily used areas of the SVRA. Therefore, the lack of substantial adverse impacts resulting from implementation of these projects should not be a surprise. Where the presence of sensitive resources in a project area cannot be excluded, the goals and guidelines in the General Plan provide detailed guidance for surveys and avoidance. Therefore, General Plan implementation, including future projects site-specific projects, is not expected to result in significant impacts.

This is an existing project. The property was paid for with Off-Highway Vehicle (OHV) Trust Funds. As such, State Parks would have to pay the OHV Trust Fund back if OHV use ceased and it was reclassified as a State Park. This

property is not a suitable place for a State Park, and there are no significant impacts that would be reduced to a level of less-than-significance by choosing the alternative reclassification of a State Park. The alternatives analysis in the EIR is adequate for the nature of the anticipated impacts.

I6-3 The current EIR is very different from the 2013 EIR because it analyzes the implementation of the General Plan and reasonably foreseeable projects for the existing SVRA only, while the prior EIR analyzed impacts from General Plan implementation for a greatly expanded SVRA that included large expanses of lands not currently open to public recreation. Because the Carnegie SVRA is currently managed as an active SVRA, and the reasonably foreseeable projects are located in previously disturbed areas, the cited court cases, such as the Lotus case, do not apply directly to the current EIR. The General Plan does not rely on standards and guidelines alone; it contains a carefully crafted set of goals and guidelines, supported by the Best Available Scientific information and informed by on-the-ground management on how to operate the SVRA and how to design and implement projects in a way that avoids and minimized impacts. No specific project can be built until further plans and studies are complete.

I6-4 The lack of a long list of mitigation measures and performance standards is not based on deferral of impact analysis, as suggested by the commenter. The SVRA is actively managed to avoid impacts on sensitive resources, and reasonably foreseeable projects that would be implemented under the General Plan are in heavily developed or disturbed areas. The purpose of a General Plan, as required by State planning law, is to provide broad-level goals and policies that would serve to guide ongoing operations and maintenance and any future development that may occur for many years into the future. The purpose of the EIR is to identify whether implementation of the General Plan goals and guidelines would result in less-than-significant impacts or whether additional mitigation measures (in addition to the goals and guidelines contained in the General Plan) would be required. Where they apply, performance standards have been included in goals and guidelines. Under CEQA, a lead agency is not required to publish or adopt a Mitigation and Monitoring Plan when the DEIR is circulated for public review. Instead, adoption of a Mitigation and Monitoring Plan would occur when the lead agency decides to adopt either the proposed project or one of the alternatives (see State CEQA Guidelines Section 15097). State Parks' management plans, such as the Habitat Management System, Wildlife Habitat Protection Plan, or Carnegie Stormwater Management Plan cited by the commenter, are adopted management programs that serve as standards to reduce environmental impacts; they are not subject to environmental review in this EIR as the commenter has suggested throughout the I6 letter comments.

I6-5 The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation, along with site-specific reasonably foreseeable projects Thus, guidelines (such as goals and guidelines associated with natural resources management) in the General Plan need to be broad enough to apply to a wide array of potential

projects. Where they apply, performance standards have been included in goals and guidelines.

Many of the goals and guidelines within this General Plan identify the need for additional planning and reporting (for example, the Roads and Trails Management Plan). Additional environmental review compliance may need to be conducted prior to the adoption of any subsequent planning documents, as outlined in the General Plan.

I6-6 Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

As described on page 1-8 of the General Plan, goals are developed to address existing issues and provide ongoing guidance for SVRA management. Guidelines provide the direction the OHMVR Division will implement to achieve these goals. In other words, goals are written to be broad and abstract, while guidelines are written to be specific actions to achieve these goals. Therefore, goals typically do not obtain measurable performance standards, but many of the guidelines that support these goals do.

For the reasons identified in this response and throughout this document, this EIR complies with CEQA.

I6-7 State Parks agrees with the comment that all (currently) known visitor facilities are identified in DEIR Figure 2-3 (page 2-9) and in General Plan Figure 4-2 (page 4-5). However, the General Plan is a long-range planning document, and therefore must take into account the fact that there may be future site-specific projects that may occur many years into the future. While any such projects require future CEQA analysis, the purpose of a General Plan, as required by State planning law, is to provide broad-level goals and policies that would serve to guide any future development that may occur years into the future. Therefore, NRM Guideline 1.1 would be applied to currently unanticipated site-specific projects that may occur in the future (which would require separate CEQA compliance) to ensure that these projects are placed in areas that have been previously disturbed or are in areas of relatively low resource value to protect biological and other natural resources.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

I6-8 The current General Plan was developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation and site-specific reasonably foreseeable projects. Thus, guidelines (such as NRM Guideline 1.2) in the General Plan need to be broad enough to apply to a wide array of

potential projects. Where they apply, performance standards have been included in the guidelines.

The potential environmental impacts from implementing non-motorized trails in the Waterfall Canyon area have been analyzed, along with all the site-specific projects described on DEIR pages 2-11 through 2-14, in each impact under the heading "New and Improved Facilities" throughout all of the topic areas in the DEIR.

Impacts on western spadefoot toad resulting from the proposed projects, including the new Group Camping Area, have been discussed in Section 3.04, "Biological Resources" of the EIR. Impacts on western spadefoot toad have been determined to be less than significant.

For information regarding the HMS, please see response to Comment O2-2.

I6-9 The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation, along with site-specific reasonably foreseeable projects. Thus, guidelines (such as NRM Guideline 1.2) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where they apply, performance standards have been included in the guidelines.

This EIR does not improperly defer analysis. In addition to operations and maintenance impacts resulting from the General Plan, the current EIR analyzes impacts resulting from all reasonably foreseeable site-specific projects that could be implemented under the General Plan as described on DEIR pages 2-11 through 2-14.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA. While many of these guidelines would minimize impacts resulting from the ongoing management of the SVRA or the development of projects, these guidelines are not mitigation measures. The commentor asserts that NRM Guideline 1.3 "provides no mitigation." That is correct. This is not mitigation; it is a guideline at the appropriate level of a general plan. The commentor continues to be confused about the project. The purpose of the EIR is to identify whether implementation of the General Plan goals and guidelines would result in less-than-significant impacts, or whether additional mitigation measures (in addition to the goals and guidelines contained in the General Plan) would be required.

I6-10 For information regarding the HMS and WHPP, please see response to Comment O2-2.

I6-11 See response to Comment I6-1 through I6-9 above.

I6-12 This is a Guideline, and it does not improperly defer analysis. Many of the goals and guidelines within this General Plan identify the need for additional planning and reporting (for example, the Roads and Trails Management Plan) that occur prior to specific development. Additional environmental compliance will be conducted prior to the adoption of any subsequent discretionary planning documents.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA. For information regarding the HMS and WHPP, please see response to Comment O2-2.

I6-13 The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operation and maintenance impacts associated with General Plan implementation, along with site-specific reasonably foreseeable projects. Thus, guidelines (such as guidelines associated with natural resources management) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where they apply, performance standards have been included in the guidelines.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

I6-14 The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation, along with site-specific reasonably foreseeable projects. Thus, guidelines (such as NRM Guideline 2.3) in the General Plan need to be broad enough to apply to a wide array of potential projects. The lack of a long list of impacts and associated mitigation measures and performance standards in the current EIR is based on the fact that the existing SVRA is actively managed to avoid impacts on sensitive resources.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

Please see Section 3.20, “Wildfire,” of the EIR, which includes descriptions of multiple plans, policies, regulations, safety measures, and General Plan Goals and Policies to avoid or suppress wildfire that work in conjunction with the Carnegie SVRA existing on-site roads and trail network that serves as a firebreak system. All these actions combined with address wildfires that start within the SVRA have resulted in quickly containing and preventing fires (e.g., the requirement for the use of effective vehicle spark arresters) and may also

help assist with promptly addressing fires that start from any source just outside the SVRA. Grazing may be used as a natural resource management tool and may also be a measure that helps prevent wildfires. Prescribed burns are another potential method for wildfire prevention. While some methods may not have been used yet at Carnegie SVRA, they have been used at other parks and could be used at the SVRA; hence, they are included along with numerous other methods for addressing wildfires.

I6-15 The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation, along with site-specific reasonably foreseeable projects. Thus, guidelines (such as NRM Guideline 2.4) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where they apply, performance standards have been included in the guidelines.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

For information regarding the HMS and WHPP, please see response to Comment O2-2.

I6-16 The comment suggests that the goals and guidelines in the General Plan related to wildlife should be changed somehow (the commenter does not provide specific details) to deal with the "increased use," which the commenter assumes would occur from opening the 526-acre Waterfall Canyon area to OHV riding as well as increased use assumed by the commenter throughout the rest of the SVRA from the site-specific visitor projects. As discussed in detail on page 2-3 of the DEIR, there would likely not be a "bump" in new OHV recreationalists or attendance solely because of the new OHV and non-OHV opportunities with the SVRA's footprint. Generally, OHV parks are most attended by users most proximate to the park, such as regional residents. Carnegie SVRA attracts more local users versus those traveling from further distances throughout the State or elsewhere (See General Plan section 2.7.4.3, Carnegie SVRA Visitation)

Therefore, Carnegie SVRA attendance would likely grow naturally and in parallel with regional population growth. The environmental impacts that could occur from the implementation of the site-specific projects, which are evaluated throughout all the topic area sections in the DEIR, include visitor use of the SVRA facilities as a function of the impact analyses. For example, increased potential for disturbance or loss of wildlife habitat (DEIR Section 3.4, "Biological Resources") and increased erosion from the use of new designated trails (DEIR Section 3.10, "Hydrology and Water Quality").

As stated on page 4-7 of the General Plan related to the proposed uses in the Waterfall Canyon area, "State Parks is **considering** the rehabilitation of existing trails in the southeast corner of the SVRA for non-motorized use, such as hiking

and mountain biking. Details about the trails and their allowed recreational uses will be provided in an SVRA Roads and Trails Management Plan. The alignment of trails will take into consideration potential viewpoints; areas for picnic tables, benches, and interpretive signage; terrain and drainages, and sensitive resources." (Emphasis added). As further described in General Plan Table 4-1 (pages 4-9 and 4-10), the Waterfall Canyon area could only be "changed to an intermediate or advanced trail [OHV] area in the future if there were an additional acquisition that would allow State Parks to provide adequate water quality management measures for the watershed consistent with the Corral Hollow Watershed Assessment and the Storm Water Management Plan for Carnegie SVRA." (Emphasis added.) Any additional land acquisition would require a separate CEQA analysis. The DEIR assumes that no OHV riding will occur in the Waterfall Canyon area; rather, the impact analyses for the Waterfall Canyon area are focused on non-motorized hiking and mountain biking.

The OHMVR Division's Habitat Monitoring System (HMS) is a regulatory standard that has already been adopted by State Parks; therefore, it is not subject to CEQA review in this EIR. The HMS is a tool used to aid in the implementation of park-specific natural resource monitoring and adaptive management, with a focus on trends in percent habitat cover, focal species distribution and abundances, and comparisons between riding and nonriding areas. The HMS data is used to accumulate, standardize, and analyze records of plants, animals, and habitats in the planning area and guide adaptive management. The HMS is consistent with State Parks' resource management directives and with the specific biological provisions that outline management programs for working with natural processes of vegetation succession, controlling the spread of noxious and invasive weeds, and protecting natural wildlife habitat.

Similarly, State Parks' Wildlife Habitat Protection Plan (WHPP) is a mandated plan for each park (PRC Section 5090.35(a) et.seq.). It consists of an improved framework, which emphasizes a broad range of scientifically accepted techniques and measures that are appropriate for the unique habitats found within each SVRA. As an approved State Parks' standard, it is not subject to CEQA review in this EIR.

The WHPP monitoring system provides information on protocols for baseline studies, focused studies, monitoring, and surveys, and is used by SVRA resource managers to aid in the development of park-specific monitoring plans and techniques. The goals of the WHPP are to monitor and manage wildlife and plant populations and restore habitats where necessary to sustain a viable species composition within each SVRA. The plans enable adaptive management, allowing management practices and strategies to change, or "adapt," as warranted by new monitoring information. Environmental scientists for each SVRA conduct and oversee monitoring based on the WHPP and other monitoring protocols. Biological resource assessments conducted at Carnegie SVRA have been compiled according to the guidelines set forth by this system. (See NRM Guideline 1.4, General Plan page 4-24.)

The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify both operations and maintenance associated with General Plan implementation, along with site-specific reasonably foreseeable projects. Thus, guidelines (such as NRM Guideline 1.4) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where they apply, performance standards have been included in the guidelines.

I6-17 As described on page 1-8 of the General Plan, goals are developed to address existing issues and provide ongoing guidance for SVRA management. Guidelines provide the direction the OHMVR Division will implement to achieve these goals. In other words, goals are written to be broad and abstract, while guidelines are written to be specific actions to achieve these goals. Therefore, goals typically do not obtain measurable performance standards, but many of the guidelines that support these goals do.

The commentor states that the primary emphasis of "Wildlife Goal 1 has a primary emphasis of providing an OHV experience with wildlife protection as a secondary issue." This is an unsupported opinion from the commentor. The Goal actually reads: "Manage the SVRA to maintain a quality OHV recreational experience while protecting native wildlife species and their designated habitats". As described in Chapter 1, "Introduction," of the General Plan, the California State Parks' mission is to "provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation." All Department planning, resource management, and recreation access support this mission statement. The order in which State Parks lists its directives is irrelevant. Section 5090.43(a) of the California Public Resources Code requires SVRAs to be developed, managed, and operated to make the fullest public use of the outdoor recreational opportunities present while balancing the protection of natural and cultural resources.

I6-18 The need for a take permit under either the federal or state Endangered Species Act is triggered by the take of a listed species. If the need for a take permit were determined to be needed for a future site-specific project, State Parks would obtain the permit(s) from the relevant agencies. However, to date, no such need has been determined and it would be inappropriate to list the need as being required prior to adopting and implementing the General Plan, which is a long-range planning document for the SVRA.

I6-19 As described in the response to Comment I6-17, the order in which State Parks lists its directives is irrelevant. The commentor also cites comment letters from CDFW and USFW related to the 2016 EIR that are not applicable to this current EIR. The current EIR is different from the 2016 EIR in several ways: 1) it analyzes the implementation of the General Plan for the existing Carnegie SVRA only, while the prior EIR analyzed impacts from General Plan implementation for a greatly expanded SVRA that included large expanses of lands not currently open to public recreation; 2) in addition operations and

maintenance to impacts resulting from the General Plan, the current EIR analyzes impacts resulting from all reasonably foreseeable site-specific projects that could be implemented under the General Plan – at the level of detail currently available. Please see Section 3.1 of this FEIR, which addresses comments provided by CDFW on the Draft EIR. The USFW did not provide comments related to this EIR.

I6-20 The statements that issues raised by the CDFW in its May 19, 2022, scoping period letter have been largely ignored and that the EIR lacks information or is insufficient on baseline conditions is unsubstantiated. Please see Section 3.4, "Biological Resources," of the EIR, which references Section 2.3.2 "Biotic Resources," in Chapter 2, "Existing Conditions," of the General Plan. Extensive descriptions of baseline conditions (i.e. existing conditions at the Carnegie SVRA) are included in Chapter 2. Section 2.3.2 of the General Plan provides a detailed description of the landcover and vegetation types that occur in the planning area and detailed information on the status of common and special-status plants and wildlife species, which occur in the Carnegie SVRA and vicinity.

I6-21 Please see response to comment I6-18 and I6-20.

I6-22 The commenter does not state what he believes an "appropriate buffer supported by science" would be for kit fox dens and there is no such buffer in the scientific literature. Wildlife Guideline 1.1 calls for initiating strategies based on USFWS 2011 Standardized Recommendations for San Joaquin Kit Fox. Wildlife Guideline 1.1 also includes contacting USFWS regarding appropriate setbacks if an active den is found. As is the case with any buffer aimed at resource protection, once the species is confirmed to occur, and there is potential conflict with a project encroachment into the habitat of the species, buffers should be decided on a site and project-specific basis, by experts on the species, such as local biologists, and in coordination with the agencies, if required by law.

I6-23 Site-specific project locations show in Figure 2-3 have been selected based on the need for the expanded or updated facility and on current knowledge of the absence of sensitive resources from these areas based on ongoing monitoring and specific site knowledge by resource management staff. Species-specific survey will be conducted as necessary once the design has progressed to the specific level that will allow a detailed site-specific analysis. If necessary, site design may be adjusted at that time, consistent with resource and design management goals and guidelines in the General Plan.

For information regarding the HMS and WHPP, please see response to Comment O2-2.

I6-24 As is the case for many guidelines in this EIR, Wildlife Guideline 1.2 is written broadly to apply to a wide array of projects. State Parks recognizes that scientifically supported dispersal distances are greater than 150 feet for California red-legged frog, California tiger salamander, western spadefoot toad,

and western pond turtle. Consistent with CDFW's suggestions in their comment letter provided during the scoping period, State Parks proposes an adaptive approach such as buffer areas, where prescribed, to avoid and minimize impacts on these species. More specifically, Wildlife Guideline 1.7 has been revised to incorporate avoidance and minimization measures within upland dispersal areas such as the CDFW-proposed 5,587-foot buffer around CTS breeding ponds. Measures include: a preconstruction survey, flagging of habitat features for avoidance, and biological monitoring (please see FEIR section 4 "revisions to the General Plan" for specific revision language).

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA. Because the General Plan is a long-range planning document that proposes a wide array of projects, it is not feasible to apply a one-size-fits-all approach to mitigation. The Goals and Guidelines identified are appropriate for a high-level general planning document. We anticipate that many subsequent activities will be within the scope of the EIR and no additional CEQA document would be required, however, the General Plan acknowledges that some actions may require additional CEQA analysis before implementation. Once the project details are known, and if determined necessary during subsequent environmental analysis, future environmental documents will be prepared, additional measures would be developed and disclosed during that future CEQA process, and consultation with regulatory agencies will occur if necessary.

I6-25 As described in the General Plan, Waterfall Canyon is currently excluded from OHV recreation for water quality management purposes and will be managed according to the Storm Water Management Plan for Carnegie SVRA or the most current water quality management prescriptions. In addition, the USFW comment refers to impacts to CRLF from OHVs, which will be excluded from the Waterfall Canyon area. State Parks is considering the rehabilitation of existing trails in Waterfall Canyon for non-motorized use, such as hiking and mountain biking. Details about the trails and their allowed recreational use will be provided in a proposed SVRA Roads and Trails Management Plan (RTMP). As described in RTMP Goal 1, the plan may include further CEQA analysis for a non-motorized trail network and the potential for future motorized trails in Waterfall Canyon. The impact analyses throughout all of the topic areas in the DEIR include an analysis of non-motorized trail use in the Waterfall Canyon area at a programmatic level under the headings "New and Improved Facilities."

I6-26 Please see response to Comment I6-24 related to buffers for amphibians (e.g., California tiger salamander, western spadefoot toad) and the western pond turtle, and Wildlife Guideline 1.7. Also see NRM Guideline 2.1, which provides implementation of an adaptive management plan that will "identify and establish adaptive management opportunity zones in areas of high-quality natural habitat and sensitive habitat, or where populations of special-status wildlife and plants occur or could occur (e.g., elderberry shrubs, California tiger salamander breeding ponds). Implement management actions to protect these zones from activities that could disturb sensitive resources or to enhance/restore

them as part of the adaptive management process." General Plan goals and guidelines, including the mitigation and other minimization measures described within many of these guidelines, have been provided to reduce impacts to less than significant. No further mitigation is required.

I6-27 Because the General Plan is a long-range planning document that proposes a wide array of projects, it is not feasible to apply a one-size-fits-all approach to mitigation. NRM Guideline 2.1 provides implementation of an adaptive management plan that will identify and establish adaptive management opportunity zones in areas of high-quality natural habitat and sensitive habitat, or where populations of special-status wildlife and plants occur or could occur. State Parks will implement management actions to protect these zones from activities that could disturb sensitive resources or to enhance/restore them as part of the adaptive management process. Furthermore, Wildlife Guideline 1.3 states that if work or placement of facilities is closer than 100 feet of elderberry shrub locations, appropriate measures will be developed in consultation with the U.S. Fish and Wildlife Services. A 100-foot buffer provides plenty of protection for elderberry shrubs and is consistent with USFWS protocols for the species.

The current General Plan is specifically developed to provide a comprehensive long-range planning framework for the SVRA and to identify reasonably foreseeable site-specific project impacts associated with General Plan implementation, including reasonably foreseeable projects. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR at the level of project detail currently available, there are projects proposed in the future that are still in the conceptual phase, and there may be projects that are currently unforeseeable and therefore have not been discussed. CEQA review may be needed or supplemented for future projects as details about planned projects emerge or get refined. These future compliance documents may tier off the current EIR or take the form of stand-alone documents. Furthermore, the projects that are reasonably foreseeable to be implemented under the General Plan (identified on DEIR pages 2-11 through 2-14) largely consist of upgrades or expansions of existing facilities and are largely located in disturbed and heavily used areas of the SVRA.

Many of the goals and guidelines in the 2016 General Plan and this General Plan are similar or identical because these goals and guidelines originally written in 2016 are still relevant and support the management goals of the SVRA.

I6-28 Because the General Plan is a long-range planning document that proposes a wide array of projects, it is not feasible to apply a one-size-fits-all approach to mitigation. Wildlife Goal 1 states "Manage the SVRA to maintain a quality OHV recreational experience while protecting native wildlife species, including special-status wildlife species and their designated habitats." NRM Goal 2 states "encourage a balance of uses that allow for the restoration or enhancement of natural habitats while maintaining a quality OHV recreational experience. "For example, underneath this goal, NRM Guideline 2.1 provides implementation of an adaptive management plan that will identify and establish adaptive

management opportunity zones in areas of high-quality natural habitat and sensitive habitat, or where populations of special-status wildlife and plants occur or could occur. State Parks will implement management actions to protect these zones from activities that could disturb sensitive resources or to enhance/restore them as part of the adaptive management process. See Section 3.04 "Biological Resources," for additional goals and guidelines related to habitat protection, restoration, and enhancement.

With regards to appropriate buffers for kit fox, please see response to comment I6-22 above.

This EIR does not improperly defer analysis. The current General Plan is specifically developed to provide a long-range comprehensive planning framework for the SVRA and to identify impacts reasonably foreseeable site-specific projects associated with General Plan implementation, including reasonably foreseeable projects. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR at the level of project details currently available, there are projects proposed in the future that are still in the conceptual phase and there may be projects that are currently unforeseeable and therefore have not been discussed. CEQA review may be needed or supplemented for future projects as details about planned projects emerge or get refined. These future compliance documents may tier off the current EIR or take the form of stand-alone documents. Furthermore, the projects that are reasonably foreseeable to be implemented under the General Plan (identified on DEIR pages 2-11 through 2-14) largely consist of upgrades or expansions of existing facilities and are largely located in disturbed and heavily used areas of the SVRA.

I6-29 Please see Section 2.3.2 in Chapter 2, "Existing Conditions," of the General Plan, which includes current information about the Alameda whipsnake and its potential to occur onsite. Additionally, Wildlife Guideline 1.4 specifically addresses Alameda whipsnake habitat. The guidelines states "avoid siting facilities within 150 feet of preferred Alameda whipsnake habitat, particularly scrub vegetation types. If placement of facilities within or adjacent to Alameda whipsnake habitat cannot be avoided, implement appropriate measures to avoid or compensate for direct and indirect impacts on Alameda whipsnake resulting from project-specific activities. Implement protection measures agreed upon during consultation with USFWS. Encourage further research into the presence of Alameda whipsnake at the site, to ensure that management is based on the best available knowledge of the species and its requirements."

I6-30 Where appropriate, buffers for specific species are based on protocols published by the resource agencies for the species (such as VELB). Where no published protocols are available, buffers are based on best management practices. In many cases, even published protocols may be adjusted in consultation with the relevant resource agencies, while in other cases, local resource managers, who are the individuals with the most appropriate site-specific information about the presence or absence of sensitive species, will decide appropriate buffers.

Wildlife Guidelines 1.5 through 1.9 include construction buffers and use of wildlife agency guidelines and/or consultation with wildlife agencies, or consultation with a qualified biologist related to the establishment and use of buffers and other mitigation measures. The purpose of Wildlife Guideline 1.10 is to avoid interfering with the movement through known migratory wildlife corridors in the planning area when placing new facilities.

The current General Plan is specifically developed to provide a comprehensive long-range planning framework for the SVRA and to identify reasonably foreseeable site-specific projects impacts associated with General Plan implementation, including reasonably foreseeable projects. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR at the level of project detail currently available, there are projects proposed in the future that are still in the conceptual phase. There may be projects that are currently unforeseeable and therefore have not been discussed. CEQA review may be needed or supplemented for future projects as details about planned projects emerge or get refined. These future compliance documents may tier off the current EIR or take the form of stand-alone documents. Furthermore, the projects that are reasonably foreseeable to be implemented under the General Plan (identified on DEIR pages 2-11 through 2-14) largely consist of upgrades or expansions of existing facilities and are largely located in disturbed and heavily used areas of the SVRA.

I6-31 Please see response to Comment I6-30.

As described in the General Plan, Waterfall Canyon is currently excluded from OHV recreation for water quality management purposes and will be managed according to the Storm Water Management Plan for Carnegie SVRA or the most current water quality management prescriptions. State Parks is considering the rehabilitation of existing trails in Waterfall Canyon for **non-motorized use**, such as hiking and mountain biking. Details about the trails and their allowed recreational use will be provided in a proposed SVRA Roads and Trails Management Plan (RTMP). As described in RTMP Goal 1, the plan may include further analysis for a non-motorized trail network and the potential for future motorized trails in Waterfall Canyon. The impact analyses throughout all of the topic areas in the DEIR include an analysis of non-motorized trail use in the Waterfall Canyon area at a programmatic level under the headings “New and Improved Facilities.”

The comment that the EIR ignores increased use due to new and expanded facilities is unsubstantiated. The EIR analyzes construction related to new and improved facilities, as well as impacts from their operation. The new and improved recreation facilities envisioned in the General Plan (e.g., a new campfire center, kid’s minibike track, and interpretive pedestrian trails) are expected to better support the recreational interest of a broader demographic of visitors thereby attracting a wider audience. However, as discussed in Chapter 2, “Project Description” (DEIR page 2-3) of the General Plan, there would likely not be a “bump” in new OHV recreationalists or attendance solely because of the proposed General Plan’s new OHV and non-OHV opportunities

within the SVRA's existing footprint. Carnegie SVRA's OHV recreation attendance instead would likely grow naturally and parallel to regional population growth. Generally, OHV parks are most attended by users most proximate to the park, such as regional residents. Carnegie SVRA attracts more local users versus those travelling from further distances throughout the State or elsewhere.

I6-32 & I6-33 The comment cites to page 20 of the Court's Order and Ruling, which relates to a lack of site-specific analyses for reasonably foreseeable projects in the prior EIR and contends that the same situation related to "self-mitigation" still applies to the current EIR, particularly as related to OHV use in Waterfall Canyon. However, the current EIR is different from the 2016 EIR in several ways: 1) it analyzes the implementation of the General Plan for the existing Carnegie SVRA only, while the prior EIR analyzed impacts from General Plan implementation for a greatly expanded SVRA that included large expanses of lands not currently open to public recreation; 2) in addition to impacts resulting from operations and maintenance of the General Plan, the current EIR analyzes impacts resulting from all reasonably foreseeable site-specific projects that could be implemented under the General Plan at the level of project detail currently available.

The purpose of a General Plan, as modeled by State planning law, is to provide broad-level goals and policies that would serve to guide ongoing operations and maintenance, and any future development that may occur, for many years into the future. The purpose of the EIR is to identify whether implementation of the General Plan goals and guidelines would result in less-than-significant impacts, or whether additional mitigation measures (in addition to the goals and guidelines contained in the General Plan) would be required. Where they apply, performance standards have been included in goals and guidelines. The current DEIR identifies and evaluates the potential impacts of site-specific projects under the headings "New and Improved Facilities" throughout each topic area in the DEIR. Locating new projects in heavily disturbed areas substantially reduces the level of environmental impacts. Instead of acknowledging the reduction of environmental impacts from the design of the site-specific projects, the commenter suggests throughout letter I6 that the "true nature" of the environmental impacts has been deliberately hidden behind the guise of "self-mitigation" through implementation of General Plan goals and guidelines (which contain performance standards where necessary). The purpose of mitigation measures is to modify a project to "substantially lessen or avoid significant effects on the environment" thus fulfilling a basic purpose of CEQA to "Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible." (State CEQA Guidelines Section 15002[a][3].) However, if implementation of a project (in this case, the General Plan) would not in fact result in significant impacts, then there is no reason to include mitigation measures As stated on page 4-7 of the General Plan related to the proposed uses in the Waterfall Canyon area, "State Parks is considering the rehabilitation of existing trails in the southeast corner of the SVRA for **non-motorized use**, such as **hiking and mountain biking**.

Details about the development of trails and their allowed recreational uses will be provided in a subsequent SVRA Roads and Trails Management Plan. The alignment of trails will take into consideration potential factors; areas for picnic tables, benches, and interpretive signage; terrain and drainages, and sensitive resources. As further described in General Plan Table 4-1 (pages 4-9 and 4-10), the Waterfall Canyon area could only be "changed to an intermediate or advanced trail [OHV] area in the future if there were an additional acquisition that would allow State Parks to provide adequate water quality management measures for the watershed consistent with the Corral Hollow Watershed Assessment and the Storm Water Management Plan for Carnegie SVRA." (Emphasis added.) Any additional land acquisition would require separate CEQA compliance. The DEIR assumes that **no OHV riding** will occur in the Waterfall Canyon area; rather, the impact analyses for the Waterfall Canyon area, including the analyses contained in DEIR Section 3.4, "Biological Resources," are focused on non-motorized hiking and mountain biking.

This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I6-34 See response to comments I6-32 and I6-33.

I6-35 Water Goal 1 states "Manage the SVRA for the protection of jurisdictional waters of the United States, including wetlands and waters of the state, while maintaining a quality OHV recreational experience." However, the order in which State Parks lists its directives is irrelevant and not indicative of anything. As stated in Chapter 1, "Introduction," of the General Plan, "The California State Park mission is 'to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.' All Department planning, resource management, and recreation access is subject to this mission statement.' Section 5090.43(a) of the California Public Resources Code requires SVRAs to be developed, managed, and operated to make the fullest public use of the outdoor recreational opportunities present, while balancing the protection of natural and cultural resources.

This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I6-36 The current General Plan is specifically developed to provide a comprehensive long-range planning framework for the SVRA and to identify reasonably

foreseeable site-specific projects associated with General Plan implementation. All of the impacts throughout each topic area in the DEIR evaluate both continued SVRA operations and management at a broad level, as well as site-specific proposed facilities at a detailed level, under the headings "General Plan Implementation" and "New and Improved Facilities." Therefore, deferral of analysis has not occurred. Without more site-specific planning, such analysis would be speculative and not feasible.

I6-37 As stated in General Plan Chapter 4, "The Plan," State Parks "will consider several locations on previously disturbed land within the SVRA's gathering and services visitor experience area to develop a group campsite. One location currently under consideration is at the SVRA's northwest corner. Although the exact details of the potential site and capacity have not been determined, the campsite will likely hold up to approximately 30 people and may include parking spurs and spaces, electricity hookups, potable water, picnic tables, shade ramadas, a fire ring, space for visitor's tents, and restrooms." General Plan Figure 4-2 (page 4-5) and DEIR Figure 2-3 (page 2-9) show the proposed location for the Group Camping Area. The commenter is correct that this facility (as with most of the proposed facilities shown in DEIR Figure 2-3) would be located near Corral Hollow Creek. However, the potential environmental impacts of all of the proposed site-specific proposed facilities (including the Group Camping Area) have been evaluated at a detailed level, under the headings "New and Improved Facilities" in each impact throughout all of the topic areas in the DEIR. If the Group Camping Area were moved to a different location in the future, then a separate CEQA analysis would be required. Therefore, deferral of analysis has not occurred.

As described previously, Waterfall Canyon is currently excluded from OHV recreation for water quality management purposes and will be managed according to the Storm Water Management Plan for Carnegie SVRA or the most current water quality management prescriptions. State Parks is considering the rehabilitation of existing trails in Waterfall Canyon for non-motorized use, such as hiking and mountain biking, but this Project is still in the conceptual phase. Details about the trails and their allowed recreational uses will be provided in a proposed SVRA Roads and Trails Management Plan (RTMP). Environmental review for planning documents that have not yet been written are not subject to review within this EIR, because the details of the future plans are still unknown. Details about the trails and their allowed recreational uses will be provided in a proposed SVRA RTMP. As described in RTMP Goal 1, the plan may include further analysis for a non-motorized trail network and the potential for future motorized trails in Waterfall Canyon. The impact analyses throughout all of the topic areas in the DEIR include an analysis of non-motorized trail use in the Waterfall Canyon area at a programmatic level under the headings "New and Improved Facilities."

I6-38 Please see Section 3.04, "Biological Resources," of the EIR, which describes that NRM Goals 1 and 2, Plant Goal 1, Wildlife Goal 1, and Water Goal 2 and the associated guidelines will address impacts on the movement of fish and wildlife species, migratory wildlife corridors, and native wildlife nursery sites

through programmatic solutions of site selection, aquatic resource protection, agency consultation, ongoing surveys, annual monitoring, compensatory mitigation, and adaptive management plans using the best available science. Wildlife Guideline 1.10 specifically states that "during placement of new facilities, avoid interference of movement through know migratory wildlife corridors in the planning area."

Additionally, the implementation of the General Plan is only for the existing Carnegie SVRA. It does not include the Tesla-Alameda property. Projects that are reasonably foreseeable to be implemented under the General Plan largely consist of upgrades or expansions of existing facilities and are largely located in disturbed and heavily used areas of the SVRA. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR at the level of project detail currently available, there are projects proposed in the future that are still in the conceptual phase and there may be projects that are currently unforeseeable and therefore have not been discussed in the General Plan.

The comment that the EIR ignores the bottleneck of a critical wildlife corridor related to Waterfall Canyon is unsubstantiated. As described previously, Waterfall Canyon is currently excluded from OHV recreation for water quality management purposes and will be managed according to the Storm Water Management Plan for Carnegie SVRA or the most current water quality management prescriptions. State Parks is considering the rehabilitation of existing trails in this southeast corner of the SVRA for non-motorized pedestrian use. Trail alignment will consider potential viewpoints, areas for picnic tables, benches, interpretive signage, terrain and drainages, and sensitive resources. This Project is still in the conceptual phase. Details about the trails and their allowed recreational uses will be provided in a proposed SVRA RTMP, which requires additional environmental analysis of any proposed trail alignments and facilities. Environmental review for planning documents that have not yet been written are not subject to review within this EIR because the details of the future plans are still unknown. State Parks appreciates the reference to the Critical Linkages Habitat Corridors study.

CEQA review may be needed or supplemented for future projects as details about planned projects emerge or get refined. These future compliance documents may tier off the current EIR or take the form of stand-alone documents.

I6-39 Energy use from on-site OHV is an existing condition and not a topic to be analyzed in CEQA based on Appendix G checklist. The DEIR complies with CEQA with regards to required analysis.

Please also see response to Comment I6-37 regarding Waterfall Canyon – no OHV use is proposed here.

I6-40 While State Parks appreciates and considers all suggestions, not all suggestions are necessary, feasible, compatible, or consistent with State Parks or other applicable agency laws, directives, plans, policies, or procedures.

I6-41 The current General Plan is specifically developed to provide a comprehensive planning framework for the SVRA and to identify impacts associated with implementation, including reasonably foreseeable projects. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR, there may be projects proposed in the future that are still conceptual or there may be project not currently foreseeable and therefore have not been discussed in the General Plan. Thus, guidelines in the General Plan need broad and flexibility to apply to a wide array of potential projects and the timing and availability of funding to implement them. Where they apply, performance standards have been included in goals and guidelines. Additionally, while State Parks appreciates and considers all suggestions, not all suggestions are necessary, feasible, or compatible with State Parks policies.

I6-42 The comment states that DEIR Section 3.7.1, "Existing Conditions," does not provide baseline information related to soils or erosion. Therefore, the impacts of the proposed project and the alternatives cannot be determined. DEIR Section 3.7.1, "Existing Conditions," states: "Section 2.3.1, 'Physical Resources,' in Chapter 2, 'Existing Conditions,' of the General Plan includes a discussion of the existing setting for geology, soils, and paleontological resources."

Chapter 2, "Existing Conditions," of the Carnegie General Plan, pages 2-9 and 2-10, include the following information: "The State Parks Off-Highway Motor Vehicle Recreation (OHMVR) Division initiated a study of the Corral Hollow watershed in 2004. The primary goal of the assessment was to provide State Parks, Carnegie SVRA staff members, and community stakeholders with an understanding of historical occurrences that have shaped the watershed. Based on the assessment's findings, State Parks developed recommendations to reduce future erosion and sediment concerns and return Corral Hollow to a properly functioning watershed while maintaining visitor satisfaction and preserving the area's historic value. These conclusions and recommendations are presented in the Final Corral Hollow Watershed Assessment (State Parks 2007a:1–4)." Specific details related to soil types and erosion throughout the Carnegie SVRA are provided in the watershed assessment. A copy of the Watershed Assessment was attached to the 2016 DEIR as an appendix. It was provided as part of the administrative record materials for the 2024 DEIR that were available upon request to State Parks. Furthermore, the commenter himself refers to the Watershed Assessment in Comment I6-50, which indicates that the commenter is already aware that soil data, rainfall data, erosion information, and in-stream stormwater flows for all areas of the Carnegie SVRA have been obtained and presented to the public for review as part of the EIR. Furthermore, Figure 2-6 in the Carnegie General Plan (page 2-27) presents a map of the soil types within the Carnegie SVRA, and Table 2-3 in the Carnegie General Plan (page 2-29) presents a summary of relevant soil characteristics including erosion potential.

I6-43 Please see response to comment I6-42.

General Plan Figure 2-6 shows the different soil types as classified by the U.S. Natural Resource Conservation Service and their locations within the Carnegie SVRA; it does not show areas of erosion.

Please see response to Comment I6-42.

I6-44 The comment about the failure to have sufficient baseline information about erosion and wildlife is unsubstantiated. Please see the response to Comment I6-42. Also see Section 2.3.2.2 in Chapter 2, "Existing Conditions," of the General Plan, which provides information about common wildlife species known or expected to occur are based on previous studies conducted onsite, including habitat monitoring reports by State Parks, biological assessments prepared for specific projects at Carnegie SVRA, habitat assessments and vegetation mapping performed by AECOM in 2012, species-specific surveys conducted between 2016 and 2020, and studies performed on adjacent properties. Section 2.3.2.4 provides information about special-status wildlife, which have the potential to occur in or near the planning area. Figure 2-16 the distribution of California Natural Diversity Database records of special-status wildlife occurrences documented within 5 miles of the planning are.

Please see response to Comment I6-37 regarding Waterfall Canyon

I6-45 The reference to a technical memorandum from CDFW from June 2015 is noted. State Parks has been soliciting CDFW and other agency input on the current planning effort and associated EIR as necessary and required by State Law. No further response is required.

I6-46 The reference to the commenter's concern on the prior planning effort and prior (2005) statements from USFWS is noted. However, these comments from 2005 are not relevant to the current planning effort.

Please see response to comment I6-45 above.

I6-47 The statement on pages 3.7-6 of the DEIR that "The SVRA is currently closed during and immediately following strong winter storms and closure information is posted on the SVRA website" is accurate; State Parks' personnel periodically close portions of the SVRA when necessary. Quantification of rainfall amounts, along with information related to storm frequency and duration, were provided in the Watershed Assessment (State Parks 2007a) and in the 2012 Carnegie SVRA Stormwater Management Plan (State Parks 2012). Please see also response to comment I6-42.

This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. No further response is required.

I6-48 Please see the response to Comment I6-37 regarding Waterfall Canyon. This EIR does not improperly defer analysis.

The General Plan is specifically developed to provide a comprehensive planning framework for the SVRA and to identify impacts associated with General Plan implementation, including reasonably foreseeable projects. This Draft EIR is a Program EIR, which is typically more conceptual and contains a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR, there may be projects proposed in the future that are still in the conceptual phase or there may be projects not currently foreseeable and therefore have not been discussed in the General Plan. Thus, guidelines in the General Plan need broad and flexible enough to apply to a wide array of potential projects and the timing and availability of funding to implement them. Where they apply, performance standards have been included in goals and guidelines.

The Carnegie General Plan Soils Guideline 1.4 requires State Parks to appropriately site, design, and engineer new facilities in accordance with site-specific geotechnical reports. As noted by the commenter, pages 3.7-6 and 3.7-7 of the DEIR state that if landslide areas cannot be avoided entirely, site-specific building placement would be investigated by a licensed engineer, and all construction methods recommended by the engineer would be implemented to ensure public safety. State Parks is required to construct all buildings in accordance with the California Building Standards Code (CBC), which contains site-specific design and engineering requirements that would be contained in site-specific geotechnical reports prior to construction. These geotechnical reports are required by law. The CBC requirements are summarized in the Carnegie SVRA General Plan Section 2.7.3.3, on pages 2-129 and 2-130. There are no buildings proposed in the Waterfall Canyon area (see General Plan Figure 4-2 [page 4-5], descriptive text on page 4-7, and Table 4-1 [pages 4-9 and 4-10; see also DEIR Figure 2-3 [page 2-9] and descriptive text on page 2-12). Furthermore, and as also noted by the commenter, Soils Guideline 1.4 states that State Parks personnel would periodically inspect trails that cross through landslide areas (if any), and trails would be maintained and/or closed to preserve rider safety related to landslides as necessary. Trail inspection, maintenance, and periodic closure (as necessary) are part of the routine operations performed by State Parks at Carnegie SVRA, and these actions would be sufficient to protect rider safety. Finally, DEIR page 3.7-7 states that Soils Guideline 1.1 requires all Carnegie SVRA facilities to meet the current OHMVR Division Soil Conservation Standard and Guidelines (Soil Standard) (State Parks 2020). The Soil Standard states that trail and road networks should be designed to avoid known unstable areas such as landslides and earthflows and that if an unstable area is unavoidable, an engineer or geologist is to be consulted to determine the proper layout and design of the trail or road. The charge that this is deferred analysis is without support.

I6-49 The commenter's belief that State Parks has not managed the Carnegie SVRA in compliance with the Soil Standard and that the BMPs and the Carnegie

Stormwater Management Plan are not consistently implemented is noted as unsubstantiated. The Soil Standard (State Parks 2020) contains 68 pages of detailed standards and guidelines; therefore, no further "performance standards" in the DEIR are required. Finally, the DEIR does not indicate that "off trail riding at Carnegie SRVA still continues uncontrolled" (as referenced by the commenter to uncontrolled erosion) as discussed in detail on DEIR pages 3.7-6 through 3.7-10. DEIR Impact 3.7-3 addresses short-term, temporary impacts related to erosion from construction; both short-term construction and long-term operational impacts from erosion and sedimentation as related to water quality are addressed in DEIR Section 3.10, "Hydrology and Water Quality," in Impacts 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13).

The 2020 Soil Conservation Standard and Guidelines were developed per Senate Bill 249, with input from representatives from the California Department of Parks and Recreation (DPR) Off-Highway Motor Vehicle Recreation (OHVMR) Division, DPR Natural Resources Division, the DOC Geological Survey Division, CDFW, USDA, NRCS, BLM, USFS, and USGS. Public Resources Code 5090.35.(b)(1) requires that the 2020 Standard be "generic and measurable". The 2020 Standard provides criteria required to demonstrate successful compliance, including the development of Soil Conservation Plans (SCPs) and the annual monitoring and documentation of the condition of soils and maintenance, which provide the tools needed to assess compliance with the Standard. SCPs are comprised of maintenance and monitoring plans, a compliance report, and an action plan, and are reviewed every five years and updated as needed.

I6-50 As the commenter is clearly aware, based on the data presented in comments I6-51 and I6-54, State Parks provides copies of its stormwater reports for public review on its website. The commenter ignores the many years of scientific data provided in the Watershed Assessment (State Parks 2007a) and the Stormwater Management Plan for the Carnegie State Vehicular Recreation Area (SWMP) (State Parks 2012), which the commenter references in subsequent comments, and instead states that because three subsequent yearly stormwater reports are not part of the DEIR the entire environmental analysis is deficient. The commenter furthermore provides no correlation between the Carnegie SVRA trail ratings (with which the commenter disagrees) and the environmental impacts evaluated in the DEIR. The DEIR properly evaluates the efficacy of the proposed General Plan and associated policies, and no further data or analysis is required.

I6-51 The commenter disagrees with the number of trails rated in the Carnegie SVRA stormwater reports from 2014 and 2019. The quoted Leverich-Stillwater comments provided in the comment are from 2015. This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and decision-maker consideration. No further response is required.

I6-52 The commenter disagrees with what he perceives as a change in how the Carnegie SVRA stormwater reports rate the trails in the SVRA.

State Parks' BMPs and protocols are continually evaluated and updated, removed, or replaced if they are not adequately or no longer serving their original purpose. The trail evaluation protocol referenced is used to evaluate trails and the need for trail maintenance. The rating is an indication of the level of maintenance needed and not an evaluation of the 2020 Soil Standard. It's not intended to evaluate all trails in the SVRA. Illegal trail use is known and is being addressed through the Resource Management Area rehabilitation process. The commenter is This program is currently being analyzed at the EIR level and once the EIR is complete the entire park will continue to be evaluated, and repairs made that is consistent with the certified EIR. Additionally, the Soil Conservation Plan is being drafted under the 2020 Soil Conservation Standard and Guidelines which provide additional protocols to address soil erosion.

I6-53 Carnegie SVRA manages all trails according to all applicable guidance. Ratings of trails may change over time, as restoration efforts rehabilitate some trails while others are taken out of circulation for updated resource management. State Parks uses a color-coded system to prioritize trail maintenance activities and does not determine the level of Soil Standard compliance. Thus, a trail coded as red at a given time may get a different rating once rehabilitated. No further response is required.

I6-54 The Carnegie SVRA General Plan Water Guideline 2.6 states that the SWMP (State Parks 2012), which itself contains detailed performance standards and guidelines, coupled with subsequent plans to be developed in the near future, would be used to reduce erosion and sedimentation and to improve areas that have experienced substantial erosion from surface water runoff as determined by annual inspections. This is an appropriate method for Carnegie SVRA management and is the purpose for which the SWMP was intended under the MS4 permit (Clean Water Act section 402(p)). Because the SWMP is a regulatory standard containing several performance standards and guidelines, no further standards or guidelines are required in the DEIR. The SWMP and all its requirements are implemented annually and summarized and provided in the annual report.

Please see also response to comment I6-50.

I6-55 The commenter presents data from the 2019 stormwater report related to water quality sampling results, which appear to show large increases in turbidity and total suspended solids as presented by the commenter, in support of his argument that the Stormwater Management Plan "is not working or not being implemented." The Stormwater Management Plan is a long-term program that calls in part for the reduction of sediment in the stormwater within the SVRA to the maximum extent practical. The implementation of the plan has resulted in the rehabilitation of approximately 50 percent of the unit. It is overseen by the Central Valley Regional Water Quality Control Board, which expressed its

support of the program's "significant progress" in a letter addressed to Randy Cladera, former Sector Superintendent (April 16, 2016).

Due to comments received by the commenter previously, park managers decided to analyze the program under an EIR, which is currently being drafted. According to the SWMP, as soon as this EIR is certified, rehabilitation efforts will continue, and sedimentation will be reduced further.

It should be noted that the current General Plan and associated EIR are long-range planning documents and will be implemented as a whole. Thus, the data presented from 2019 from samples collected as part of the SWMP are one point of reference for an ongoing operation within an existing SVRA, collected in response to one existing commitment. They should not be interpreted as "General Plan and General Plan EIR data." The current planning effort considers all existing management measures and reaches impacts conclusions on the long-range management system as a whole. Adopting and implementing the General Plan goals and guidelines will lead to comprehensive resource management across a range of topics, including resource management, water quality, erosion, etc. The analysis presented in the FEIR analyzes conditions as they exist at the filing of the NOP (baseline) and compares them to the changes to the operations proposed. As stated previously, several of the projects are conceptual and unstable soils; they do not analyze erosion, and therefore, State Parks' rain closure policy is not referenced in General Plan Water Guideline 2.8 or in Impact 3.7-2. General Plan Water Guideline 2.8 is intended to reduce geologic hazards associated with landslides and unstable soils because State Parks personnel, as the CEQA lead agency and the agency responsible for operating the Carnegie SVRA, would use their best professional judgment based on experience and expertise as to when or if portions of the SVRA may need to be closed in order to reduce geologic hazards. This may or may not include closure from rainstorms, depending on the length and severity of the rainfall event. Also see General Plan Water Guideline 2.2., which discusses adaptive management practices such as closure.

I6-57 Please see response to comment I6-49.

I6-58 The potential for erosion from construction and operation of the proposed General Plan throughout all areas of the Carnegie SVRA is evaluated in the following DEIR Sections: 3.10, "Hydrology and Water Quality" in Impacts 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13). The potential for short-term erosion related to construction is also evaluated in DEIR Section 3.7, "Geology, Soils, and Paleontological Resources," in Impact 3.7-3 (pages 3.7-8 through 3.7-10). Sediment transport into Corral Hollow Creek was presented in the Watershed Assessment (State Parks 2007a), which was used to inform the Carnegie SWMP (State Parks, 2020). The data contained in both of these documents are referenced in the DEIR Impact analyses listed above.

The Stormwater Management Plan is a long-term program which calls in part for the reduction of sediment in the stormwater within the SVRA to the

maximum extent practical. The implementation of the plan has resulted in the rehabilitation of approximately 50 percent of the unit. Due to comments received by the commenter previously, park managers decided to analyze the program under an EIR which is currently being drafted. As soon as this EIR is certified, the rehabilitation efforts will continue, and sedimentation will be reduced further, according to the SWMP.

Please see I6-111 for additional discussion on the baseline conditions and analysis of the Plan.

I6-59 Please see response to comments I6-51 and I6-52.

I6-60 The commenter suggests that the DEIR is deficient because it fails to analyze the purported effectiveness of the OHV BMP Manual for Erosion and Sediment Control (OHV BMP Manual) (State Parks 2007b). The OHV BMP Manual was adopted in 2007 and applies to all SVRAs statewide. The OHV BMP Manual is a guide by which the staff at Carnegie SVRA are required to comply; therefore, an environmental analysis of the OHV BMP Manual in the Carnegie General Plan EIR is not required.

I6-61 State Parks does not propose to open the Waterfall Canyon area for OHV use. As stated on page 4-7 of the General Plan related to the proposed uses in the Waterfall Canyon area, "State Parks is considering the rehabilitation of existing trails in the southeast corner of the SVRA for non-motorized use, such as hiking and mountain biking." (Emphasis added.) As further described in General Plan Table 4-1 (pages 4-9 and 4-10), the Waterfall Canyon area could only be "changed to an intermediate or advanced trail area in the future if there were an additional acquisition that would allow State Parks to provide adequate water quality management measures for the watershed consistent with the Corral Hollow Watershed Assessment and the Storm Water Management Plan for Carnegie SVRA." (Emphasis added.) Such an additional acquisition of land would require a separate CEQA analysis. Potential impacts of erosion throughout the Carnegie SVRA, including the non-motorized trails in the Waterfall Canyon area, are evaluated and discussed in detail along with General Plan goals and policies and regulatory standards to reduce the potential from erosion in Section 3.7 (Geology, Soils, and Paleontological Resources) in Impact 3.7-3 (pages 3.7-8 through 3.7-10) (short-term construction-related erosion), and in DEIR Section 3.10, "Hydrology and Water Quality" in Impacts 3.10-1 (pages 3.10-2 through 3.10-8) (short-term and long-term operation-related erosion and water quality) and Impact 3.10-5 (pages 3.10-12 through 3.10-13). No further analysis is necessary.

I6-62 See response to Comment I6-61.

I6-63 Existing conditions are discussed in the "Climate Change" discussion in Section 2.3.1, "Physical Resources," in Chapter 2, "Existing Conditions" of the General Plan. Chapter 2 includes a description of the physical environmental conditions in the project area as they existed at the time the notice of preparation was published, which is the baseline.

CEQA Guidelines Section 15064.4(b) states that, when assessing the significance of impacts from GHG emissions, a lead agency should consider (1) the extent to which a project may increase or reduce GHG emissions compared with existing conditions, (2) whether a project's GHG emissions would exceed a threshold of significance that the lead agency has determined to be applicable to the project, and (3) the extent to which a project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

Please see Section 3.8, "Greenhouse Gases," of the EIR, which finds that the proposed General Plan GHG emissions would be below regional air quality plan thresholds of significance. For operational activities, CalEEMod estimates GHG emissions associated with mobile, area, and energy sources, like criteria air pollutant emissions, in addition to GHG emissions associated with refrigeration and solid waste disposal. Emissions associated with an increase in visitor attendance were estimated using the maximum projected annual growth rate between San Joaquin County and Alameda County (0.71 percent), historical SVRA attendance records and transportation data collected in online and in-person surveys as part of the EIR, and emission factors obtained from ARB's Recreation Vehicle 2013 (RV2013) model and EMFAC2021. Appendix C of the EIR includes model details, assumptions, inputs, and outputs.

As described in Section 3.8, implementation of the goals and guidelines under the proposed General Plan would not result in a net increase in GHG emissions or any conflict with a policy or regulation adopted for the purpose of reducing the emissions of GHGs. It would also result in the generation of GHG emissions at a level that would align with its fair share of emission reductions consistent with the State's 2030 GHG reduction target and 2050 GHG reduction goal.

I6-64 Also see response to Comment I6-62 and I6-63.

I6-65 As described in Section 3.3, "Air Quality," of the EIR, in addition to the construction and operation of the new and improved facilities, emissions associated with an increase in visitor attendance were estimated. As discussed in the Project Description (Section 2 of the EIR) of the General Plan, Carnegie SVRA attendance would likely grow naturally. There would likely not be a "bump" in new OHV recreationalists or attendance solely because of the new OHV and non-OHV opportunities with the SVRA's footprint. Additionally, the proposed new group campsite is intended to redirect larger groups from the existing campground to a new location that can better accommodate a large group, and there are currently no plans to expand the existing campground. Generally, OHV parks are most attended by users most proximate to the park, such as regional residents. Carnegie SVRA attracts more local users versus those traveling from further distances throughout the State or elsewhere.

See response to Comment I6-64. Additionally, as described in Section 3.8, "Greenhouse Gases," SVRA maintenance activities, as well as most of the other programs and plans, under the proposed General Plan, have been occurring and presently occur in the General Plan area, and, therefore, are considered part of

the baseline conditions. The continued occurrence of the same maintenance activities and most of the other programs and plans under the proposed General Plan would not increase emissions or conflict with any relevant policy or program.

I6-66 While some reasonably foreseeable projects are described in the General Plan and analyzed in the EIR, there may be projects proposed in the future that are still in the conceptual phase. There may be projects not currently foreseeable and therefore have not been discussed in the General Plan.

As described on page 1-8 of the General Plan, goals are developed to address existing issues and provide ongoing guidance for SVRA management. Guidelines provide the direction the OHMVR Division will implement to achieve these goals. In other words, goals are written to be broad and abstract, while guidelines are written to be specific actions to achieve these goals. Goals and guidelines in the General Plan need to be broad enough to apply to a wide array of potential projects. Where they apply, performance standards have been included in goals and guidelines.

Please see Section 2, "Existing Conditions" of the General Plan, which generally includes a description of the physical environmental conditions in the project area as they existed at the time the notice of preparation was published, which is the baseline. The opinions expressed by the commenter are just that: opinions. No changes are suggested. The difference between goals and guidelines will remain as noted.

I6-67 Baseline data related to drainage, hydrology, erosion and sediment transport, stream geomorphology, and water quality in the planning area are presented in the Watershed Assessment (State Parks 2007a). Potential impacts of erosion throughout the Carnegie SVRA are evaluated and discussed in detail along with General Plan policies and guidelines and regulatory standards to reduce the potential from short-term construction-related erosion are presented in Section 3.7 (Geology, Soils, and Paleontological Resources) in Impact 3.7-3 (pages 3.7-8 through 3.7-10), and both short-term and long-term erosion and water quality are evaluated throughout Section 3.10 (Hydrology and Water Quality) in Impacts 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13). As discussed therein, the implementation of General Plan goals, policies, and guidelines and require compliance with regulatory standards such as the Carnegie SWMP (State Parks 2012), the OHV BMP Manual (State Parks 2007b), the Soil Standard (State Parks 2020), the State Water Resources Control Board's National Pollutant Discharge and Elimination System Construction General Permit requirements and operational Phase II MS4 Permit requirements, potential impacts related to erosion from construction and operation of the General Plan would be less than significant.

Please also see responses to comments I6-42 through I6-62.

I6-68 Please see responses to comments I6-49, I6-54, I6-60, and I6-67.

I6-69 As referenced by the commenter, DEIR Impact 3.10-3 (pages 3.10-9 and 3.10-10) evaluates the potential for alteration of drainage patterns to result in stormwater runoff volumes that could exceed the stormwater drainage capacity or result in flooding; this impact is not related to erosion. The potential for erosion from the construction and operation of the proposed General Plan throughout all areas of the Carnegie SVRA, including non-motorized trails in the Waterfall Canyon area, is evaluated in DEIR Section 3.10, "Hydrology and Water Quality" in Impacts 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13). The potential for short-term erosion related to construction is also evaluated in DEIR Section 3.7, "Geology, Soils, and Paleontological Resources," in Impact 3.7-3 (pages 3.7-8 through 3.7-10). The DEIR properly concludes that impacts related to erosion would be less than significant; therefore, no mitigation measures are required. Please see also the response to comment I6-61.

I6-70 A lead agency may fashion the CEQA thresholds to its use. While the commenter thinks the statement is too broad, he does not provide suggestions or evidence of the inadequacy of any analysis.

This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and decision maker consideration. No further response is required.

I6-71 As discussed in Section 3.16 of the EIR, implementation of the General Plan would not create an indirect demand for recreation at local parks or other local recreation facilities. Implementation of the General Plan would not increase the use of existing neighborhood and regional parks or other recreational facilities to the extent that substantial physical deterioration of any facility would occur or be accelerated.

The EIR does not avoid any discussion about impacts related to recreational facilities. The General Plan is for a recreational facility, the Carnegie SVRA. Therefore, the potential environmental impacts of implementing the General Plan and the SVRA's recreational facilities are analyzed in all the other sections of the EIR, including air quality, biological resources, cultural resources, etc.

I6-72 The statement that "Carnegie SVRA is causing OHV-caused fires almost once a year" is not substantiated by long-term data. The General Plan describes four major fires that occurred in or around the SVRA between 2009 and 2020. Other small fires in and around the SVRA were quickly suppressed and contained and did not result in any significant impacts and did not leave the park property. The commenter describes eight fires that have occurred over a 15-year period, three of which originated outside of the SVRA. Please see the response to I6-73 for a response to the fire history information provided by the commenter.

As described in Chapter 3.20, “Wildfire,” in the EIR, State Parks has designated segments of the multiple-use trail system in the SVRA to provide emergency access to wildfire suppression. Post-fire Google Earth imagery demonstrates that fire perimeters often align with roads and trails. Additional fire breaks on the State Park boundary may not necessarily be effective.

The SVRA staff also maintains a truck with a water tank and pumping capability onsite. Every four-wheel drive (4WD) DPR vehicle is equipped with a 5-gallon hand pump and fire tools. DPR staff conduct an on-site fire drill annually to ensure all staff know their respective role during a fire.

In addition, DPR implements fire prevention measures outlined in its Wildfire Management Plan, including using signs, posters, and notices on bulletin boards to educate the public about wildfire; delivering fire prevention talks at campfires aimed at further informing the general public, and campers in particular, about fire; and providing information and warnings to the public, especially during a period of high fire danger, through both the media and public contacts made by Carnegie SVRA personnel. During periods of high fire danger, temporary closures may also be implemented for 4WD vehicles and other vehicles equipped with catalytic converters. Please see Chapter 3.2, which describes the Carnegie SVRA Wildfire Management Plan, as well as other state plans, policies, and regulations related to wildfire that are implemented, complied with, and enforced by State Parks.

I6-73 The statement that eight wildfires have affected the park over the last ten years, an average approaching one fire per year, is incorrect. This comment includes a description of 8 wildfires that have occurred between 2009 and present. Three of the fires identified (2009 Coral, 2015 Tesla, and 2020 SCU) did not start within the SVRA.

Commentor states that no trails or roads on Carnegie SVRA stopped the 2009 Corral fire; however, Google Earth imagery from 9/2009, it appears that the fire perimeter includes Kiln Trail.

The commentor states that OHV roads and trails did not stop the 2015 Tesla fire from burning areas of Carnegie SVRA. However, Google Earth imagery from 8/2015 shows that the burn area extends only a small way into the park, and the perimeter aligns with trails.

Commentor states that the 2019 Hollow Fire burned across a road. Google Earth imagery from 10/2019 also documents that much of the fire perimeter aligns with Bunkhouse, Los Osos trail, and SRI Road

I6-74 The statement “OHV trails and roads on the park are ineffective in stopping wildfires” is unsubstantiated. As described in I6-73, post-fire Google earth imagery shows that fire perimeters appear to overlap significantly with roads and trails in the park.

Please see Section 3.20 of the EIR, which includes descriptions of multiple plans, policies, regulations, safety measures, and General Plan Goals and Policies to avoid or suppress wildfires that work in conjunction with the Carnegie SVRA existing on-site roads and trail network that serves as a firebreak system. Carnegie SVRA also has fire-fighting equipment onsite and staff trained in fire suppression measures. All these actions combined address wildfires that start within the SVRA have resulted in quickly containing and preventing fires (e.g., the requirement for the use of effective vehicle spark arresters), and may also help assist with promptly addressing fires that start from any source just outside the SVRA.

Please see response to comment I6-33 about Waterfall Canyon.

I6-75 Please see Section 3.20 of the EIR, which includes descriptions of multiple plans, policies, regulations, safety measures, and General Plan Goals and Policies to avoid or suppress wildfire. Additionally, Carnegie SVRA's system of roads and trail networks works in conjunction with the wildfire suppression program and serves as a firebreak system. However, sometimes wildfires spread across multiple-lane highways. All these actions are combined to address wildfires that start within the SVRA and have resulted in quickly containing and preventing fires (e.g., the requirement for the use of effective vehicle spark arresters) and may also help assist with promptly addressing fires that start from any source just outside the SVRA.

I6-76 Please see response to Comment I6-75.

Furthermore, the purpose of the EIR is to analyze potential impacts resulting from the implementation of the proposed General Plan, including the construction of new and expanded facilities and the operation of these facilities. Section 3.20 of the EIR analyzes construction related to new and improved facilities, as well as impacts from their operation. The new and improved recreation facilities envisioned in the General Plan (e.g., a new campfire center, kid's minibike track, and interpretive pedestrian trails) are expected to better support the recreational interest of a broader demographic of visitors, thereby attracting a wider audience. However, as discussed in the Project Description (Section 2 of the EIR) of the General Plan, there would likely not be a "bump" in new OHV recreationalists or attendance solely because of the proposed General Plan's new OHV and non-OHV opportunities within the SVRA's existing footprint. Carnegie SVRA's OHV recreation attendance instead would likely grow naturally and parallel with regional population growth.

Please see Section 3.20 of the EIR, which describes the Carnegie SVRA Wildfire Management Plan, as well as other state plans, policies, and regulations related to wildfire that are implemented, complied with, and enforced by State Parks, including compliance and strict adherence with all Public Resources Codes (PRCs) related to fire safety and wildfire suppression. For example, in relation to OHV operations, Section 38366(a) of California Vehicle Code Division 16.5 states that no person shall use, operate, or allow to be used or operated, any off-highway motor vehicle on any forest-covered land,

brush-covered land, or grass-covered land unless the vehicle is equipped with a spark arrester maintained in effective working order and Section 38366(b) of Division 16.5 states the spark arrester affixed to the exhaust system of a vehicle shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material. These PRCs, along with other regulations, policies, plans, safety measures, and General Plan Goals and Guidelines related to fire safety and fire suppression combined, would minimize risks associated with wildfires resulting from the implementation of the General Plan, including the operation of the new and expanded facilities at the SVRA to less than significant.

I6-77 Please see Section 3.20 of the EIR, which describes four major fires in the last ten years in or around the SVRA (per DPR and CAL FIRE). Other small fires occurring in the past ten years in or around the SVRA were quickly contained using safety procedures and measures, rapid response, and other fire suppression methods. These smaller fires are considered less than significant having been quickly contained. Please see response to comment I6-72 and Section 3.20, which describes measures State Parks can and does employee to address wildfire caused by any source, not just vehicles, within the SVRA and potentially used to assist with wildfires that start just outside the SVRA.

I6-78 Please see Section 3.20 of the EIR, which describes the Carnegie SVRA Wildfire Management Plan, as well as other state plans, policies, and regulations related to wildfires that are implemented, complied with, and enforced by State Parks. These practices include compliance and strict adherence with all PRCs related to fire safety and wildfire suppression, safety measures, and General Plan Goals and Guidelines. Considered together, these plans, policies, regulations, goals, guidelines, and other safety measures would minimize risks associated with wildfires resulting from operations, maintenance, and construction at the SVRA to less than significant. State Parks and CAL FIRE adopted the Carnegie SVRA Wildfire Management Plan in June 2020. Carnegie SVRA's existing on-site roads and trail network also serve as a firebreak system. No further mitigation is required.

The following are studies that discuss Rangeland Fire Management that use fire breaks as a means of suppression:

- https://www.wlfw.org/wp-content/uploads/2015/07/5_GBFS_Fuel-Breaks.pdf;
- ttps://www.sciencedirect.com/science/article/abs/pii/S0301479723006916;
- ttps://texashelp.tamu.edu/wp-content/uploads/2017/03/protection-rangeland-and-pastures-from-wildfire.pdf

I6-79 The current EIR is different from the 2015 EIR in several ways: 1) it analyzes the implementation of the General Plan for the existing Carnegie SVRA only, while the prior EIR analyzed impacts from General Plan implementation for a greatly expanded SVRA that included large expanses of lands not currently open to public recreation; 2) in addition to impacts resulting

from the General Plan, the current EIR analyzes impacts resulting from all reasonably foreseeable projects that could be implemented under the General Plan – at the level of detail currently available. The reason the EIR does not identify a long list of impacts that would result from either the General Plan or the project is based on the fact that the goals and guidelines in the General Plan were developed to manage the SVRA in a way that protects sensitive resources while continuing to provide high-quality recreation, consistent with State Parks' mission. The reason the EIR does not identify a large number of impacts resulting from the implementation of the projects is based on the fact that the projects consist of upgrades to or expansion of existing facilities and a limited number of new facilities that are located in previously disturbed areas of the SVRA where existing recreation is taking place.

I6-80 This comment summarizes the Order and Ruling of the Sacramento County Superior Court Case #34-2016-80002496. This is not a comment on the EIR. No further response is required.

I6-81 Alternative 1 (Reduced Emissions Alternative) is a viable and feasible alternative. However, as discussed in response to comment O3-17, State Parks is adding the measures identified in Alternative 1 to the goals and guidelines in the General Plan.

The project objectives, State Parks' mission statement, and OHMVR Division's mission statement all aim to balance recreation opportunities with protecting natural and cultural resources. This General Plan includes a variety of goals, guidelines, and project plans that demonstrate State Park's commitment to balancing OHV and non-OHV recreation with the protection of natural and cultural resources. This General Plan does not prioritize motorized recreation over non-motorized recreation.

In 1979, the State of California purchased the 1,533-acre Carnegie property using OHV Trust funds. If the Park was no longer used for OHV Recreation, State Parks would have to pay back those funds to the OHV Trust. If State Parks reclassified this SVRA to a State Park, State Recreation Area, or Historic Park, State Parks would have to come up with the funding to manage the reclassified Park. It is unknown where these funds would come from, and therefore, considering the reclassification of the park is not feasible. State Parks has no plans to maintain this property as a State Park if it is not used for OHV recreation.

I6-82 Alternative #2 "SVRA Shutdown and Park Closure" would help reduce pollutants in the area; however, it is unlikely that shutting down the SVRA would be sufficient in bringing air quality in the region down to below non-attainment levels. Additionally, this alternative would result in the complete loss of an SVRA, which would be considered a significant impact on recreation. Therefore, this alternative would result in greater air quality impacts to the Proposed General Plan, and this would result in greater recreation impacts than the Proposed General Plan. Therefore, the Proposed General Plan is

environmentally superior. As discussed in response to comment O3-81, reclassifying Carnegie SVRA as a "Reserve" is not feasible.

I6-83 State Parks agrees that the additional policies proposed under Alternative 1 should be included in the General Plan. To demonstrate its efforts to make the maximum feasible contribution to improving local air quality, State Parks is adding the measures identified in Alternative 1 to the goals and guidelines in the General Plan.

However, contrary to this commenter's claims, Alternative 1 fulfills the requirements of an alternative as it attains the most basic objectives of the project, would lessen significant effects of the project, and evaluates the comparative merits of the alternatives (CEQA Guidelines Section 15126.6).

I6-84 The answers to the questions that this commenter poses are unknown. CEQA requires that an EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project (Section 15126.6(d)). This Alternative was described in enough detail to compare the likely environmental impacts of this Alternative to the Proposed Plan. As discussed throughout this document, under this alternative, the SVRA would not be reclassified as a "reserve," as this commenter suggests, and at this time, State Parks has no reason to reclassify this as a State Park. If it is not an SVRA, it does not just turn into a State Park classified unit, much less a Natural or Cultural Reserve. One option would be for State Parks to surplus the property, which first goes to other state or local governments and then to the public.

I6-85 Extensive descriptions of baseline conditions, i.e., existing conditions at the Carnegie SVRA, are included in Chapter 2, "Existing Conditions" of the General Plan. Baseline information pertaining to geology, soils, and water quality is available in Section 2.3.1, "Physical Resources" in the General Plan. Baseline information pertaining to wildlife and other biological resources is available in Section 2.3.2, "Biotic Resources" of the General Plan. As discussed, the impacts associated with Alternative 2 (SVRA Shutdown and Park Closure) were compared to the impacts of the Proposed Plan, and the overall environmental impact associated with Alternative 2 is greater than the overall environmental impacts of the Proposed Plan.

I6-86 Describing ongoing programs, plans, and conservation and restoration efforts provide the full picture of how the SVRA is being managed, which is important information in establishing the environmental baseline. State Parks agrees that discontinuing a program is not an environmental impact. However, environmental impacts could occur if a program is terminated, depending on the program.

State Parks does not claim that cessation of OHV use would negatively impact geology, soils, hydrology, and water quality. State Parks states that by shutting down the Park and no longer implementing plans and programs (such as the stormwater management plan) aimed at protecting local water quality, geology,

and biology, these resources would no longer be actively protected and restored as they are within the OHV program. OHV activities are supported by the OHV Trust Fund. All other classified units are supported by the General Fund. SVRAs have access to more resources to comply with statutes (PRC 5090.35 et.seq.) that than the rest of State Park property.

State Parks disagrees with the commenter's claim that SVRA Shutdown and Park Closure would "have an immediate positive impact" on physical and biotic resources.

I6-87 As discussed above, it would not be feasible to reclassify this SVRA as a reserve. If the SVRA were shut down, State Parks would no longer be responsible for the management of the park. State Parks would have no authority to implement a wildlife habitat protection plan, soil management plan, or stormwater prevention plan, which are OHV requirements. The assertions of the commentor are incorrect.

I6-88 The commenter provides a history of various documents prepared by the Department of Parks and Recreation, the Regional Water Quality Control Board, and the Off-Highway Motor Vehicle Recreation Division regarding water quality. The commenter is correct that the "Cleanup and Abatement Order" was issued by the RWQCB as a direct response to OHV use. However, there are many plans and programs that State Parks implements that would be beneficial regardless of OHV use within the SVRA, such as the Stormwater Management Plan and the HMS system, support State Parks' general mission which is, among many things, to "preserve the state's extraordinary biological diversity." Please refer to Table 1-2 of the General Plan for the California State Parks' full mission statement. State Parks is continuously collecting more information on physical and natural resources within the SVRA. The commenter states that some plans and reports are outdated. The commenter has not identified any specific plans or reports that are outdated. The commenter mentions the Stormwater Management Plan, which was completed in 2012, and the contents of the plan are still applicable to the management of the SVRA.

The commenter incorrectly states that State Parks collect data and then do nothing with it. In many cases, data collected in documents like HMS reports and the Corral Hollow Watershed Assessments is used to inform adaptive management strategies (refer to pages 2-10, 2-127, 4-20, 4-22, 4-24, and 4-42 through 4-24 of the General Plan).

I6-89 Alternative 2 (SVRA Shutdown and Park Closure) describes that if Carnegie SVRA is shut down, "cultural resources would no longer be managed or protected." Under this General Plan, many goals and guidelines would be implemented to manage and protect cultural resources (see Chapter 4 "The Plan"). If the SVRA is shut down, it is not known who would become the owner of the property. Protection of cultural resources could not be guaranteed.

The California State Parks' mission is "to provide for the health, inspiration, and education of the people of California by helping to preserve the state's

extraordinary biological diversity, protecting its most valued natural and ***cultural resources***, and creating opportunities for high-quality outdoor recreation." As stated, State Parks does have an obligation to protect cultural resources within the park system. However, this work would be subject to budget allocation from the General Fund.

I6-90 The commenter provides excerpts from the ruling of the 2015 EIR. This is not relevant to this 2024 EIR, This General Plan prioritizes providing high quality OHV and non-OHV recreation, as well as protecting natural and cultural resources in the SVRA.

I6-91 As discussed above, reclassifying the SVRA as a preserve is not feasible. Thus, the only option would be closure, which would lead to a significant impact, as discussed in the EIR. State Parks agrees with the commenter that impacts evaluated under CEQA must be "physical impacts on the environment." State Parks believes the alternatives analysis as presented in the DEIR is relevant and focused on the impacts that would result. No further response is necessary.

I6-92 See response to comment I6-91.

I6-93 As discussed thoroughly above, Alternative 2 does not explore the possibility of a reclassification of the SVRA because that would not be feasible. State Parks is not circumventing the "Order and Ruling" as the commenter claims. No further response is necessary.

I6-94 The commenter is correct that OHV would continue to be allowed at the SVRA under this No Project Alternative. The Proposed Project is the adoption of an updated General Plan. Under the No Project Alternative, the SVRA would continue to use the 1982 General Plan to guide the management of the SVRA. The No Project Alternative would not result in the elimination of OHV from the SVRA. One of the reasons that the OHV laws were enacted was because there were many incidents of OHV riding illegally on private property. The approach to providing legal riding was to alleviate the riding found on private property. To the extent that this was a correct theory, we can expect that illegal riding may increase on private property, which is an environmental impact.

I6-95 Additional acreage refers to minor acreage of the SVRA that was not part of the 1981 General Plan, i.e., that has been added to the SVRA since. In other words, the 1981 SVRA acreage is not identical to the current SVRA acreage, as minor parcels have been added. The "no-project" alternative is a standard alternative under CEQA and allows decision-makers to see what would happen if they do not approve the proposed project.

I6-96 The DEIR does not need to outline which management policies are included in the 2024 General Plan Update that are not in the 1982 General Plan. This EIR is meant to describe the environmental impacts of the General Plan Update. This EIR discusses the 1982 General Plan as it pertains to the existing conditions and environmental baseline. This EIR is not meant to provide an in-depth comparison between the 1982 General Plan and this 2024 General Plan Update.

I6-97 Under the "No Project Alternative," the current goals and guidelines that are described in the 1982 General Plan would continue to be enacted. However, the 2024 General Plan Update provides more relevant and up-to-date goals and guidelines than those presented in the 1982 General Plan. Therefore, if the "No Project Alternative" were adopted, the expanded goals and guidelines provided in the 2024 General Plan Update would not be implemented.

I6-98 Extensive descriptions of baseline conditions, i.e., existing conditions at the Carnegie SVRA, are included in Chapter 2, "Existing Conditions" of the General Plan. This chapter includes a description of the physical and biotic resources present at Carnegie SVRA and provides information on soil, hydrology, species and their habitats, and noise.

I6-99 Implementing this General Plan Update would not violate the "Ruling and Order" as stated by the commenter. The DEIR states that "based on policies that exist now, many of the recreational and operational facilities upgrades or constructions proposed in the [1982] General Plan would be difficult to implement. The main reason that a revision to the previous General Plan was determined to be necessary was because it was outdated, not compatible with current policies, and does not adequately address current resource issues." This EIR is not "misleading," as the commenter states.

The General Plan Update would provide an updated set of goals and guidelines to guide the management of the SVRA. The 1982 General Plan is more than 40 years old, and the goals and guidelines in this document are outdated. These 40-year-old goals and guidelines do not match the current needs of the SVRA, which is why this General Plan Update, with updated goals and guidelines, has been proposed without the revised General Plan. Not much would happen at Carnegie, meaning little to no investment. Again, this property is not going to become a state park.

I6-100 Please see response to comment I6-99.

I6-101 The DEIR does not need to compare and contrast which management policies are included in the 2024 General Plan Update compared to the 1982 General Plan. This EIR analyzes the environmental impacts of the General Plan Update. This EIR discusses the 1982 General Plan only as it pertains to the existing conditions. This EIR is not meant to provide an in-depth comparison between the 1982 General Plan and this 2024 General Plan Update.

I6-102 Contrary to the commenter's statements, the purpose of the DEIR is not to evaluate "what has changed between 1981 and the present" but rather to evaluate the potential environmental impacts associated with implementing the proposed General Plan Update. General Plan Chapter 4, "The Plan," identifies proposed use areas, facility projects, interpretation and education programs, and operations and management goals and guidelines, which combine to serve as the project description used for this CEQA analysis (see, for example, DEIR pages ES-1 and ES-2; page 1-1 "Project Overview"). Please see comment I6-111 regarding baseline conditions.

I6-103 The commenter expresses an opinion but does not give concrete examples of how this is relevant to the CEQA adequacy of the EIR. No further response is required.

I6-104 As discussed in response to comment I6-81, reclassifying Carnegie SVRA as a "Reserve" is not feasible and thus does not need to be discussed as a feasible alternative.

I6-105 The EIR does not need to provide 1981 "baseline information" to adequately describe what the no project alternative would look like. Under the no project alternative, the SVRA would continue to be managed as it is managed today, and no new General Plan would be adopted. This would prevent a more complete and comprehensive approach to planning and CEQA.

I6-106 As discussed in response to comment I6-81, reclassifying Carnegie SVRA as a "Reserve" is not feasible and thus does not need to be discussed as a feasible alternative.

I6-107 Alternatives in an EIR are used to show how significant impacts could be avoided. Fire is not listed as a significant impact, so it is not necessary to pose an alternative to fire risk. In addition, we are not aware of any areas in California that are shut down during fire season. This is an overreaction to a less-than-significant impact. Does the commentor close down his ranch during fire season? He continues to use trucks and other machinery. That is a risk for the SVRA, as it is with any mechanical activities in the fire season in California. The commentor also suggests a shutdown of the park in the rainy season. This is like using a mallet to kill a flea. Does the commentor close his ranch during the rainy season? He continues using trucks and other machinery, and graze cattle. This demonstrates the lengths the commentator goes to try to denigrate this document. This comment is not directed at the adequacy of the Preliminary General Plan or Draft EIR for addressing adverse physical impacts associated with the proposed project, nor does it contain an argument raising significant environmental issues. However, this comment is published in this Response to Comments document for public disclosure and decision-maker consideration. No further response is required.

I6-108 State Parks assets that the alternatives presented in the DEIR are the ones that are feasible, actually avoid a significant effect, and are presented at the level of detail to allow a meaningful analysis of what impacts of these alternatives would look like when compared to impacts of the General Plan. No further response is required.

I6-109 The EIR adequately characterized the mandates and authorities of the OHMVR Division. No further response is required.

I6-110 Please see comment I6-111 regarding baseline conditions. As discussed in response to comment I6-81, the funding for reclassification has not been allocated. Additionally, this park unit had already gone through the classification process and was classified as an SVRA. Past historical uses were

found to be compatible and suitable for this unit to be an SVRA, and State Parks considers the classification process complete.

For reference, DOM policy on Unit Classification (0304.2.1): State Natural Reserves should "consist of areas embracing outstanding natural or scenic characteristics or areas containing statewide significance," and preserve their ecology, fauna, flora, geological features, and scenic qualities "in a condition of undisturbed integrity."

I6-111 As described throughout the DEIR, and more particularly in the Executive Summary and in Chapter 1, "Introduction," and Chapter 2, "Project Description," the project considered in this EIR is the implementation of the Carnegie SVRA General Plan. As explained on DEIR page ES-1, "The Carnegie SVRA General Plan provides much of the regulatory setting description and the project description used for the CEQA analysis in this EIR. Chapter 2, 'Existing Conditions,' in the General Plan describes the geographical, physical, and management setting, including resource conditions and planning influences." Restating in the DEIR the baseline data already presented in the General Plan would be unnecessarily duplicative. Therefore, throughout the DEIR, at the start of the environmental analysis for each topic area, the reader is specifically referred to the location in the General Plan where information on the existing conditions is provided. For example, DEIR Section 3.10.2, "Existing Conditions," (page 3.10-1) states: "Section 2.3.1, 'Physical Resources,' in Chapter 2, 'Existing Conditions,' of the General Plan includes a discussion of the existing hydrology and water quality setting."

Furthermore, contrary to the commenter's statements, the purpose of the DEIR is not to evaluate "what has changed between 1981 and the present" but rather to evaluate the potential environmental impacts associated with implementing the proposed General Plan Update. General Plan Chapter 4, "The Plan," identifies proposed use areas, facility projects, interpretation and education programs, and operations and management goals and guidelines, which combine to serve as the project description used for this CEQA analysis (see, for example, DEIR pages ES-1 and ES-2; page 1-1 "Project Overview"). For example, DEIR Chapter 2, "Project Description" (page 2-1) explains:

"Chapter 2, 'Existing Conditions' of the Carnegie SVRA General Plan (General Plan), provides a description of much of the physical setting in the SVRA, including existing facilities and ongoing operations. Chapter 4, The Plan' of the General Plan, identifies proposed visitor experience areas, facilities, and programs; operations facilities and programs; and SVRA management goals and guidelines. These elements combine to serve as the project description used for this CEQA analysis. The General Plan is incorporated by reference herein, consistent with Section 15150 of the CEQA Guidelines. A summary of the project description is provided below. In addition to Chapter 4, this project description includes detailed information about the proposed projects that will likely be constructed during the implementation of the General Plan. The information for each reasonably foreseeable project is described below at the level of detail known at the time of General Plan preparation."

Therefore, the appropriate baseline discussion related to the existing conditions as they exist in the Carnegie SVRA at the time the NOP was published has been provided, and no further information is required.

With regards to trail ratings and classifications, please see responses to comments I6-51 and I6-52. With regards to potential environmental impacts related to water quality from stream crossings, please see DEIR Section 3.10, "Hydrology and Water Quality," pages 3.10-1 through 3.10-13.

I6-112 Please see response to comment I6-111.

I6-113 Noise in the planning area under existing conditions is described in DEIR Section 3.13, "Noise," on pages 3.13-1 through 3.13-3.

The erosion at Carnegie SVRA is part of the baseline condition. State Parks has goals and policies related to erosion, along with regulatory compliance related to erosion control, including the Carnegie SWMP (State Parks 2012), the OHV BMP Manual (State Parks 2007b), the Soil Standard (State Parks 2020), the State Water Resources Control Board's National Pollutant Discharge and Elimination System Construction General Permit requirements and operational Phase II MS4 Permit requirements. These documents are discussed and evaluated in Section 3.7 (Geology, Soils, and Paleontological Resources) in Impact 3.7-3 (pages 3.7-8 through 3.7-10) and in Section 3.10 (Hydrology and Water Quality) in Impact 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13.

I6-114 Please see response to comment I6-111.

I6-115 The General Plan does not propose the expansion of OHV use into the Waterfall Canyon area.

Please see responses to comments I6-61, I6-111, and I6-114.

I6-116 The existing conditions section of the General Plan characterized the baseline for the CEQA analysis in great detail based on the current best available data. This is the baseline for EIR analysis. The statement that the EIR needs to "analyze impacts relative to past relative success or failure at controlling adverse effects to OHV riding in the SVRA over the last two decades" is incorrect. The case cited is not a project like the case at hand. It is not a general plan case. The appellate court says: "We conclude the EIR's description of the Project's environmental setting is deficient because it does not disclose either the impact on Eel River salmonid species of diverting water from the Eel River or the fact that FERC is considering proposals to curtail these diversions in order to prevent harm to these species." What this has to do with the case at hand is mysterious. No further response is necessary.

I6-117 The information provided on baseline conditions, including wildlife and other biological resources at the SVRA, is extensive, adequate, and current. The commenter expresses an opinion that the information should be compared to

what resources are present on his adjacent property or based on papers provided by others. No further response is required.

I6-118 Please see responses to comments I6-42 through I6-69.

I6-119 The commenter alleges that the DEIR is deficient because it fails to assume that OHV riding will occur off-trail in the Waterfall Canyon area and throughout other areas of the SVRA. Therefore, significant erosion impacts will occur in the Waterfall Canyon area and throughout other areas of the SVRA that are not presently evaluated in the environmental analysis. As noted in General Plan Table 2-6 (page 2-35), land uses in the Waterfall Canyon area have included surface mining activities for gravel, previous OHVR use, and ongoing cattle grazing. As stated on page 4-7 of the General Plan related to the proposed uses in the Waterfall Canyon area, "State Parks is considering the rehabilitation of existing trails in the southeast corner of the SVRA for non-motorized use, such as hiking and mountain biking. Details about the trails and their allowed recreational uses will be provided in an SVRA Roads and Trails Management Plan. The alignment of trails will take into consideration potential viewpoints; areas for picnic tables, benches, and interpretive signage; terrain and drainages, and sensitive resources. "As further described in General Plan Table 4-1 (pages 4-9 and 4-10), the Waterfall Canyon area could only be "changed to an intermediate or advanced trail area in the future if there were an additional acquisition that would allow State Parks to provide adequate water quality management measures for the watershed consistent with the Corral Hollow Watershed Assessment and the Storm Water Management Plan for Carnegie SVRA." (Emphasis added.) Any additional land acquisition would require a separate CEQA analysis. No OHV riding in the Waterfall Canyon area is proposed in this General Plan update. There are designated off-trail Open Riding Areas within the SVRA, the environmental effects of which are evaluated throughout the DEIR under the headings "General Plan Implementation" within each numbered impact (please see also response to comment I6-122). With regards to unauthorized off-trail use throughout the Carnegie SVRA, the purpose of the General Plan is to implement goals and policies to help prevent unauthorized off-trail OHV riding, which would in turn reduce the potential for erosion.

I6-120 One of the purposes of implementing the proposed General Plan is to help prevent unauthorized off-trail OHV riding and thereby reduce the resulting erosion as discussed in the following DEIR Sections: 3.7 (Geology, Soils, and Paleontological Resources) in Impact 3.7-3 (pages 3.7-8 through 3.7-10), and in Section 3.10 (Hydrology and Water Quality) in Impact 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13),

I6-121 Please see responses to comments I6-51 and I6-52. State Parks use a color-coded system to prioritize trail maintenance activities and do not determine the level of Soil Standard compliance.

I6-122 General Plan Figure 2-1 (page 2-3) shows the existing facilities and designated trails within the SVRA. As described in response to comment I6-111, Chapter

2, “Existing Conditions,” of the General Plan provides the baseline information upon which the environmental analyses in the DEIR are based. General Plan Figure 2-1 accurately depicts the same trails (shown in light grey) that are shown on State Parks (2024) Carnegie Brochure and Map available on the SVRA website: https://ohv.parks.ca.gov/pages/1170/files/2018%20Carnegie%20Map.pdf. There are also designated “Open Riding Areas” within the SVRA, as shown on the State Parks (2024) Carnegie Brochure and Map.

The commenter’s objective appears not to be with the analysis contained in the DEIR but rather to shut down OHV use within the SVRA. The General Plan proposes continued operation of the SVRA, and it does not contemplate eliminating the Open Riding Areas or any other areas of designated existing uses within the planning area. The DEIR considers potential erosion impacts from all OHV riding opportunities within the SVRA—both designated trails and designated Open Riding Areas—under the heading “General Plan Implementation” in the impacts set forth below. The effectiveness of General Plan goals and policies as related to erosion, along with regulatory compliance related to erosion control, including the Carnegie SWMP (State Parks 2012), the OHV BMP Manual (State Parks 2007b), the Soil Standard (State Parks 2020), and the State Water Resources Control Board’s National Pollutant Discharge and Elimination System Construction General Permit requirements and operational Phase II MS4 Permit requirements, are discussed and evaluated in Section 3.7 (Geology, Soils, and Paleontological Resources) in Impact 3.7-3 (pages 3.7-8 through 3.7-10), and in Section 3.10 (Hydrology and Water Quality) in Impact 3.10-1 (pages 3.10-2 through 3.10-8) and Impact 3.10-5 (pages 3.10-12 through 3.10-13). The DEIR properly concludes that impacts related to erosion would be less than significant; therefore, no mitigation measures are required.

I6-123 This comment relates to the 2015 DEIR, not to the 2024 DEIR. No further response is necessary.

I6-124 Please see response to comment I6-122.

I6-125 Please see response to comment I6-122.

I6-126 Please see response to comment I6-122.

I6-127 Please see responses to comment I6-51, I6-52, I6-121, and I6-122I6-128 Please see responses to comments I6-141 through I6-152.

I6-129 Please see responses to comment I6-111 through I6-128.

I6-130 CEQA does not require an EIR to include an analysis of the environmental impacts from existing conditions; rather, an EIR is required to analyze the environmental impacts from the proposed project, which in this case is the updated General Plan. This is a recurrent and incorrect proposition from the commentor and reveals a profound misunderstanding of CEQA. Commentor has

just picked out some quotes from cases that he thinks support his position, but the cases and their analysis really have little to do with the issues at hand here.

Please see also response to comment I6-111.

I6-131 Please see response to comment I6-111. The "baseline" condition for the environmental analysis is the condition as it existed when the NOP for the EIR was published, which was in 2022.

I6-132 A discussion in the General Plan about "how the SVRA is planned to be operated differently than the 1981 General Plan," as requested by the commenter, is not required under CEQA or under State planning laws.

I6-133 State Parks has complied with the Court's mandate to "Suspend all activity associated with the implementation of Resolution 04-2016 that could result in any change or alteration to the physical environment until Respondents have brought the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with the requirements of CEQA" (Order and Ruling 2:3-7). The 2015 General Plan was broader, as commentor admits, because it included new uses and new facilities in the 3,100-acre expansion area, which is not part of the 2024 General Plan or the 2024 EIR.

While the General Plan included known potential projects at the conceptual level, State Parks recognizes that there will be projects that were not included over its lifetime. These will also be evaluated for consistency under the General Plan, and additional environmental reviews will be conducted when applicable.

State Parks has previously conceptualized improving creek crossings and building bridges. However, no plan development or construction is occurring at this time, with the exception of the SRI Crossing improvements. If State Parks pursue additional improvements, the project(s) will undergo project-level analysis.

I6-134 The analysis of operations from the General Plan is contained within each impact in the DEIR. For example, with regards to short-term construction-related erosion, the first heading under Impact 3.7-3 (DEIR page 3.7-8) is titled "General Plan Implementation," which provides a discussion and summary of the types and severity of operation and maintenance activities associated with General Plan implementation, along with an analysis of the potential environmental impacts from construction-related erosion that could occur, followed by the impact conclusion. Similarly, long-term erosion and subsequent water quality impacts are evaluated in Impact 3.10-1 under the heading titled "General Plan Implementation" (DEIR page 3.10-2). This format has been used throughout all of the environmental topic areas in the DEIR in Sections 3.1 through 3.20.

As described on DEIR page 1-2, "The Carnegie SVRA General Plan is a planning document that provides a preferred concept for site use, including visitor experience areas and facility projects, and both a broad set of goals and

guidelines for future management and operations and some specific goals and guidelines related to facility and interpretation and educational program development, some currently in the design phase but most currently conceptual (see Chapter 2, 'Project Description' in this EIR). A program EIR was determined to be the appropriate CEQA document." However, where site-specific new facilities and trails are planned as shown in DEIR Figure 2-3 (page 2-9) and described in detail in DEIR Chapter 2, site-specific analysis of these facilities has been provided in each impact under the heading "New and Improved Facilities" throughout each environmental topic area of the DEIR in Sections 3.1 through 3.20.

I6-135 As quoted by the commenter, "Prior to development of any new facilities as part of an SVRA, the Department 'shall prepare a general plan or revise any existing plan' for the SVRA. (Pub. Res. Code§ 5002.2(a).) The general plan shall be approved by the Commission" (Ruling and Decision page 1). State Parks has prepared a General Plan, which is the subject of this EIR. The Court's Ruling and Decision provide guidance for State Parks to prepare an analysis of how the General Plan would change as compared to the 1981 General Plan conditions. Rather, the environmental baseline, as required by CEQA, is the date the NOP for the EIR was published, which occurred in 2022.

I6-136 State Parks has appropriately modified the project description in Chapter 2, "Project Description," of the DEIR to address the issues required by the Court in its Ruling and Decision. The DEIR provides a site-specific analysis throughout each environmental topic area in Sections 3.1 through 3.20 of the proposed site-specific facilities under the General Plan, which are identified in DEIR Figure 2-3 (page 2-9). As described in response to comment I6-134, a broader analysis of ongoing State Parks operations under the proposed General Plan is also included within each impact analysis. No additional analysis is required. The project description in the General Plan and EIR governs, not what is projected in an NOP.

I6-137 The commenter suggests that the DEIR is deficient because it provides a less broad and more site-specific analysis of the known proposed facilities identified in DEIR Figure 2-3 (page 2-9). However, the requirement to perform these site-specific analyses of the proposed new facilities was specified by the Court in its Ruling and Decision. Please also see the responses to comments I6-111 and I6-134.

I6-138 State Parks agrees with the commenter that "the whole of the action" includes both ongoing operations and maintenance activities at the SVRA, along with proposed site-specific new facilities. Each impact in the DEIR provides an analysis of both of these things, as identified by the headings "General Plan Implementation" and "New and Improved Facilities." Therefore, the DEIR has adequately described and analyzed the whole of the action. Furthermore, as previously noted above, the General Plan does not include OHV use within the Waterfall Canyon area.

Please see response to comment I6-61 regarding Waterfall Canyon.

I6-139 Please see responses to comments I6-133 through I6-138.

I6-140 State Park has prepared the General Plan and EIR consistent with its planning mandates, including the PRC. We acknowledge that the commenter appears to disagree with this. The commenter provides no evidence but simply makes statements, as well as his oft-cited mistake about Waterfall Canyon.

For information on the HMP (and WHMPP) and how it applies to the General Plan, please see the response to comment O2-2.

I6-141 The information on noise provided in the General Plan and FEIR is adequate and consistent with what is required for CEQA analysis. State Parks acknowledges that the commenter does not share this opinion. See General Plan Section 2.3.5 Sound for the baseline analysis, OM Guidelines 5.2 through 5.6 for guidelines for monitoring and reducing noise levels. See DEIR Section 3.13 Noise for an analysis of baseline conditions and the General Plan goals and guidelines.

I6-142 Locations of measurements for noise baselines were determined based on the existing noise environment related to sensitive receptions. They were chosen by a noise specialist with many years of experience (see Appendix A3) and confirmed by on-site managers. No further response is required.

I6-143 See response to comment I6-142 above. CEQA does not require baseline noise measurements for Alternatives. Alternatives are developed to avoid or minimize significant impacts. No further response is required.

I6-144 Please see responses to comment I6-41 and I6-42 above.

Please see the response to comment I6-61 regarding Waterfall Canyon; no OHV use is proposed there.

I6-145 Please see responses to comments I 141 through I-144 above. No further response is necessary.

I6-146 As discussed in response to comment I-142 above, the noise measurements to support the DEIR analysis are adequate. Noise studies conducted by others, as cited in the comment, were conducted for different purposes, as stated by the commenter; specifically, the studies were conducted to “measure OHV noise” which is not the purpose of the EIR analysis. No further response is required.

I6-147 The noise created by OHVs is a baseline condition that occurred even before State Parks acquired the property in 1980 when it was a private motorcycle park. The data collected for the DEIR analysis is aimed at disclosing potential impacts from noise related to General Plan implementation on sensitive receptors as defined by CEQA. It is not aimed at determining the general effects of OHV (and other) noise on wildlife.

I6-148 See response to comment I6-147. Species specific impacts of noise from the research literature are not the same as impacts on special-status species under

CEQA or noise impacts under CEQA. The DEIR analyses impact of General Plan implementation on resources (such as noise and special-status species). It neither claims to provide research-type data on noise impacts on species such as ground squirrels or birds; neither would such analysis be appropriate to be presented in the EIR. This is a baseline condition that will not increase. No further response is necessary.

I6-149 See response to comment I-148 above. CEQA requires reasonableness, not maximum analysis. The purpose of the DEIR is not to determine the maximum noise levels of motorcycles during hill climbs but to analyze the impacts of the implementation of a long-range management plan on the environment. No further response is necessary.

I6-150 Section 3.13 includes a discussion of noise impacts related to the implementation of the General Plan Update and Section 4.4.11 includes a discussion of cumulative noise impacts. As discussed in Section 3.13, "Noise" of the Draft EIR, under the implementation of the General Plan, operational noise generated from OHV use is not expected to increase from baseline conditions. Because the amount of noise generated by OHV will be the same, there is no reason to discuss the Project's cumulative contribution related to OHV noise.

Section 15355 of the State CEQA Guidelines defines a cumulative impact as the condition under which "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (California Code of Regulations [C.C.R.] Section 15355).

The cumulative analysis states, in regard to cumulative noise impacts, that "There are no related projects that would occur simultaneously in the vicinity of the Park that could result in a cumulative impact. Construction noise is temporary, with no associated long-term operations to add to the permanent noise environment as a cumulative impact." This discussion states that there would be no cumulative impacts related to noise because construction would be temporary and there are no other projects in the vicinity that, in combination with the temporary construction-related noise impacts associated with this project, would create a cumulatively significant impact. State Parks agrees that temporary construction noise can be significant, however, for reasons thoroughly described in Section 3.13 and 4.4.11, temporary construction noise related to the implementation of the General Plan Update would not result in a significant or cumulatively significant impact.

Noise generated from existing OHV use in the SVRA is considered the environmental baseline, because those are the existing conditions prior to any activities proposed under this project. As discussed, implementation of this

General Plan Update would not increase OHV-related noise, therefore, noise generated from OHVs would not contribute to a cumulative impact. Discussion of cumulative noise impacts is therefore not included.

For the reasons described above, the conclusion that there will be no cumulative impacts related to noise is adequate.

I6-151 Carnegie SVRA is considered a park unit. This General Plan Update is an update for the entirety of Carnegie SVRA. This General Plan Update describes regional land use and facilities, including other OHV facilities in the Bay Area.

The General Plan and EIR discuss all relevant contributors to ambient noise in the SVRA. Section 3.13, "Noise," states, "Local traffic and OHV operations in the Park are the dominant sources of noise in the project area." The section goes on to describe the methods for collecting ambient noise measurements in the SVRA.

I6-152 See responses to comments I-141 to I-151 above. Since this is an existing facility, with little increase in use projected, the existing noise is the baseline.

Please also see the response to comment I6-61 regarding Waterfall Canyon; no OHV use is proposed there.

I6-153 The commenter's statement that 526 acres (i.e., the Waterfall Canyon area) will become open to OHV use and construction of buildings is incorrect, as discussed in detail in response to comment I6-119; the Waterfall Canyon area would only be used for non-motorized hiking and mountain biking, and no buildings would be installed. The commenter cites portions of the Court's Ruling on the 2015 DEIR related to a lack of site-specific analysis for future facilities in the SVRA and alleges that the 2024 DEIR also defers the necessary impact analyses related to proposed future facilities (i.e., new buildings and the potential opening of the Waterfall Canyon area). The current DEIR contains a detailed, site-specific analysis of proposed future facilities as required by the Court's Ruling. Detailed descriptions of the proposed facilities, and figures showing the locations of each of the proposed facilities, are contained in both the General Plan and the DEIR (see General Plan Chapter 4, "The Plan" Figure 4-2 [page 4-5] and written descriptions on pages 4-6 through 4-9; see DEIR Chapter 2, "Project Description" Figure 2-3 [page 2-9] and written descriptions on pages 2-11 through 2-14). The drawings shown in the Appendices, which are mentioned by the commenter, provide further site-specific details related to the proposed facilities. The analyses related to the potential environmental impacts from all of the proposed facilities, including the non-motorized use in the Waterfall Canyon area, were thoroughly evaluated in the DEIR under the headings "New and Improved Facilities" within each numbered impact in each topic area section of the DEIR. Therefore, a site-specific environmental analysis of the proposed facilities has been performed, and deferral has not occurred.

I6-154 The current DEIR properly evaluates the "whole of the action" and does not fragment the issues into multiple EIRs. The Resource Management Areas are

simply a way for State Parks to categorize and describe similar levels and types of activities, which are in turn related to the different types of visitor experiences. Using RMAs is analogous to using a "specific plan" or "zoning" after adoption of a general plan in local government land use. These areas are shown in General Plan Chapter 4, "The Plan," on Figure 4-1 (page 4-3) and are discussed in Table 4-1 (pages 4-9 through 4-11). The "whole of the action," which includes continued SVRA operations and management at a broad level, as well as site-specific proposed facilities at a detailed level, as described in the updated General Plan, are all analyzed throughout each of the topic area sections in the DEIR under the headings "General Plan Implementation" and "New and Improved Facilities." Therefore, piecemealing has not occurred.

I6-155 Commentor has not properly characterized the project description. As described in the General Plan (Table 4-1 pages 4-9 and 4-10) and in the DEIR (page 2-12), non-motorized hiking and mountain biking are the only activities that could occur in the Waterfall Canyon area. As described in the General Plan (Table 4-1 pages 4-9 and 4-10) and in the DEIR (page 2-12), non-motorized hiking and mountain biking are the only activities that could occur in the Waterfall Canyon area. The DEIR has properly analyzed the potential impacts from opening the Waterfall Canyon area. Potential impacts from any new non-motorized hiking and mountain biking trails in the Waterfall Canyon area were analyzed, along with all of the proposed Visitor Facilities and Operations Facilities described on DEIR pages 2-11 through 2-14, throughout each of the topic area sections in the DEIR under the headings "New and Improved Facilities." Therefore, deferral of the potential environmental impacts has not occurred. Furthermore, the text and caselaw cited by the commenter refers to instances where the environmental analysis tiers from an earlier CEQA document; in this case, State Parks has not tiered from the earlier EIR, but instead has prepared a completely new EIR. Therefore, the CEQA requirements and case law related to tiering do not apply. With regards to the CEQA baseline, please see responses to comments I6-110 through I6-117.

I6-156 The comment cites case law related to tiering; however, the current DEIR does not tier from the previous EIR. Furthermore, as explained in both the General Plan and the DEIR as discussed in responses to comments I6-61 and I6-119, the Waterfall Canyon area would not be opened to OHV use unless a subsequent land acquisition were to occur, and future CEQA would be required (see RTMP Goal 1, General Plan page 4-19).

I6-157 State Parks has appropriately prepared a programmatic EIR to analyze the impacts of the General Plan Update, which is a long-range planning document. As discussed in the 2021 Court Decision and above, it is improper to defer analysis of projects and reasonably foreseeable impacts within a programmatic EIR if details of the projects are known. As described above, reasonably foreseeable impacts have been assessed. However, a site-specific analysis of all of the proposed Visitor Facilities and Operations Facilities described on DEIR pages 2-11 through 2-14 has been performed throughout each of the topic area sections in the DEIR under the headings "New and Improved Facilities." This EIR does not take a "piecemeal" approach.

I6-158 Commentor has again misread the project description for Waterfall Canyon. The evaluation of potential impacts on aesthetic resources is based on review of representative photographs provided in Section 2.3.4 "Aesthetic Resources" in Chapter 2 of the General Plan, maps, and aerial photography. Impacts on visual resources considered:

- specific changes in the visual composition, character, and valued qualities of the affected environment.
- the visual context of the affected environment.
- the extent to which the affected environment contains places or features that have been designated in plans and policies for protection or special consideration; and
- the number of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities affected by the project-related changes.

Views of new and improved facilities both inside and outside of the park are provided in Impact 3.1-1 of the DEIR. As discussed in Impact 3.1-1, overall, new and improved facilities envisioned in the General Plan are designed to be consistent with the existing character of Carnegie SVRA and the surrounding area. New structures would not substantially obstruct scenic views, and the character of these facilities would be consistent with the existing character of the planning area and vicinity.

Corral Hollow Road in the vicinity of the planning area is a San Joaquin County–designated scenic route; therefore, views of the planning area from Corral Hollow Road are considered in this analysis.

Please see Response to Comment I6-156. There are no plans to open Waterfall Canyon to OHV use (see RTMP Goal 1, page 4-19).

I6-159 Inadvertently omitted in coding; Response to comment I-158 addresses all comments up to I-160.

I6-160 The viewshed analysis presented in the DEIR is appropriate for the CEQA analysis of the General Plan. The DEIR does not state that views are "less important" at higher speeds; it is a fact, however, that travelers passing at higher speed tend to not notice the views. No further response is required.

I6-161 The viewshed analysis presented in the DEIR is appropriate. It is also correct that there are many nice scenic views from the Carnegie SVRA. However, spots with views providing scenic vistas are not the same as designated scenic viewpoints in the context of CEQA. Existing facilities and trails at the Carnegie SVRA are part of the existing conditions, and thus, whether someone "likes or dislikes" these views is not part of the CEQA analysis from the implementation of the General Plan. No further response is necessary.

I6-162 Representative views from the surrounding roadways, internal views of the park, and external views are presented in Section 2.3.4, “Aesthetics,” in Chapter 2 of the General Plan, Viewpoint 1.

The original 1,533-acre site had been used by OHVs since the 1940s and was operated as a private motorcycle park from 1970 to 1979. View experienced by a driver on Corral Hollow Road and Viewpoint 2 (Figure 2-18) shows Corral Hollow Road from the Carnegie SVRA. Viewpoint 3 (Figure 2-19) shows Corral Hollow Creek during the wet season; the creek bed is dry for much of the year. Viewpoint 4 (Figure 2-19) illustrates a long view with the Sierra Nevada in the background; and Viewpoints 5 and 6 (Figure 2-20) illustrate views of the canyon from the planning area. Viewpoint 7 (Figure 2-21) illustrates hillsides with visible motorcycle tracks in the Carnegie SVRA.

I6-163 Please see the response to comments I-158 to I-162 above. The area has been used as an OHV riding area since the early 1940’s. Thus, the existing view is part of the baseline and does not have to be analyzed as a new impact. The commenter offers no substantial evidence for his assertions. The cases cited are inapplicable to this situation.

I6-164 Existing conditions are discussed in the “Aesthetic Resources” discussion in Section 2.3.4, “Resource Values,” in Chapter 2, “Existing Conditions” of the General Plan. Chapter 2 includes a description of the physical environmental conditions in the project area as they existed at the time the notice of preparation was published, which is the baseline. Section 2.3.4 presents the regional context, views from public roadways, and views within and outside of the planning area.

Please also see Response to Comment I6-111 regarding baseline conditions and Response to Comment I6-156 regarding Waterfall Canyon.

3.4.7 Comment Letter I7, Connolly Ranch Inc. & Connolly Garamendi LLC, March 1, 2024

Letter I7

COMMENTS 3/1/2024

Connolly Ranch Inc. & Connolly Garamendi LLC

TRESPASS-ENVIRONMENTAL IMPACTS OFF SITE:

Trespass from the denuded and damaged habitat onto Connolly Ranch and Connolly Garamendi LLC occurs as park visitors seek a quiet shaded or peaceful place off the Park. Parks does not post its property boundaries, there are no buffers, boundary fences impacted by Park Uses are not maintained by Carnegie SVRA adequately, and in its 43-year operation this commentator is not aware of a single citation for trespass off the Park.

All the above is evidenced by a video produced by the State in response to a PRA made before the NOP and still not complied with fully. RCNX0018(104) shows a group of OHV users on Connolly Garamendi LLC property picnicking with the CSVRA boundary fence, partially pushed over, to the left. After finishing there trespass the park users climb back over the fence into the OHV Park in Kiln Canyon. This impacts wildlife and habitat off the park boundary.

Mitigation measures need to include (1) a policy of posting and maintenance of signs by Carnegie SVRA at distances of no less than 50 feet on all boundaries in compliance with the requirement of Penal Code Section 602 indicating "Park Boundary. Do not Proceed beyond this point. (California Penal Code 602)" (2) buffers separating all public access from the boundary of adjoining private property, (3) a schedule of patrolling boundaries on a regular schedule, (4) citation of persons trespassing onto adjoining private property.

It should be noted that buffers are also necessary to for sound and other environmental reasons.

I7-1

REFERENCES TO SRI:

The DEIR and GP are misleading in failing to identify the three ranches dedicated to environmental protection which are the only private property owners adjoining the OHV Park south of Corral Hollow Road. SRI International sold its 480 property to Connolly Garamendi LLC. Carnegie SVRA has only the following adjoining private properties south of Corral Hollow Road and these are the ONLY private property owners adjoining active OHV use park property: Connolly Ranch, Inc., Connolly Garamendi LLC, and R.J.G Corral Hollow Ranch L.P. These are all ranches dedicated to maintaining habitat and protecting species, and none allow environmentally destructive recreational OHV use. All these ranches have populations of CRLF, CTS and other threatened species.

Connolly Ranch Inc. and Connolly Garamendi LLC share the longest property boundary, over 2 and a quarter mile, with Carnegie SVRA.

R.J.G Corral Hollow Ranch submitted its own comments objecting to impacts that would be caused by opening Waterfall Canyon to public and OHV use.

I7-2

All references to SRI or SRI International should be deleted. There is no "SRI Easement", "SRI road" "SRI low water crossing" or any other SRI involvement, SRI easements or SRI boundary with Carnegie SVRA.

The Connolly Garamendi LLC property has been returned to us as habitat and for livestock grazing.

I7-2 (Cont.)

LACK OF CAPACITY DETERMINATION:

I7-3

Carnegie SVRA has never complied with the PRC requirement that it determine a park capacity for Carnegie SVRA. The determination of the Park Capacity would require consideration of all the impacts caused by public use of the park, including impacts on habitat, species, water quality, erosion, dust, trespass, impact off the park and noise.

In prior comments agencies and Connolly Ranch Inc. have commented that there must be a determination of Park capacity as part of any GP. Parks has refused to do this. Without any determination of Park capacity, the GP proposes to expand almost every facility, add new trails, build new facilities on the flood plain and expand OHV use at least 526 acres. At the same time, park attendance is declining as documented in both comments and the DEIR.

The GP and DEIR are therefore defective because it cannot be determined if (1) the capacity of the park, (2) if the new and expanded facilities, including trails and expanded OHV use will result in the park exceeding its capacity, if it has not already, and (3) whether the additional and expanded facilities are even necessary.

The capacity determination involves all the environmental concerns the 2024 DEIR avoids. ***A GP that does not include a capacity determination is contrary to law on its face.*** Without a capacity determination as required Carnegie will be built out beyond its capacity as Parks bureaucracy continues never ceasing construction that insures continued employment in the face of decreasing attendance by continuing to expand facilities and attempting to increase attendance by adding attractions in a park already operating beyond its capacity.

In addition to an overall capacity, the capacity will vary depending on conditions. A capacity determination must take into consideration areas of the park at are closed due to rain, fire, flooding or other damage, unsustainable trails, etc. Carnegie does not even have the most basic capacity determination which will result in perpetual building and adding of facilities in the absence of any information on the impacts of building facilities on every available space.

DUST AS AN AESTHETIC IMPACT:

I7-4

OHV recreation generates dust that can be seen from miles away. Dust rises hundreds of feet above the ground. It is carried by the wind on the highest ridge tops and trials where watering or other dust control measures do not occur. Single motorcycle can generate at these locations dust visible from miles away. Often the Park is enclosed in a cloud of dust visible to anyone on Corral Hollow or Tesla Roads. (Carnegie Dust Bowl?) The GP seeks to add new trails and expand OHV use increasing these impacts.

Examples of Park Dust bowl are shown in the photographs showing the hills as visible from Corral Hollow Road: "Carnegie Dust Hills", "Carnegie Dust", "Carnegie Dust Hills", "CSVRA Dust", "CSVRA Hills", "CSVRA hills dust" and "CSVRA trails dust". Photographs showing dust storms from Corral Hollow road include "Carnegie Dust CH rd.", "CSVRA dust east neighbors 1 through 6", and "CSVA dust east neighbors". The general Carnegie dust bowl effect is shown by photographs "Carnegie Dust Generation". Dust generated by Carnegie SVRA is an aesthetic impact, not just an air quality impact. I7-4 (Cont.)

The above photograph, and others submitted, show that BMP and the Guidelines cannot control dust.

CHANNELIZTION OF CORRAL HOLLOW CREEK AS A RESULT OF FACILITIES ON THE FLOOD PLAIN: I7-5

CSVRA has, with tons of rock, channelized the Corral Hollow Creek, usually with no environmental review on an emergency basis. This occurs along the entire streambed. The more facilities are expanded and added, the more these protections will be needed, and the more the environmental impacts without analysis as emergency repairs become more necessary. Some, but not all of this channelization is shown in the attached exhibits. It is extensive and ongoing. (See Streambed Channelization East, Streambed Channelization West, Streambed Channelization Entrance, attached.) Unprotected streambed crossings are also shown on these exhibits.

FAILURE TO CONSIDER IMPACTS ON UNPROTECTED AND FAILED CROSSING OF THE STREAMBED OF CORRAL HOLLOW CREEK. I7-6

The DEIR abandons plans to protect the streambed from OHV it predicts the GP will increase. The "2017 Five Year Master Plan" attached, shows all weather roads to protect the stream bed and a "SRI Xing Bridge". This is not the Connolly LWC. That 5-year plan was apparently abandoned at least as to any protections of the streambed, although it shows the new trail for example on the south side of the Corral Hollow Creek. The Connolly LWC designated the "SRI Xing Bridge" in the exhibit is the best example of the abandonment of any effort to protect the streambed while increasing impacts on it by increasing use.

The Connolly Easement concrete LWC (formerly the SRI Crossing) was determined by Parks to need replacement even as recently as 2022. On February 5, 2021 Diablo Range District Superintendent Eduardo Guaracha wrote the Connolly Ranch stating:

> "State Parks has determined that the Low Water Crossing on SRI Road (SRI Crossing) is in need of repairs, after the damage caused by storms due to it being under sized for crossing Corral Hollow Creek at the location where it crosses the creek and its advanced age. The SRI Crossing's current condition of uneven terrain, concrete edges, and exposed rock harms vehicles that use the SRI Crossing."
>
> "While temporary repair may be necessary to ensure safe passage, we believe that it is time to consider permanent repair/replacement of the SRI Crossing."

Guaracha Letter February 5, 2021

I7-6 (Cont.)

The letter by District Superintendent Guaracha and the 2017 Five Year Plan demonstrates a conscious effort to abandon any environmental repairs in the 2024 GP while proceeding with expanding the impacts on the steam bed.

The shift in the streambed at the Connolly LWC has been documented by Parks experts. Parks PE Mercer testified under penalty of perjury that the streambed has shifted. (Mercer 1883, attached) PE Mercer explained the shift in the streambed to the north and identified with images that shift, testifying this crossing needed to be replaced. (Mercer LWC Needed 1833-1846, 425, 697, 699, 700, attached.) None of these impacts on the streambed, the changes in the stream, the failure of existing structures in the streambed, or the increased use by the additional facilities are considered in the GP or DEIR while proceeding with other projects increasing those impacts.

Elevation analysis prepared by Parks showed the streambed shift to the north and the damaged LWC as it still exists today and has since 2017. (Connolly LWC Parks Elevation, attached)

The DEIR does not address the increased impact on these crossings due to increased OHV activity due to expansion of the facilities. This crossing already has up to 44,000 crossings by the public per year. Taken together, this means Parks has crossings adversely impacting the Corral Hollow streambed, including what Parks alleges are failed crossings in need of replacement, over which the GP proposes to increase OHV and public use. The DEIR contains no discussion or analysis of these impacts, and it must. It needs to consider mitigation of these significant impacts. Since 1981 there have been changes in the environment such as this, and the DEIR ignores them.

ADDITIONAL EXHIBITS ADDED TO LINKED DROPBOX FOLDER ON 3.1/2023

I7-7

Dead Spadefoot Poster (Showing Impacts on species, failure of BMP, failure to control trespass even within Carnegie SVRA, failure to adequately patrol.)

Habitat Use Mountain Lions Carnegie Revised 6-2-2021 (Showing Use of Carnegie as Corridor)

Order Granting Writ 8-3-2023 (Showing need to delay comment time due to State failure to provide documents necessary for analysis of DEIR and Comments)

First Amended Petition for Writ of Mandate (Showing need to delay comment time due to State failure to provide documents necessary for analysis of DEIR and Comments)

First Further Return of Writ (Showing need to delay comment time due to State failure to provide documents necessary for analysis of DEIR and Comments)

Objection to Discharge of Writ. (Showing need to delay comment time due to State failure to provide documents necessary for analysis of DEIR and Comments)

I7-7
(Cont.)

FOTP Letter Re OHMVR CSVRA NOE Zone 44_46_47 Rehab 8-21-2015 (Showing impacts of restoration and rehabilitation)

1600-2014-0086 Incomplete (CDFW notification of rejection of Streambed Alteration Permit due to environmental impacts. Referenced in prior comments.)

CSVRA BMP failures 2-5-2016 (FOTP comments and evidence showing failure of BMP)

RCNX0018(104).MP4 (Video produced by State showing trespass across Carnegie SVRA fence onto Connolly Garamendi LLC property and lack of signs marking the Park boundary.)

Carnegie Dust Hills

Carnegie Dust

Carnegie Dust Hills

CSVRA Dust

CSVRA Hills

CSVRA hills dust

CSVRA trails dust

Carnegie Dust CH rd.

CSVRA dust east neighbors 1 through 6

CSVA dust east neighbors

Carnegie Dust Generation

Mercer 1883

Mercer LWC Needed 1833-1846, 425, 697, 699, 700.

Mercer 1878-1879

Connolly LWC Parks Elevation

Streambed Channelization East

Streambed Channelization West

Streambed Channelization Entrance

Letter I7 Response Connolly Ranch Inc. & Connolly Garamendi LLC, March 1, 2024

I7-1 Carnegie SVRA enforces all rules pertaining to the safe operations of the park. Any trespass citations could only be issued if the trespass was directly observed at the time it occurred. There are no specific buffers required for the boundaries, nor would they prevent trespassing. The cited connection to wildlife impact from trespassing is unclear. State Parks is sorry that the commenter is experiencing trespass issues. We will continue to enforce rules and regulations for the part. However, this is neither a General Plan topic, nor is it an EIR issue. No further response is required.

I7-2 While it is correct that SRI are no longer a neighbor of Carnegie SVRA, certain place names within the Carnegie SVRA such as SRI Road and SRI low water crossing will remain. No further response is necessary.

Please see Response to Comment I6-156. There are no plans to open Waterfall Canyon to OHV use (also see General Plan RTMP Goal 1, page 4-19).

I7-3 Carnegie SVRA management is consistently informed by user data. The SVRA occasionally shuts down when numbers exceed allowable use. However, the property came to state parks as a motorcycle park and has been managed as a SVRA from the beginning. Thus, establishing an arbitrary number as a carrying capacity is not reasonable. The SVRA uses numerous techniques to protect resources while providing quality recreational opportunities for riders. The expansion or renewal of facilities in the SVRA is driven by the need to better manage use and resources, not to increase or decrease usership. All facilities are sited and designed according to guidelines in the General Plan, and all are undergoing environmental review consistent with state law.

I7-4 Generation of dust is an inherent byproduct of any offroad driving, whether generated by off highway vehicles, motorcycles, or street legal vehicles on private property. Carnegie SVRA has dust control protocols in place and the General Plan spells out management guidance to control dust. While dust may be perceived as unsightly, it is not an “aesthetic impact” in a CEQA context. Air quality concerns related to particulate matter is adequately addressed in the EIR.

I7-5 Any project at the SVRA, including rock placements along the streambed undergo the required environmental review. The comment is general in nature and does not have any specific examples. No further response is required.

I7-6 The DEIR analyzes all impacts associated with implementation of the General Plan. Specific repair or other projects that have preceded the General Plan or were independently underway are not included. No further response is required.

I7-7 This comment is a list of exhibits added to a folder by the commenter. All but one of these exhibits have been received by State Parks during the comment period and have been included above. No response is required.

3.4.8 Comment Letter I8, Tom Gallo, March 1, 2024

Letter I8

R. J. G. Corral Hollow Ranch, L.P.
600 Yosemite Blvd.
Modesto, CA 95354

March 1, 2024

By Email: Planning@parks.ca.gov

California State Parks
Strategic Planning and Recreation Services Division
P.O. Box 942896
Sacramento, CA 94296-0001
ATTN: Katie Metraux

Re. CSVRA GP/DEIR Comments

Dear Ms. Metraux:

R. J. G. Corral Hollow Ranch, L.P. ("Corral Hollow") owns the approximately 2,934-acre Corral Hollow Ranch ("Ranch") adjacent to and east of the Carnegie State Vehicular Recreation Area (SVRA) 1,575-acre off-highway vehicle (OHV) park. We are submitting these comments to the Preliminary General Plan (GP) and Draft Environmental Impact Report (DEIR) for the Carnegie State Vehicle Recreation Area (SVRA). I8-1

We operate a cattle operation on the Ranch and have preserved and intend to continue to preserve the numerous natural resources on the Ranch. The portion of the SVRA proposed to be opened for public use and the adjoining portion of the Ranch is in the area commonly referred to as the Waterfall Canyon area. This is one of the most environmentally sensitive areas of the Ranch and that general area.

The Waterfall Canyon area also includes the most significant Spring on the Ranch. Public access and trails in the area proposed for public use would likely lead to significant erosion and contamination of the Spring and the pristine undisturbed drainages in the Waterfall Canyon. These impacts also must be fully evaluated in the DEIR.

Thank you for the opportunity to comment on the GP and DEIR. Please call me if you have any questions.

Sincerely,

Tom Gallo, General Partner

Letter I8 Response Tom Gallo, March 1, 2024

I8-1 As described in the Preliminary General Plan Update, Waterfall Canyon is currently excluded from OHV recreation for water quality management purposes and will be managed according to the *Storm Water Management Plan for Carnegie SVRA* or the most current water quality management prescriptions. State Parks is considering the rehabilitation of existing trails in Waterfall Canyon for non-motorized use, such as hiking and mountain biking. Details about the trails and their allowed recreational uses will be provided in a proposed SVRA Roads and Trails Management Plan (RTMP). State Parks is considering the rehabilitation of existing trails in this southeast corner of the SVRA for non-motorized pedestrian use, and trail alignment will take into consideration potential viewpoints; areas for picnic tables, benches, and interpretive signage; terrain and drainages, and sensitive resources. As described in RTMP Goal 1, the plan may include further analysis for a non-motorized trail network and the potential for future motorized trails in Waterfall Canyon.