3.3. Organizations Comments and Responses

3.3.1. Comment Letter O1, Amy Granat, Managing Director, California Off-Road Vehicle Association (CORVA), February 26, 2024

Letter O1

1500 W El Camino Ave. #352 · Sacramento · California · 95833-1945
Phone · 916-710-1950 · info@corva.org · www.corva.org

February 26, 2024

California State Parks
Strategic Planning and Recreation Services Division
P.O. Box 942896
Sacramento, CA 94296-0001

ATTN: Katie Metraux

Submitted by email: Planning@parks.ca.gov

For over 53 years, the California Off-Road Vehicle Association, CORVA, has advocated to preserve, promote and protect off-road and motorized recreation opportunities throughout the state of California. We represent thousands of enthusiasts who use off-highway and street legal 4-wheel drive vehicles to enjoy their favorite activities. Our members use California's State Vehicular Recreation Areas and depend on the well-managed system of roads, trails and areas offered in these parks to enjoy motorized recreation. O1-1

CORVA has been involved with Carnegie SVRA planning efforts and has participated in Carnegie Team Advisory meetings since their inception. The staff of Carnegie SVRA has done an excellent job of listening and being responsive to requests and ideas from park enthusiasts, which is evident in the Draft General Plan.

The proximity of Carnegie to the greater Bay Area makes it a critically important park for motorcycles and ATV enthusiasts. Considering the loss of the Alameda-Tesla area and its previously intended use to expand opportunities for off-road recreation in Carnegie SVRA, it is incumbent on the proposed general plan to improve and enhance existing uses to the extent possible. In large part, the plan fulfills this mission. As stated in 4.3.1.2 of the proposed General Plan, one of the goals of the analysis is to; "*Improve and/or expand visitor recreational experience areas and amenities.*" Everything proposed in the general plan following that initial statement looks to accomplish that goal. We appreciate the diligence in the plan and offer the following comments.

1. The proposed group campsite is a great idea that has been successfully utilized and enjoyed at other SVRA's. The only caveat to the proposal is the idea of water and electric hookups. Because there are other facilities and restrooms available in Carnegie SVRA, we do not recommend or see a need for full hookups. Off-roaders are well acquainted with the concept of dry camping and enjoy the rustic atmosphere this allows. O1-2

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2. The same applies to other camping areas that are proposed for the park. CORVA wants to ensure that camping is available for families enjoying activities at Carnegie SVRA, and for off-road enthusiasts. A campsite with full hookups would be attractive to campers from outside the park, who could reserve all the camping sites in advance, blocking the availability for the off-roading public. The other proposed changes, including accommodating larger toy haulers and motorhomes, and adding an RV dump station are welcome. O1-3 O1-4

3. CORVA also supports the relocation of the concession store to a more appropriate location that could serve the visitors to Carnegie SVRA in addition to visitors to the yet-to-be-determined park that will be created in the former Alameda-Tesla Expansion Area. The proposed changes would enhance the conditions for the concessionaire. O1-5

4. The proposed rehabilitation of Waterfall Canyon can be beneficial; however, the state must be aware of the inappropriateness of using the OHV Trust Fund for expenses related to non-motorized forms of recreation. Access to non-motorized forms of recreation is part of the mission statement of the OHMVR Division. However, opportunities including trail and obstacle building solely for the use of mountain bikes and e-bikes do not fall into allowable expenses from the fund. O1-6

5. Having just commented on the Prairie City Road and Trails Management Plan, and experiencing the extensive outreach that park undertook as part of the process, CORVA can endorse the idea that all SVRA's in the state go through that analysis. This type of planning can more closely meet enthusiasts' wants and needs in a very site-specific capacity and go into more details than a General Plan. O1-7

CORVA appreciates how the remainder of the proposals in the draft General Plan are designed to enhance and improve the riding experience in the park and restore availability to trails and areas previously closed. Equally important is managing the park in accordance with the environmental criteria specified in SB 249, and making sure Carnegie is a stand-out example of an environmentally sustainable park that hosts off-road recreation. O1-8 O1-9

On behalf of the Board of Directors of CORVA,

Amy Granat

Amy Granat
Managing Director

"Protecting Public Land *FOR* the People
Not *FROM* the People"

Letter O1 Response Amy Granat, Managing Director, California Off-Road Vehicle Association (CORVA), February 26, 2024

O1-1 Thank you for your comment and support of 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.

O1-2 State Parks will consider the suggestion to exclude water and electricity hookups at the proposed group campsite during future project planning and design. 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. No further response is required.

O1-3 State Parks will consider the suggestion to exclude water and electricity hookups for the proposed campground remodel during final design of the project. 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. No further response is required.

O1-4 See response to comment O1-1.

O1-5 See response to comment O1-1.

O1-6 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.

O1-7 Commentor expresses support for the proposed development of a Roads and Trails Management Plan for the SVRA. 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. No further response is required.

O1-8 See response to comment O1-1

O1-9 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. No further response is required.

3.3.2. Comment Letter O2, Kerry Kriger, Founder, Executive Director & Ecologist, Save the Frogs!, February 29, 2024

Letter O2

SAVE THE FROGS!

SAVE THE FROGS!
1968 S Coast Hwy Suite 622
Laguna Beach, CA 92651

Dear California State Parks:

RE: CSVRA GP/DEIR Comments

SAVE THE FROGS! is a California-based 501(c)(3) public charity dedicated to amphibian conservation. On behalf of our members in California and worldwide, I strongly urge California State Parks to adopt comprehensive and effective measures to protect the amphibian populations within Carnegie State Vehicular Recreation Area (CSVRA).

The project needs to encompass a General Plan (GP) and an Environmental Impact Report (EIR) for the entirety of CSVRA operations, rather than limiting the scope to only the new and expanded facilities as an update to the 1981 GP. This narrowed focus fails to adequately analyze the full impact of operations across the CSVRA, particularly overlooking critical habitats such as the Corral Hollow Creek Riparian Area and Waterfall Canyon.

These areas are not only ecologically sensitive but have also served as the sole compensatory mitigation for the Special Vehicle Recreation Area (SVRA). It is imperative that any development or expansion takes into account the holistic environmental impact, ensuring that the conservation of amphibian populations and their habitats is prioritized.

O2-1

Furthermore, SAVE THE FROGS! insists that CSVRA must not proceed with any new or expanded facilities that would increase the overall impact on sensitive ecological areas. Instead, there should be a concerted effort to reduce these impacts by minimizing the footprint and extent of off-highway vehicle (OHV) use and other recreational activities. The reliance on self-mitigating plans that lack concrete evidence of effectiveness, absent a rigorous analysis of impacts, and provide vague guidelines without measurable performance standards is unacceptable.

O2-2

Specifically, there is a glaring absence of Habitat Management Systems (HMS) and Wildlife Habitat Protection Plan (WHPP) data or analysis, with HMS reporting ceased since 2014 and WHPP yet to be developed or implemented. Without baseline information or a detailed analysis of the impacts on natural resources and wildlife—focusing on aquatic species in particular—there can be no adequate mitigation measures.

O2-2 (Cont.)

The current avoidance strategies outlined in the Wildlife section are insufficient and do not meet the necessary standards for protecting the delicate amphibian populations within CSVRA, including those documented in the 2022 CDFW NOP comment letter. Comments prepared in 2015/2016 based on that last available HMS data (attached) document the damaging impacts of OHV recreation use on wildlife, including protected aquatic species. We urge a reconsideration of these plans to ensure the long-term preservation and protection of these vital ecosystems.

O2-3

I appreciate California State Parks taking meaningful action to protect the CSVRA environment, and I thank you for helping SAVE THE FROGS! 🐸

Dr. Kerry Kriger
SAVE THE FROGS!
Founder, Executive Director & Ecologist
savethefrogs.com/kerry-kriger

February 29th, 2024



October 21, 2016 **Kupferberg opposition to CSVRA General Plan FEIR Certification**

O2-4

Dear Chairperson Cabral and Commission members,

On behalf of Save the Frogs, and the scholars and professors who have co-signed previous letters, I am here to say that on scientific grounds, we urge you to deny certification of the Final EIR (FEIR) and General Plan (GP) for Carnegie SVRA.

The biological resources section is inadequate. Nowhere do the responses to my previous comments refute the validity of the analyses I and my colleagues submitted. We clearly showed the detrimental effects of OHV use on wildlife, especially amphibians and birds. Our work was richly documented with studies from peer reviewed journals, and I ask, where are the scientific studies to support the repeated assertion that the proposed management guidelines are effective at mitigating the impacts of OHV use? Nowhere does the General Plan or the FEIR provide substantive evidence that the proposed wildlife guidelines have worked in the past at Carnegie to maintain habitat quality, or to prevent decline of species at risk from OHV use.

With respect to quantitative interpretation of data, there is a complete non-equivalence between what is in the FEIR and our analyses. The key response of the FEIR is, and I quote, "The types of comparisons suggested by the commenter (me) are not appropriate for a general plan". This statement concedes that the FEIR does not utilize the wealth of raw data collected by Carnegie staff at Habitat Monitoring System "control" sites to assess OHV use impacts. This is not merely a question of scientists drawing different conclusions from the same data set used by the preparers of the FEIR. This is a question of interpreting data vs. ignoring data.

This FEIR response is an open admission that the General Plan is not committed to science based management. Comparisons over time and control vs. impact are the foundation of a scientific approach to the problem of detecting and measuring the magnitude of *in situ* environmental effects. CEQA states that the purpose of an EIR is "to identify the significant effects on the environment of a project". By asserting that side by side comparisons between Carnegie and Tesla are inappropriate, the authors have undermined the validity of every single aspect of the FEIR and GP which relies on HMS reports to mitigate future impacts through adaptive management.

The FEIR further asserts that the mere existence of HMS reports is sufficient to protect the biological resources at risk. The reports appear years late, are incomplete, and entirely lack appropriate analytical and statistical techniques. Scant progress has been made since the 2009 critique sponsored by OHMVR. In fact, the quality and frequency has declined. Two reports have been issued in 7 years. Reports for 2015 and 2016 are missing. The most recent report covered 2011 to 2014 and had no presentation of vegetative cover data. The report included a grid cell map to show locations of where animals were observed, but the tables (No. 35-38) only give the number of each animal, not the location. So when there are observations of a protected species, say burrowing owls, we have no way of knowing if the planned use areas in the General Plan overlap with the locations. Furthermore, I find it hard to believe that CSVRA did full reporting or recording of wildlife -- in 2011 there were 59 species reported and the richness of species reported went down to just 3 species by 2014. Either there was a huge crash of all the vertebrate species not covered by aquatic sampling and point counts of birds, or CSVRA has just stopped keeping track. These small problems are indicative of the larger deficiencies of the Habitat Monitoring System we covered in great detail previously. These failings serve as an indictment of the FEIR strategy to postpone mitigation to the future. CSVRA has shown time and time again that they cannot detect effects because of poor science. I submit here a table with the details of specific responses.

Sincerely yours,

Sarah Kupferberg, Ph.D. , Visiting Scholar UC Berkeley Dept. of Integrative Biology
Board Member of Save the Frogs

October 21, 2016 **Kupferberg opposition to CSVRA General Plan FEIR Certification**

Comment (p.)	Issue	OHMVR response	Rebuttal
FEIR I15-2 (8-203)	Lack of comparison between riding and non-riding areas to assess impact	"The types of comparisons suggested by the commenter are not appropriate for a general plan".	Using CSVRA's own HMS data, I have shown, using scientifically and statistically sound methods, that there are significant detrimental effects of OHV use on amphibian and birds on several levels of ecological organization, on habitat quality, occupancy rates, population sizes, and community composition. The FEIR response is an open admission that OHMVR has no intention of practicing science-based resource management and that the general planning process has been dedicated to glossing over undeniable facts. With this statement OHMVR is admitting that their quantitative Habitat Monitoring System data were not used to inform the General Plan. By asserting that side by side comparisons between Carnegie and Tesla are inappropriate, they undermine the validity of every other response which refers to reliance on the HMS reports to mitigate future impacts through adaptive management.
FEIR I15-3 (8-203)	Lack of specificity of locations of development will compromise the integrity of HMS control sites	"HMS control sites are not expected to change"	The HMS data collection and reporting process are fraught with methodological errors and inconsistencies and complete lack of synthetic data analysis (see Cashen and Kupferberg comments). Continuing to produce documents that are released many years late and lacking rigorous analytical techniques is not science-based management. Using "control" sites that will then be surrounded by OHV use invalidates the results of any future studies.
FEIR I15-4 (8-203)	Lack of data analysis	"It is not necessary to re-examine the data from the HMS or respond in further detail to the conclusion reached by others when examining the same data"	This response, using the word "re-examine" assumes that the FEIR actually did examine the data to begin with. The data were only utilized to the extent that a catalog list of special status species in the area was developed. The data were not at all examined to detect, assess, or predict impacts of the general plan. For birds, the FEIR does not examine species composition shifts of whole communities of avifauna by habitat type the way we did.
FEIR I16-3 (8-211)	Habitat degradation, lower occupancy rates for vertebrates and reductions in vegetative cover	General Plan provides a detailed set of guidelines to avoid or minimize impacts on	No refutation of the facts we presented regarding species declines, community shifts, and habitat impairment. More importantly no evidence from CSVRA that the guidelines are effective in the context of the in situ ecological conditions and no evidence that these techniques are effective elsewhere.
FEIR I16-4	Lack of annual HMS reports	There have been occasional delays or combined HMS reports	Since the critique in 2009 be Meese et al. seven years ago two HMS reports have produced. This is more than an occasional delay. The most recent report lacked data analysis completely and whole sections, such as vegetative cover reported no results at all. There is not a single example in the FEIR or the General Plan of a management action taken that has effectively reversed a negative trend in a wildlife or vegetation response variable as a result of a finding of an HMS report.

O2-4 (Cont.)

Letter O2 Response Kerry Kriger, Founder, Executive Director & Ecologist, Save the Frogs!, February 29, 2024

O2-1 Thank you for your comment. This General Plan has been written to balance recreation opportunities with the protection of natural and cultural resources. As such, this General Plan includes many goals and guidelines focused on the protection of wildlife. Please see Wildlife Guideline 1.2 and 1.7 for guidelines pertaining to the protection of amphibians.

As described on page 3-1 of the DEIR, the programmatic analysis of General Plan impacts addresses potential impacts related to all aspects of the General Plan, including ongoing management of the SVRA and the implementation of proposed projects. The impact analysis for each environmental resource topic is divided into "General Plan Implementation" and "New and Improved Facilities" to clearly differentiate between the impact analysis for general management of the SVRA and the impact analysis for new and improved or expanded facilities.

State Parks disagrees with the comment that this EIR is inadequate in analyzing the full impact of operations across the SVRA. The General Plan describes Corral Hollow Creek as having documented occurrences of various amphibian species including foothill yellow-legged frog and western spadefoot. The General Plan also considers Corral Hollow Creek as suitable habitat for California red-legged frog. Potential impacts to these species would be minimized by the implementation of Wildlife Guidelines 1.2 and 1.7.

The General Plan, Chapter 2 Existing Conditions Figure 2-13 shows the habitat types found in the SVRA and includes Waterfall Canyon; any species that occur in those habitats could occur there and were analyzed in the EIR. OHV use is currently prohibited in the drainage area of Waterfall Canyon. Please see Chapter 4 The Plan, page 4-9 of the General Plan, for allowable uses and resource management of Waterfall Canyon.

There are currently no areas within the park set aside for compensatory mitigation. State Parks agrees that it is imperative that any development or expansion takes into account the holistic environmental impact and that amphibian populations and their habitats are prioritized. The General Plan has succeeded in developing a management strategy that balances high quality OHV recreation with the protection of natural and cultural resources.

O2-2 The new and improved or expanded facilities are primarily located on previously disturbed areas. Thus, impacts to sensitive ecological areas resulting from the development of these projects would be less-than-significant.

This General Plan makes a concerted effort to reduce environmental impacts associated with the implementation of the General Plan and the development of the proposed projects. The General Plan has succeeded in developing a management strategy that balances high quality OHV recreation with the protection of natural and cultural resources.

This EIR does not improperly rely on the "self-mitigating approach," nor is it deficient in the analysis of impacts. The lack of a long list of impacts and associated mitigation measures and performance standards is the result of the Park being managed to avoid impacts to sensitive resources, and that reasonably foreseeable projects would be located in heavily disturbed areas. Where appropriate, the goals and guidelines include performance standards.

The current Wildlife Habitat Protection Plan (WHPP) framework document was approved by State Parks in April 2021. The OHMVR Division works with the Districts to prepare and implement WHPPs. The Natural Resource Division ensures that WHPPs apply Best Available Science. Once finalized, the WHPP will supersede the Habitat Management System (HMS). The terms WHPP and the HMS program have been used almost synonymously. Carnegie's draft WHPP is in progress, with the public draft anticipated late 2024 or early 2025. The public will have the opportunity to comment of the Carnegie draft WHPP.

Senate Bill 249: Specific WHPP Requirements include:

- Developed in consideration of state and regional conservation objectives [PRC Section 5090.32(g)]
- Conserves and improves habitat [PRC Section 5090.35(c)(1)]
- Contains an updated wildlife inventory and inventory of native plant communities [PRC Section 5090.35(c)(1)]
- Implements annual monitoring [PRC Section 5090.35(d)]
- Applies best available science [PRC Section 5090.39(a)(1)]
- Provides opportunity for public comment [PRC Section 5090.39(a)(2)]

Monitoring that was performed through the HMS is ongoing and will be carried over into the updated WHPP for Carnegie. Ongoing monitoring includes:

- Annual Avian Point Count Monitoring (since 2015)
- Rodent Diversity and Abundance Study (2016-2019)
- Acoustic Bat Monitoring (2014, 2016)
- Large Mammal Monitoring with Camera Traps (began in 2017)
- Amphibian Monitoring (annual dipnet and visual surveys since 2003)

Some post-2014 Natural Resource reports are available on the Alameda-Tesla website and include data for Carnegie https://alamedateslaplan.com/resources/

- 2018 Carnegie Automated Recording Unit Pilot Project (birds)
- 2016 Acoustic Bat Surveys at CSVRA
- 2020 Habitat Use by Mountain Lions
- 2022 Bird Occupancy Modeling
- 2020 Rodent Diversity and Population Dynamics
- 2020 Bird Survey Season Report

State Parks also has a Districtwide Golden Eagle report that was not made public due to sensitivity.

Based on this abundant amount of research, monitoring, and data for the SVRA, State Parks believes there is enough baseline information for a detailed analysis

of the impacts on natural resources and wildlife in this General Plan Update and EIR.

Section 2.3.2 “Biotic Resources” of the General Plan provides an in-depth analysis of existing conditions related to biological resources. This section includes ample information about amphibians within the SVRA.

Please also see response to CDFW comment A4-7.

O2-3 The goals and guidelines related to the protection of wildlife outlined in the General Plan are sufficient in minimizing impacts to wildlife. Please see response to CDFW comment A4-8. This comment provides no further explanation about why they think the measures are insufficient. Thank you for the attachment. No further response is required.

O2-4 The commenter included a letter from Sarah Kupferberg, Ph.D., Board Member of Save the Frogs, dated October 21, 2016 regarding the previous Carnegie SVRA General Plan EIR, which was never certified and is no longer applicable. Therefore, no further response is required.

Pages 3 through 117 of this comment letter includes various attachments that were originally submitted as supplements to their comments on the 2016 Carnegie SVRA General Plan EIR. These attachments include a critique of the SVRA Adaptive Management, a rebuttal to the 2016 Draft FEIR’s Response to Comments, and an independent impact analysis conducted by Friends of Tesla Park using Carnegie SVRA’s HMS. These attachments are included in Appendix A of this FEIR for informational purposes only and are not applicable to this EIR.

3.3.3. Comment Letter O3, William Hoppes, President and Carin High, Co-Chairperson, Ohlone Audubon Society and Citizens Committee to Complete the Refuge, March 2, 2024

Letter O3

SENT BY EMAIL ONLY
WITH ATTACHMENTS IN LINKED SHARED FOLDER

California State Parks
Strategic Planning and Recreation Services Division
P.O. Box 942896
Sacramento, CA 94296-0001
ATTN: Katie Metraux
Planning@parks.ca.gov;
Katie.Metraux@parks.ca.gov

March 2, 2024

Re: 2024 Carnegie State Vehicular Recreation Area General Plan Update/Draft Environmental Impact Report Comments O3-1

This letter is submitted on behalf of the Ohlone Audubon Society and the Citizens Committee to Complete the Refuge to provide comments on the 2024 Carnegie State Vehicular Recreation Area (SVRA) General Plan Update and Draft Environmental Impact Report ("CSVRA GPU and DEIR" or "GPU/DEIR") issued January 16, 2024 with comments due March 1, 2024. In addition to this letter, we have provided a link to a shared folder with copies of supporting documents referenced in the letter at https://www.dropbox.com/scl/fo/dik720c7f8du482lw73yf/h?rlkey=mhyfcls0eufe2tupdvq69k1ku&dl=0. Please let us know immediately if there is a problem accessing the documents in the shared folder and we will make other arrangements for the DEIR submission.

Following are comments on the 2024 CSVRA GPU/DEIR. The DEIR fails to comply with California Environmental Quality Act (CEQA) requirements in several areas. These substantive issues must be resolved prior to certification of the Final EIR, and the public must be provided an opportunity to review and comment on the revisions.

1. This 2024 GPU/DEIR repeats failures in the 2016 CSVRA GP Revision and DEIR which was set aside and rescinded as violating CEQA pursuant to 2021 Court Rulings. O3-2

In 2021, a Sacramento County Superior Court invalidated the 2016 CSVRA GP Revision/DEIR for failure to comply with CEQA. California State Parks (CSP) was ordered to set aside and rescind the GP Revision/DEIR approvals.

The Court Rulings identified several deficiencies which are repeated in this 2024 GPU/DEIR, including but not limited to: O3-2 (Cont.)

1. The 2016 "Program" DEIR violated CEQA. - State Parks should have prepared a DEIR that addressed the site-specific uses identified in the General Plan and thus unlawfully deferred environmental review of the Project's environmental impacts. This 2024 GPU/DEIR is also presented as a "Program" DEIR for the existing CSVRA site, but in every case the location of existing and proposed new facilities and proposed expansion of existing uses is known, and therefore the foreseeable impacts must be analyzed now and not deferred.

2. The Alternatives Analysis violated CEQA as it failed to identify an alternative for non-motorized recreation. This 2024 GPU/DEIR does not include an Alternative(s) for non-motorized recreation, only an alternative for a complete shut-down of the Carnegie SVRA, the "project" as proposed (proposed 2024 General Plan Update), or no project (continued reliance on the 1981 General Plan).

3. The 2016 DEIR violated CEQA because some mitigation measures failed to specify performance standards or provide other guidelines for management requirements. This 2024 GPU/DEIR also fails to provide measurable performance standards and mitigation requirements. Rather it relies on a largely self-mitigating approach with vague goals and objectives which are policy statements, including referencing outdated plans or plans that are yet to be developed, and provides no Baseline or measurable standards against which to evaluate efficacy of mitigation measures that are proposed to reduce environmental harm.

The 2021 Court Orders Granting Petition for Writ of Mandate filed by Friends of Tesla Park/Center for Biological Diversity/Alameda Creek Alliance and the County of Alameda are attached in the shared folder #1.

These deficiencies in the 2016 GP Revision/DEIR which are repeated in the 2024 CSVRA GPU/DEIR are addressed in further comments below.

2. The GP "Update" Improperly Limits Project Description, Required Analysis and Mitigation O3-3

There is a long history of CSVRA failed attempts to obtain CEQA approval, including the following:

1. 1981 GP and 1979 Acquisition DEIR – Only Adopted GP and DEIR for CSVRA
2. 2000 Final GP Amendment and DEIR for expansion – released but not adopted
3. 2004 GP Amendment and Habitat Conservation Plan (HCP) and Re-circulated DEIR NOP – dropped after NOP stage and before release of drafts. Litigation required to obtain draft GP Amendment and HCP.
4. 2016 GP Revision and DEIR – invalidated by Court Ruling and rescinded
5. This 2024 GP Update and DEIR

[The above list of prior CEQA documents are included in shared folder #7]

This General Plan is framed as an "Update" and DEIR for specific facilities. This improperly and narrowly defines the Project as only the addition or expansion of a few facilities. But the Project is actually the ongoing operation of CSVRA, expansion of the OHV riding/recreation area, opening of closed areas for new intensive uses and the addition of new facilities. This entire scope should be considered the Project Description, against which potentially significant impacts to the environment should be identified, analyzed, avoided and minimized, or for which mitigation measures are proposed that would reduce the direct, indirect and cumulative impacts to a level that is less than significant. O3-4

The CEQA Guidelines, §15378 (a) defines a "project" as follows:

> **(a)** "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:
>
> > **(1)** An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100- 65700.

Framing this GP as an "Update" does not eliminate the need for a complete project description. This General Plan Update is not just a few specific structural additions, such as improvements to the existing campground and expansion of the existing ranger station.

The General Plan Update also expands and increases use in highly sensitive areas. It assumes an approximate .71% increase per year based on projected population growth (DEIR Section 2.1), and proposes a new camping facility, campfire/entertainment center, new Front Hills OHV Trail, New ATV track and other facilities by MX track, reopening the Franciscan Resource Management Area (RMA), opening Waterfall Canyon to all potential uses and more. The project description must include all of these elements. O3-5

By labeling it an "Update" implies that impacts from current and ongoing operations do not have to be analyzed in this 2024 GPU DEIR. However, the Habitat Monitoring System (HMS) reports that were provided up until 2014, have documented that ongoing OHV use results in new impacts to the environment and changes and fluctuations of existing conditions over time, through the creation of illegal trails or unprotected creek crossings (just two examples) that have resulted in significant impacts to the hydrological regime of the landscape, mobilization of soils, and degradation of water quality and habitats. These types of actions result in foreseeable (based on reports of illegal trail creation), new impacts to the environment and impacts to new areas, as opposed to actions that impact the same area over time, such as ongoing maintenance of existing permitted trails.

3. "Program" DEIR Violates CEQA by Deferring Environment Analysis O3-6

The DEIR states in Chapter 3, page 3-1 that the DEIR is designed as a "programmatic" DEIR. The 2021 Court Decision, ruled the 2016 programmatic DEIR violated CEQA because it improperly deferred

3

environmental review of the Project's environmental impacts that are foreseeable. The 2024 General Plan Update encompasses the existing Carnegie SVRA area of about 1,533 acres (including the 4 acres for administrative use north of Corral Hollow Road). Carnegie SVRA was opened by California State Parks (CSP) in 1981. This is not a situation where only a general concept of how the CSVRA plans to use the landscape or how these lands may be managed. This General Plan identifies in detail where new facilities will be located on maps, and in some cases with schematic drawings in the Appendices to the DEIR (expanding or rebuilding existing facilities or adding new facilities in specifically identified areas) as shown in Section 4 and Figure 4-2 of the GPU and the Appendices of the DEIR. It identifies where expanded OHV and other use will occur. The GPU includes actions in areas of existing use or planned use, as well as the exact or approximate location where specifically planned or potential uses are proposed, therefore, impacts of the uses must be identified and analyzed within this DEIR.

O3-6 (Cont.)

The attempt to use a programmatic DEIR to defer the analysis of environmental impacts of such actions is improper. The California Department of Fish and Wildlife (CDFW) Notice of Preparation (NOP) comment letter in Appendix A makes clear that detailed surveys properly conducted of wildlife, plants and habitats (the baseline) and proper impact analysis of survey findings is required to meet CEQA requirements. Here the impacts of the ongoing operations, expansion, increased use and the new facilities identified in this GPU/DEIR are foreseeable and must be thoroughly analyzed now, not delayed to some unknown future date. Instances outlined below raise the concern that proper environmental review of impacts resulting from implementation of the 2024 GPU might not occur. Whether a DEIR is labeled a "program" or "project" DEIR, the requirements to provide an environmental baseline and to conduct analysis of all foreseeable impacts is the same. CSP cannot evade the required analysis of impacts for ongoing OHV use (for the reasons described above) and the identified facilities or evade establishing measurable performance standards for mitigation by labeling this as a programmatic DEIR.

4. Carnegie SVRA History Documents New Projects Added without Required Environmental Analysis and Mitigation

O3-7

Analysis of impacts of the Project now, and not allowing analysis of foreseeable impacts to be deferred is essential because of CSVRA's long documented history of using Notices of Exemption (NOE), to evade needed environmental review of new projects and expansion. Shared folder #6 includes a review of all CEQA notices issued by CSP for CSVRA up to August 2015. Review of CEQA Net since August 2015 found only six (6) NOEs issued for the Planning Area, not counting the GP/DEIR notices for 2012/2016 and 2022/2024.

These NOEs include significant projects which were not in the 1981 GP and for which environmental review was never conducted including:

1. MX Track/4x4 Restroom – 6/15/12 – 4x4 not on east end of SVRA in 1981 GP
2. MX Track/4x4 Area Sediment – 7/30/12 - 4x4 not on east end of SVRA in 1981 GP
3. Ramada Replacement, Maintenance – 2/22/13
4. MX Track Trail Area – 3/14/13
5. Old Crow Race - 3/14/13, 3/26/13
6. Campground in the kids riding area – 11/18/18

There have also been major projects that have been undertaken which are not in the 1981 GP and for which there was not even a NOE issued. All of these projects are in the riparian areas of Corral Hollow Creek and its tributaries, and in areas that have the potential to support rare species, including but not limited to:

O3-7 (Cont.)

1. Expanding maintenance facility area storing gravel and rock
2. 2nd Kids track on east end of SVRA
3. ATV Track
4. Water tank and pipes by ATV
5. Bridge/trail construction in Kiln Canyon
6. Extensive channeling of Corral Hollow Creek with imported rock the full length of Corral Hollow Creek through the planning area beyond emergency repairs
7. Expansion of facilities in the 4x4 area
8. Expansion of MX track
9. Graded and graveled area by MX track

O3-8

As stated in Section 1.5 of the GPU, CSP considers this GPU as a ***"new broad-based policy document that establishes a long-range vision for the SVRA and provides goals and guidelines to direct future improvements, services, and programs. By providing a clear purpose, a vision, and long- and short-term goals and guidelines, the General Plan defines the broadest possible management framework for program development, ongoing management, and public use of Carnegie SVRA. This framework is intended to guide day-to-day decision-making and serve as the basis for developing focused feasibility and management plans, project plans, and other management actions necessary to implement General Plan goals."***

This approach allows for CSVRA to provide no further environmental review for any specific or potential project or facility identified in this GPU using the broadest possible management framework. There is almost no facility, increased uses or expansion that could not be captured within this broad "management framework." This GPU approach will give CSVRA free-rein to do almost anything they want with no further environmental review, including but not necessarily, even with Notices or Exemption. That is why it is essential that proper evaluation of all impacts and documentation of required mitigation standards and monitoring be completed now.

O3-9

This history is relevant because it documents that CSVRA operates: 1) outside of the 1981 General Plan establishing significant new facilities that have never undergone required environmental review (separate from actions to comply with current law), and 2) if any CEQA notification/action is taken, it is primarily a NOE which requires no environmental review. In addition to the express requirements of CEQA, this history of practice and pattern by CSVRA further documents why is it so important that appropriate environmental review be conducted now and not be deferred.

O3-10

5. Current Baseline Required

This 2024 General Plan Update is presented as an update to the first and only general plan adopted for CSVRA in 1981. As noted in Section 1.5 of this GPU the 1981 General Plan is over 42 years old. While General Plans may not automatically expire at some point, they need to be relevant. Review of the 1981

document and associated 1979 Acquisition DEIR show that this Update is not sufficient to meet CEQA requirements and CSP cannot evade that obligation by attempting to frame this GP and DEIR as just a nominal update. A General Plan which properly documents the current Baseline and analyzes all foreseeable impacts and provides measurable performance standards for mitigation is required as identified in the CDWF NOP comment letter in Appendix A. The primarily narrative description of existing conditions fails to meet the standards required of a CEQA description of Baseline conditions. O3-10 (Cont.)

CEQA § **15125. ENVIRONMENTAL SETTING** states:

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. 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 provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the lead agency should describe physical environmental conditions 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. *Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence.* In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record. [emphasis added]

This GPU/DEIR ignores the 42 years of intervening OHV operations which have dramatically deviated from the 1981 GP and created significant environmental impacts across multiple planning elements. This GPU jumps from 1981 to 2024 with almost no analysis or quantification of Baseline conditions, other than narrative descriptions.

The GPU and DEIR need to provide a Baseline against which to identify the potentially significant direct, indirect and cumulative impacts of the proposed project, and to provide a means to measure the efficacy of proposed policies, plans, mitigation and alternatives, in reducing environmental impacts of the project to a level that is less than significant.

6. Alternatives Analysis Requires Non-OHV Alternative(s) and Baseline to Assess Alternatives Presented. O3-11

The CEQA Guidelines at § Section 15126.6 require:

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. [emphasis added]

O3-11 (Cont.)

In addition to the GPU Project, the DEIR identifies a No Project Alternative and two (2) Alternatives are presented in in Section 6 and pages ES-3 through 6 of the DEIR:

1. No Project Alternative
2. Alternative 1: Reduced Emissions
3. Alternative 2: SVRA Shutdown and Park Closure

For the No Project Alternative, the DEIR uses the unsupported conclusion that actions taken to comply with current law would be abandoned and everything would revert back to the 1981 standards if the GPU were not adopted. Current state and federal laws and regulations must be followed regardless of the status of the general plan. The difference between the No Project Alternative and the GPU Project would be that the No Project would not have the impacts from the new and expanded facilities and OHV riding areas and related uses and related increases in OHV use. The No Project would be the environmentally superior alternative by not increasing OHV and operational impacts for which no mitigation is provided.

O3-12

Alternatives 1 and 2 do not present a credible range of Alternatives and are presented as straw men scenarios that can easily be dismissed.

O3-13

The GPU and DEIR conclude that there are no significant environmental impacts from operating CSVRA, an off-highway motor vehicle recreation area, and increasing the OHV use within that area, other than the impacts to Air Quality, because impacts to other environmental resources are deemed less than significant largely to the utilization of self-mitigating goals, guidelines and plans which do not provide measurable performance standards for mitigation. The GPU and DEIR present Alternatives designed to be rejected.

O3-14

It is worth noting that this is essentially the same approach taken by CSVRA in the invalidated 2016 GP Revision and DEIR. Here, as in 2016, CSVRA does not do an appropriate Baseline review needed to actually analyze the Alternatives against the GPU or any other Alternative presented. It presents ineffective goals and guidelines as mitigation rather than measurable performance standards and a

O3-15

mitigation monitoring plan. It concludes that the only significant impact from operating a SVRA is to Air Quality which is the same conclusion made in the 2016 GP Revision and DEIR which a Court overturned and required be rescinded. And then it presents contrived Alternatives designed to be rejected.

O3-15 (Cont.)

The pictures of CSVRA operations in shared folder #5 and the Technical Memo and WHPP Critique and Physical Resources Assessment in shared folder #3 document the damaging impacts from motorized OHV use ranging from erosion, to degradation of water quality, the loss of vegetation and channeling of Corral Hollow Creek from its natural flood plain, destruction of habitat, reduced abundance of special status species, alteration in bird populations to avoidance by wildlife and more. These factors do not even address impacts to cultural resource and scenic/aesthetic issues. Pretending there are no significant impacts from the operation of CSVRA demonstrates a failure to comply with the spirit and intent of CEQA. Observation and actual analysis of impacts to natural resources documents the impacts from OHV use as discussed below. The conclusion that there are no significant environmental impacts from operating the SVRA and then increasing use, is not supportable. As in 2016, this failure undermines the entire GPU and DEIR and the Alternatives Analysis.

O3-16

6.1 Alternative #1 – Reduced Emissions

O3-17

After concluding that the only significant impact to the current and expanded operations of CSVRA under the GPU is to Air Quality, the GPU and DEIR then presents Alternative #1, supposedly a Reduced Emissions alternative, since Air Quality was the only impact identified to be significant. Alternative #1 had two additional goals and associated guidelines, both of which would have reduced Air Quality impacts in CSVRA. But the Alternative was assessed against reduction of regional Air Quality impacts to a level that is less than significant, as opposed to taking all feasible actions to reduce Air Quality impacts that would be generated through the implementation of the CSVRA GPU. Because the DEIR determined that Alternative #1 did not reduce regional air quality values, it was rejected. Setting aside that many goals and guidelines in the Air Quality section do not provide measurable performance standards or a mitigation monitoring plan and other concrete measures that can and should be taken to reduce Air Quality impacts, Alternative #1 was rejected and designed to fail.

Reduction of Air Quality impacts is based on the actions taken by each individual, public and private entity, group, SVRA, etc. and are additive. The conclusion in the DEIR that CSVRA's contribution will not change the regional results and, therefore, the Alternative must be rejected is not appropriate. Mitigation measures proposed in Alternative #1 could reduce Air Quality impacts for CSVRA and should have been adopted in the DEIR regardless of the Alternatives Analysis. And additional effective and feasible measures could have been added. CSVRA has an obligation to take meaningful feasible mitigation measures to reduce its Air Quality impacts. Such feasible mitigation measures exist as presented below in this section and in Section 11 and should be made a part of the GPU.

6.2 Alternative #2 – Close and Shut Down

O3-18

With regard to Alternative #2, this DEIR concludes in Section 6.22 with no Baseline and no analysis, that this GPU Project is environmentally superior to the Shut Down and Closure alternative because this alternative would not protect, preserve, and restore natural, cultural, and other sensitive resources and

8

the General Plan would not be in place to guide the stewardship of the Park's resources. Concrete data should be provided to support such a conclusion. Actions to "protect, preserve and restore natural, cultural and other sensitive resources" exist only because of the damage caused by OHV use. It is CSVRA operations which directly result in environmental impacts, which in turn necessitates the implementation of remedial actions to protect, preserve and restore environmental resources it is CSVRA's operations that result in:

- de-vegetation by building extensive trails and roads and tracks which denude the landscape and require extensive maintenance with heavy equipment, and allowing illegal trails, hills climbs and open/distributed riding.
- erosion of hillsides into streams and ponds and sedimentation.
- placement of intensive use MX and ATV tracks, 4x4 playgrounds and campgrounds in the riparian area of the creek.
- allowing huge vehicle volumes of hundreds of thousands of trips a year to drive through unreinforced creeks.
- artificially channelizing the Corral Hollow Creek away from it natural flood plain.
- destruction of habitat for special status species and disrupts wildlife within the SVRA by excessive noise and erratic fast movements, construction and facilities.
- direct damage to historic and cultural resources and the integrity of those resources by placing disruptive, dusty, muddy, noisy and aesthetically damaging OHV use directly adjacent to and around the resources.

None of the specific corrective or remedial actions cited in Section 6.22 would need to be taken if there was no OHV use creating environmental damage. They are unique to the CSP Off Highway Motor Vehicle Recreation (OHMVR) Division and are not necessarily required in other types of state park units. Other state parks units do not generate the same excessively damaging impacts as OHV recreation.

O3-18 (Cont.)

The Close and Shut Down Alternative #2 as presented is also incomplete and therefore cannot be analyzed because there is no definition of what "Close and Shut Down" means. For example, does close and shut down mean sell the property, or does it mean to reclassify it to another type of unit of the state parks system or relocate OHV use or take some other action?

O3-19

The DEIR pretends that the OHMVR Division, which is a Division within CSP, is outside of the purview of the Department of Parks and Recreation (CSP). CSP could close CSVRA as a SVRA and open another SVRA site in a location that is not as environmentally sensitive as the current site. In 2021, $29.8 Million Dollars was identified in SB 155 for such purposes as described in PRC 5090.42. CSP has started a dedicated planning effort for this as documented on its web site at the Off Highway Vehicle Access Project https://ohv.parks.ca.gov/?page_id=31220 at shared folder #2. Close and Shut Down with relocation is feasible.

O3-20

CSP could also reclassify CSVRA to a different type of unit of the State Parks System such as a State Park, Historic Park, or State Recreation Area as provided in PRC 5019.50 – 5019.80. As documented on the State Parks web site, CSP has reclassified units of the State Park System in the past for various operational and management reasons, for example at Armstrong Redwoods which was reclassified from a "State Park" to a "State Natural Reserve" https://www.parks.ca.gov/?page_id=23367 at shared folder #2.

O3-21

Alternative #2 is not a Non-OHV Alternative as identified in 2021 Court Ruling. Such a Non-OHV Alternative – or even a Reduced OHV Alternative - could have been included which met legal requirements and served to reduce the environmental impacts from the Project. However, what CSP actually did in this GPU and DEIR was to provide for expansion of OHV use and other uses, thus increasing impacts from OHV recreation and associated facilities with no mitigation. O3-22

This GPU/DEIR does not reduce OHV use and impacts in any area by converting an OHV use area to non-OHV use. The potential of opening Waterfall Canyon to hiking, mountain biking and OHV use (see DEIR page 2-17) as further described below would add impactful damaging uses to an area that is identified as closed to all uses in the 1981 GP and has served as a closed conservation area for over 30 years. Adding a new campground in the western riparian core and western Spadefoot toad habitat area would increase impacts. Adding a Front Hills Motorbike trail would increase OHV impacts to the creek riparian area where there is no OHV use presently. Adding the Additional Visitor Recreation Area Expansion would increase OHV impacts immediately adjacent to the Corral Hollow Creek and Western Spadefoot toad habitat area. Putting a walking trail or boardwalk and other features in the currently fenced off historic sectors while expanding OHV use all around it would increase impacts and is not a Non-OHV Use Alternative. O3-23

6.3 Appropriate Alternatives Analysis O3-24

To actually analyze and compare the environmental impacts of the Alternatives included in this GPU/DEIR, or a feasible Non-OHV Use or Reduced OHV Use Alternative, current conditions and impacts of the current operations, or the Baseline, must be established. Otherwise, there is no way to evaluate the environmental impacts of one Alternative in this DEIR versus another Alternative (let alone Alternative(s) that should be added) and provide accurate information to the public and decision makers.

A feasible, and credible, Non-OHV Use Alternative would be to reclassify the SVRA to a Non-OHV Use such as a State Park or State Recreation Area with or without relocation. Such a reclassification would reduce environmental impacts and the condition of the land by changing to less impactful and intensive uses. A feasible Reduced OHV Use Alternative could also be added. Both of these would actually reduce the damaging environmental impacts and provide real Non-OHV uses in the site that would eliminate or reduce significant unavoidable impacts that OHV uses have, including Air Quality Impacts. As identified in NOP scoping comments attached at Appendix A to the DEIR, a feasible Non/Reduced OHV Use Alternative would include: O3-25

- Keep Waterfall Canyon closed as in the 1981 GP, as permanent compensatory mitigation and not redesignate it for "Limited Recreation.
- Convert one or more Resource Management Areas (RMAs) or portions of RMAs, such as the Trans Am and the northern Franciscan, to Non-Motorized mountain biking to reduce Air Quality and Noise Impacts. Unlike Waterfall Canyon, these areas are already impacted by OHV use and converting to mountain biking is not increasing impacts but reducing them to some degree, at least for Air Quality and Noise.

- Formally allow and promote E-Mountain Bikes (EMB) and Electric Motorbikes on existing OHV trails in the existing OHV riding area to reduce Air Quality and Noise Impacts. Electric Motorcycles and EMB are already used in CSVRA based on a Google Search of electric motor bikes in Carnegie SVRA and at https://quietwarriorracing.blogspot.com/2018/06/emtb-trail-fun-at-ca-ohv-park.html. See shared folder #2 for screen shots.
- Convert the eastern end of the park where the concentration of historic brick plant resources are located, from the current east gate of the campground/ATV track, to non-motorized use of a historic/nature sensitive area for historic tours and self-guided trails, picnicking, hiking, and mitigation from OHV impacts, returning the riparian and flood zone to its more natural state. The GPU at page 2.89 documents the 2012 determination by the CSP Office of Historic Preservation that establishing the Tesla Historic District, which would include this brick plant area of CSVRA on the eastern side of the SVRA, would qualify for listing on the National Registry of Historic Places. The visitor profile at Section 2.7.4.3 of the GPU documents that most visitors use the trails in the hills. MX and ATV tracks which require flat area and are not required to be located in the sensitive areas of Corral Hollow Canyon where there is inadequate space along the riparian corridor can be moved out of CSVRA to a more accessible and appropriate location using the funds from SB 155.
- Convert the current OHV Use trail area (SRI Loop), on the east end of the park, and which is frequently closed for off trail OHV riding, to hiking only. This adds non-OHV use in an impacted area, reducing OHV impacts while no creating conflicts with mult-use trails.
- Eliminate or reduce the number of special events including commercial Hill Climb events, which create impacts across a range of features because of the huge crowds of people and motor vehicles of all types concentrated in the riparian area of Corral Hollow Creek in addition to the direct impacts from the hill climbs. As a State public park, CSVRA's purpose should not be continued support of commercial special events at the expense of the environment.
- For Air Quality (AQ) specifically:
  - Promote use of EMB and E-Motorbikes in existing, not new, OHV riding areas to reduce motorized OHV use and Air Quality and Noise impacts. Other than one charging station there is no action in the DEIR that promotes conversion of motorized OHV to electric bikes and motorcycles.
  - Convert one or more RMA areas for peddle Mountain Bikes and open all other existing OHV areas to EMB and E-Motorbikes which can use the same trails as motorized OHVs.
  - Do not allow Red Sticker vehicles in CSVRA at any time since they do not meet emission standards. Air pollution is generated year-round including winter.
  - Close the entire SVRA for any OHV use and construction/heavy equipment use, including peddle Mountain Bikes, EMB and E-Motorbikes in the hills and Corral Hollow Creek floor, during Spare the Air/AQ Alert Days in either the Bay Area or San Joaquin Valley air quality districts to reduce dust and emissions and other air pollutants.
  - Close the entire SVRA for any OHV use and construction/heavy equipment use, including peddle Mountain Bikes, EMB and E-Motorbikes in the hills and Corral Hollow Creek floor, during High Wind Days to reduce dust and emissions and other air pollutants.
  - Close the entire SVRA for any OHV use on High Fire Risk days.
  - Convert diesel and gas vehicles in the SVRAs maintenance fleet to renewable fuels according to a defined schedule. (this guideline was in the 2016 invalidated DEIR and

O3-25 (Cont.)

11

OAS/CCCR Comments CSVRA DEIR 3-2-24

there is still no documented progress in this GPU/DEIR on converting the maintenance fleet)

O3-25 (Cont.)

This Non/Reduced OHV Use Alternative has obvious environmental and user advantages including:

- Preserving existing conservation areas with no public use, as permanent compensatory mitigation to offset the adverse impacts of OHV activities, e.g. not opening up Waterfall Canyon for recreation uses.
- Reduces motorized OHV use impacts from current level by providing areas dedicated to reduced impact uses such as a mountain biking area and a separate historic/hiking area, not just the limited current fenced footprints or buried historic features.
- Reduces motorized OHV use air quality impacts by allowing and promoting use of EMB and E-Motorbikes in existing OHV riding areas.
- Reduces impacts from CSVRA maintenance, construction and heavy equipment.
- Eliminates user conflicts with multi-use trails and provides areas where visitors who would like to experience the historic features of the plan area or passively experience nature, won't get pushed out by bikers and motor vehicles, or bicyclists won't be pushed out by motor and electric vehicles. Not all users of the site will be family members of OHV riders if there are areas protected from the aesthetic damage, noise, air pollution, natural resource degradation and other impacts of OHV recreation.
- Significantly reduces impacts to the sensitive Corral Hollow Creek Riparian Area including by: eliminating intensive OHV use tracks, 4x4 playground immediately along the creek and in the riparian area on the east side of the SVRA; protects Western Spadefoot Toad and riparian habitat; eliminates the need for continuous grading, channeling, rock installation and heavy equipment use to maintain and expand OHV riding areas and access; reduces motor vehicle traffic volume in areas of high concentrations of motor vehicle use; eliminates the need for the use of salt based chemical dust suppressants in sensitive riparian area.
- Properly protects important historic resources as the primary visitation purpose by eliminating OHV and related uses in the east side of the SVRA.

The Governor's goals to reduce air pollution and greenhouse gases by 48% by 2030 and 71% and 85% respectively by 2045 within the state requires aggressive action and commitment by all, especially units of state government. CSVRA, as a unit of state government has an added responsibility to act. It provides a discretionary recreational activity, not an essential public service such as a hospital or electrical grid. Feasible Alternatives and mitigation such as those outlined above which reduce Air Quality impacts and other impacts, yet meet objectives to provide OHV recreation and other visitor experiences should be properly analyzed in the GPU and DEIR.

7. GPU and DEIR do Not Provide Baseline, Impacts Analysis, Measurable Performance Standards or Mitigation and Monitoring

O3-26

The GPU and DEIR do not provide the necessary Baseline Assessment, Impacts Analysis, Measurable Performance Standards or Mitigation and Monitoring. The GPU and DEIR are void of this essential information which is needed to analyze the direct and indirect impacts of the proposed GPU facilities,

and the cumulative impacts from all of these activities within CSVRA, including the cumulative impacts of ongoing activities and operations, in addition to external sources of cumulative impacts. O3-26 (Cont.)

Further, the GPU and DEIR rely almost exclusively on vague self-mitigating goals and guidelines which have no performance measures to support the conclusion there are no significant impacts and that no mitigation is required. The goals and guidelines often rely on yet to be produced plans or reports as part of that self-mitigating structure. The plans and reports are not described in the DEIR or DEIR Appendices to allow evaluation of their efficacy in ensuring impacts of implementing the GPU are reduced to a level that is less than significant. The plans and reports mentioned in the DEIR are, in some cases, outdated or do not even exist yet. There is no evidence that the plans or reports have measurable performance criteria or meet performance standards that are relevant to addressing the impacts of GPU implementation on the environment. O3-27

Some of the plans and reports improperly relied upon in the DEIR include: O3-28

1. 2012 Storm Water Management Plan (SWMP) – outdated with no performance criteria against which foreseeable impacts should be monitored, analyzed and mitigated
2. Habitat Monitoring Systems (HMS) reports – that are supposed to track the impacts of ongoing OHV use on the natural environment and assess the efficacy of mitigation measures in reducing environmental harm have not been published since 2014
3. 2001 Wildlife Habitat Protection Plan (WHPP) – outdated and identified in a 2009 Peer Review and 2015 independent critique as deficient. GPU/DEIR identify that the HMS process will be incorporated into the WHPP when it is finalized – there is no indication when the WHPP will be finalized. A draft has existed since 2016.
4. SVRA Roads and Trail Management Plan (RTMP) – No plan for CSVRA exists
5. Best Management Practices (BMPs) used in association with SWMP

Prior studies included at shared folder #6 and observations document the impacts of OHV use on the environment. This DEIR fails to adequately identify, analyze and avoid, minimize or propose mitigation for foreseeable direct, indirect and cumulative impacts that will result from implementation of the GPU. O3-29

The deficiencies in the DEIR begin with the failure to conduct and or provide the required data and Baseline for the DEIR, and an analysis of the impacts of the new facilities identified in the GPU is missing, as well as an analysis of new impacts resulting from ongoing OHV use. Finally, it identifies no impacts, performance criteria or measurable mitigation or monitoring. This GPU and DEIR conclude that there are no impacts to natural resources or other resources caused by CSVRA and this GPU and that mitigation is not required beyond its goals and guidelines. As noted above, the GPU and DEIR concludes that the only impact that is significant is Air Quality. This is not a credible outcome based on prior studies, including prior draft CEQA documents, photographs included in shared folder #6 and the specific CEQA review requirements stated in the CDFW NOP comment letter in Appendix A and 2021 Court Ruling. O3-30

Rather than follow the direction of its sister department in the Natural Resources Agency, as detailed in the CDFW NOP comment letter in Appendix A, CSP and CSVRA appear to be following the direction of the OHV industry whose NOP comment letters are also in Appendix A. As an example, the Capital Trail O3-31

Vehicle Association (CTVA) comment letter specifically states, among other concerning comments, that the GPU and DEIR should: O3-31 (Cont.)

- "11. Avoid the Unreasonable Use of Climate Change as a Reason to Eliminate Motorized Access and Motorized Recreation
- 16. Avoid Overstating the Impact of Motorized Access and Motorized Recreation on Fish and Wildlife
- 17. Avoid Overstating the Impact of Motorized Access and Motorized Recreation on the Natural Environment"

These recommendations do not comport standards imposed by the CEQA Guidelines – impacts should not be overstated or conversely understated. CEQA review must be based upon factual information. A proper CEQA review must include a complete project description, must provide a baseline against which impacts can be assessed, identify foreseeable impacts to the environment, analyze the magnitude of the impacts to determine their level of significance, and ensure that impacts are avoided or minimized, and monitored and mitigated.

Following are some specific examples of the failure of this DEIR to meet CEQA requirements for Natural Resources, but the errors and deficiencies can be found throughout the entirety of the GPU and DEIR. O3-32

7.1 No HMS data or reports have been released since 2015

CSVRA is to conduct periodic monitoring, referred to as Habitat Monitoring System (HMS) surveys to determine what is happening to natural resources as a result of intensive OHV use and implement adaptive management to reduce impacts. HMS or comparable reports, data, assessments have not been published on the CSVRA web site and made available since the 2014 report released in 2015. Even reports from 2014 and before are no longer on the CSP web site. Only a single page with very general information is found on the CSVRA website regarding wildlife monitoring.

The DEIR references that wildlife monitoring through HMS surveys is conducted, but there is no data and analysis presented or included in the DEIR or Appendices to the DEIR. Wildlife monitoring that includes the numbers of wildlife by type and location, status of habitats, vegetation and breeding populations, and changes in composition of the wildlife populations and survey methodology plus adaptive management actions taken to address results from the surveys and analysis is sorely needed. O3-33

The 2015 Technical Memorandum of an independent impact analysis using CSVRA HMS data as included at shared folder #3, provides statistical evidence that the abundance and composition of wildlife including key protected species such as California red-legged frog and California tiger salamander, are declining and changing when tracked over time and compared to the control site of Tesla which has no OHV use. Habitat degradation including sedimentation of ponds and loss of vegetation has occurred. These damaging impacts are the direct cause of OHV recreation in CSVRA and therefore should be identified, analyzed, and measures to avoid or minimize such impacts, as well as proposed mitigation, should be included in the DEIR. The CDFW NOP comment letter in Appendix A identified the need for the DEIR to include such surveys and analysis. The analysis provided in the DEIR is inadequate. Such O3-34

survey data and analysis must be included in this DEIR to establish the natural resource Baseline, analyze impacts and develop measurable performance standards and mitigation. O3-34 (Cont.)

7.2 No WHPP or Adaptive Management Reports and Analysis O3-35

As an integral part of the HMS survey structure, CSVRA is also to analyze survey findings relative to its Wildlife Habitat Protection Plan (WHPP) and apply adaptive management assessment and tools to take corrective actions when and where they are needed. The CSVRA WHPP was produced in 2001. A 2009 Peer Review by UC Davis identified multiple deficiencies requiring corrective action. A 2015 independent critique of the CSVRA WHPP and Adaptive Management process included in shared folder #3, confirmed that the HMS and WHPP process was still not updated and deficiencies continued.

The DEIR references that it relies upon HMS surveys and the WHPP, but also acknowledges at GPU Section 2.3.2.1 that the CSVRA WHPP has still not been updated and will be implemented at some undefined point in the future. A Public Records Act request (PRA) revealed that a draft WHPP has been in existence since 2021, but a final has not been released. Similarly, a draft 2016 HMS report was provided through the PRA, but final documents have not been made available online. The bottom line is there are no recent HMS reports or analysis, no final CSVRA WHPP or Adaptive Management Plan provided for review and comment in this DEIR or in the Appendices to the DEIR. Such analysis must be provided to establish the natural resource Baseline, analyze impacts and develop measurable performance standards and mitigation. The DEIR should provide access to, and include all HMS and WHPP data (and importantly recent data) and analysis used in the DEIR or such data and analysis must be prepared to be included in a revised DEIR. O3-36

In addition, a final version of the WHPP should be provided for review and comment by resource and regulatory agencies and the public. Any actions described in the 2024 GPU that involves expansion of existing uses and facilities, construction of new facilities, opening up of formally closed areas, must not be implemented until a final WHPP is published, and the deficiencies identified in the DEIR rectified. O3-37

8. No Expansion of OHV use into New Areas without Appropriate CEQA Analysis and Mitigation O3-38

In addition to ongoing operations, the GPU and DEIR will expand and open a new area designated in the 1981 GP for closure, add new facilities and trails and do so without the required Baseline, Impacts, and Mitigation requirements under CEQA. If the 2024 GPU is implemented, there will be no area of the SVRA that is being set aside as compensatory mitigation for impacts related to the new and expanded facilities and for ongoing operation of the SVRA. Only expansion of OHV and related uses and, therefore direct and indirect impacts, will occur across the landscape of the CSVRA.

There are 23 such new and expanded facilities identified in this GPU and DEIR. As an example of the failure of complete and necessary CEQA analysis, including as identified by the CDFW in its NOP comment letter and the 2021 Court Ruling, the following is a review of just 5 of the specific areas identified in the GPU and DEIR where OHV and other uses will be added, including Waterfall Canyon, Additional Visitor Recreation Area, Front Hills Motorbike trail, Group Campsite and Campfire Center and New Interpretive Loop Trails.

8.1 Opening Waterfall Canyon Closed in 1981 GP

O3-39

State Parks is considering the rehabilitation of existing trails in in the southeast corner of the SVRA for non-motorized use, such as hiking and mountain biking (see Figure 4-1). Details about the trails and the GPU allowed recreational uses will be provided in a 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.

The GPU and DEIR proposes that Waterfall Canyon will be opened for hiking and mountain biking. However, the DEIR also suggests that Waterfall Canyon can be opened to OHV use on page 2-17.

The GPU and DEIR imply that Waterfall Canyon had been open for OHV use and is simply going to be reopened for non-motorized trail use with restoration. This is inaccurate. The 1981 GP identified Waterfall Canyon as a **closed** area and it has been closed to all uses of any kind for over 30 years. It appears there was a relatively short period more than 30 years ago where CSVRA opened Waterfall Canyon to OHV use without proper GP or environmental review authority, but it was subsequently closed and has remained closed to all uses for over three decades.

O3-40

Waterfall Canyon, an important riparian and drainage watershed as its name implies, has informally functioned as an area that has provided compensatory mitigation and functioned as preserve against the impacts that occur within the existing OHV riding areas. This vital ecological role must be maintained.

O3-41

The GPU and DEIR provide no Baseline of the natural and cultural resources within and around Waterfall Canyon that could be affected by the GPU or its significance for the ecological functioning of the area. The GPU and DEIR do not provide information about Waterfall Canyon or its size other than a brief paragraph about its watershed of 526 acres (and the mis-statement that there is still gravel extraction which ceased long ago, and historic use was directly along the Corral Hollow, not within CSVRA). The GPU and DEIR, therefore, provide no basis for a determination that opening Waterfall Canyon to any use will not result in significant and adverse direct, indirect and cumulative impacts to the environment. It is of substantive concern, given the broad approval framework designed into this GPU and DEIR, that if adopted, any type of use might be added with no additional environmental review, even if an NOE were to be issued, because it would be done under the pretense of the adequacy of the outdated 2012 SWMP and non-existent CSVRA RTMP and vague goals and guidelines in this GPU and DEIR.

O3-42

It is known from the 1981 GP that the slopes in Waterfall Canyon are exceptionally steep and the soils highly erodible and that it was therefore designated as **Closed** in the 1981 GP. It is known from the analyses included shared folder #3 that golden eagles do not use CSVRA for nesting and foraging (flyovers do not mean the presence of golden eagles), but they are present to the east (and west) of the current OHV riding area, including in Waterfall Canyon. Tule elk do not use CSVRA riding areas, but also are documented to use Waterfall Canyon. The critical linkage habitat corridor runs through Tesla and the western half of CSVRA as shown in maps in shared folder #4. But the damaging impacts from OHV use in CSVRA cause wildlife to avoid CSVRA and move to the east into the safe haven of Waterfall Canyon.

The DEIR identified that Waterfall Canyon would be opened and managed as a Limited Recreation Area because of its water quality management issues, and Table 2.1 Visitor Experience Areas affirms that Waterfall Canyon is, "An area that, because of water quality management restrictions, needs to be managed like a limited recreation area." Also, that "This area 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." O3-43

The GPU and DEIR identifies reliance upon the 2012 SWMP and the SVRA RTMP (that is yet to be developed) for CSVRA. While erosion and water quality are an issue and cannot be controlled in Waterfall Canyon because of the terrain and physical conditions, the presumption that water quality is the only limitation and the above noted plans are sufficient to address impacts is unsupported based on the DEIR analysis.

Because Waterfall Canyon has been closed to all uses for over 30 years it functions as compensatory mitigation for CSVRA OHV impacts. Opening Waterfall Canyon to any use, including hiking and mountain biking, let alone OHV use, will damage its important resources and ecological function and will result in significant adverse direct, indirect and cumulative impacts to the environment. The DEIR seems to make it clear on page 2-17 that the ultimate objective is to add OHV use to Waterfall Canyon. It is one of the few places and the only area of any size that is not cris-crossed by existing OHV trails (formal and illegal). Given the habitat fragmentation across the landscape of CSVRA, the addition of hiking and mountain biking as an initial step is significant and direct, indirect and cumulative impacts of such actions, including the potential for OHV use, must be fully identified, analyzed, avoided and minimized and mitigation measures proposed that would reduce the impacts of opening up this relatively untouched 526 acres of habitats. O3-44

Included in shared folder #3 is a summary of research which pulls together scientific papers that touch on the impacts of roads and trails construction and use, and other uses such as picnicking and dogs on natural resources. The GPU and DEIR states that trails and picnic areas and scenic look-outs will be constructed for hiking, biking and OHV use. Because dogs are allowed in CSVRA on leash, it should be assumed dogs will be in Waterfall Canyon as well. There is no analysis provided of impacts from roads and trails even if non-motorized, let alone analysis of impacts from OHV recreation resulting from opening up Waterfall Canyon. O3-45

All of these uses result in direct, indirect and cumulative impacts damaging Waterfall Canyon's resources and important ecological function (e.g. water quality function). Because of this, Waterfall Canyon should not be open to any use, but kept in its current status and maintained as permanently closed, serving as a permanent compensatory mitigation area for current and past impacts of the SVRA and as a preserve for other CSVRA impacts. O3-46

8.2 New Front Hills Motorbike Trail Expansion O3-47

The GPU and DEIR identify the addition of a new Front Hills Motorbike Trail, and concludes, with no evidence, that there are no impacts. This new 2-way trail will run the length of the SVRA along the south side of Corral Hollow Creek.

The GPU and DEIR state that portions of the Corral Hollow Creek Riparian area that are sensitive will be avoided, but the entire riparian corridor is sensitive. Construction of the trail will require grading and cutting into the hillside above the creek. It will be a 2-way trail which will require more extensive grading to be wider. It will impact the sensitive riparian area of the creek which CDFW has stated in their NOP comments, requires large protection areas as documented. The Central Valley Regional Water Quality Control Board (CVRWQCB) had required CSVRA to remove the trail on the south side of the creek and implementation of the 2024 GPU would reinstall it. OHV use in the north-facing hills along the creek from at least Carrol Canyon to the Conolly Road on east side of Kiln Canyon was eliminated in the early 2000s to reduce scenic and aesthetic and natural resource impacts. The GPU and DEIR provide no data or appropriate CEQA analysis of this significant impact from such a new trail and the reversal of prior mitigation.

O3-47 (Cont.)

The justification for this new trail is that it will reduce and calm traffic on the main SVRA road on the north side of Corral Hollow Creek. But there is no assessment of setting and enforcing a capacity limit, not expanding facilities and attendance beyond the limits of the capacity of the physical landscape and resources, implementing a reservation system for high use days, and enforcing the speed limits and parking. Rather than taking action that reduces impacts, CSVRA immediately jumps to actions that reverse prior mitigation requirements and increases impacts without appropriate CEQA analysis. A new Front Hills Trail should not be added given its impacts on the sensitive riparian corridor.

O3-48

8.3 New Additional Visitor Recreation Area Expansion

O3-49

This new facility proposes to expand use in what is described as the special event/day use area north of the existing Motocross (MX) track to include any possible uses from remote-control car track area to an additional ATV track to a trials motorbike area. The GPU and DEIR provide no data or appropriate CEQA analysis of this new expanded use in this sensitive area or mitigation.

This area is immediately adjacent to Corral Hollow Creek which is the sensitive riparian area. As with the New Front Hills Motorbike Trial and New Group Campsite, it is within 200 feet of the riparian protection zone established by the Central Valley Regional Water Quality Control Board (CVRWQCB). It is immediately adjacent to the 4x4 playground and would be built on top of Western Spadefoot toad habitat. The area has been minimally used for many years, but that is appropriate given the highly sensitive natural and physical resources, and the concentration of OHV use throughout the remainder of the SVRA.

The GPU and DEIR plan to expand OHV use into the few remaining areas where OHV use is not present or was intentionally excluded, all but eliminating the natural resource areas where wildlife can attempt to seek refuge. Rather than protecting these few remaining areas, the GPU and DEIR expand OHV and other uses into them, thereby increasing impacts to the natural environment. Then the GPU and DEIR sidestep the required CEQA analysis and simply conclude with no evidence there are no impacts requiring mitigation. Expansion of OHV and related uses in this relatively unused sensitive area should not be allowed.

8.4 New Group Campsite Expansion and Campfire/Entertainment Area

O3-50

THE GPU would add a new Group Campsite on the northwest side of the SVRA. It would be located directly adjacent or even within the Corral Hollow Creek riparian corridor and flood plain. While there is OHV use in the area and a restroom, the new group campsite as described in the GPU and DEIR would add extensive additional services from electrical, water, expanded restrooms, picnic tables, fire rings, spurs for tents and parking requiring major construction and modification of the landscape. In addition to being in the sensitive riparian areas of Corral Hollow Creek, it is also adjacent to one of two areas in the SVRA with Western spadefoot toad habitat. O3-50 (Cont.)

The DEIR states the Campfire Center would be "constructed on previously disturbed land on the west end of the existing campground. The Campfire Center would provide seating for 50-75 people, have a small partially covered stage, provide for the potential to use removable audio-visual equipment and screen, a firepit, utilities, and other associated infrastructure. Uses of the Campfire Center include a campfire area, interpretive programs, undefined "entertainment events" and group gatherings. There is no discussion of the hours of use for this area – the campgrounds currently have campground rules state there is a "**Quiet Time:** 10:00 p.m. to 6:00 a.m. Generators shall not be operated between the hours of 10:00 p.m. and 8:00 a.m." Will this apply to the Campfire Center as well? What noise restrictions will be placed on this area, particularly at night time when loud noises may significantly impact nocturnal species. Will there be a maximum dB level? How strictly is the "quiet time" enforced? Will night light increase the amount of light pollution? What spectrum of light will be used to illuminate the areas? How will light pollution to adjacent areas be avoided or minimized? These are issues that should be discussed within the DEIR but are not.

The DEIR acknowledges (2.4.4.4 Visitor Facilities) as rationale for construction of a group campsite: "Over the years, the lack of campsite delineation has resulted in some visitors choosing to group camp with extended family and friends. Overcrowded campsites and noise during quiet hours are frequently associated with large groups in a campground." It isn't clear from this passage how noise during quiet hours would be reduced through the creation of a new group campsite. It also raises the question of what are the acceptable dB levels for "Quiet Time", is the "Quiet Time" rule enforced, and how often is the "Quiet Time" rule violated? Noise pollution is can be a significant and adverse impact to wildlife as noted below.

The GPU and DEIR provide no data or appropriate CEQA analysis of this new expanded use in an area adjacent to the sensitive Corral Hollow riparian corridor or propose measures that would avoid or minimize impacts, nor are any mitigation measures proposed that might ameliorate impacts such as noise and light pollution (just to name two impacts that should be anticipated). As with the other new and expanded facilities detailed above there is no analysis of the need to reduce impacts or to setting a capacity limit. The issues raised in this section must be analyzed and addressed as there are impacts resulting from the construction and use of these facilities that are foreseeable.

8.5 New Interpretive Loop Trails Expansion O3-51

The addition of the new pedestrian interpretive loop trails around some of the remains of the historic Carnegie townsite and brick factory is a positive potential change. However, it is still a new facility in areas in the Corral Hollow Creek riparian zone corridor that were previously long closed and one of the few areas in the SVRA with no current use. Therefore, opening these historic areas to a constructed boardwalk, picnic tables, turn out and other features associated with hiking access, in an area which has been closed to all uses for about 30 years will result in construction and human disturbance impacts that could remove an important area of refuge for wildlife, and could adversely impact the riparian zone

habitat, that has long existed in a relatively undisturbed state. As throughout the GPU and DEIR, there is no data or analysis of the proposed use and its impacts. Appropriate CEQA analysis and mitigation is required to compensate for the impacts of this new facility across the entire site and to ensure that this important cultural resource is not degraded by surrounding OHV use while providing desired access to a historic resource for the public at large. O3-51 (Cont.)

As noted above, given impacts from new and expanded facilities and CVRA operations in the GPU and DEIR, CSVRA needs to avoid and minimize impacts to the environment where possible/feasible, and provide actual compensatory mitigation for those impacts that will occur. To do so, CSVRA could reduce OHV use and impacts in some areas of the SVRA as discussed in the comments regarding the Alternatives Analysis. Converting the eastern end of the SVRA where the concentration of historic resources are located, to non-motorized use, and restoring the riparian and flood zone to its natural state would provide actual mitigation for CSVRA and its OHV and facilities related impacts. Such conversion would make the historic area desirable for all visitors, not just those accompanying OHV users because it would not be degraded by the visual, noise, air pollution and chaotic impacts of surrounding concentrated OHV use. O3-52

8.6 Western spadefoot toad habitat - a case example of CSVRA failure to protect wildlife O3-53

Western spadefoot toad is now a candidate species for listing under the CESA and petitioned for listing under the ESA. CSVRA allows continued intensive OHV use in areas that have provided habitat for Western spadefoot toad (WST) within the 4x4 play area. WST habitat was also located on the west edge of the SVRA. This GPU and DEIR ignore this protected species and its habitat and locates with no analysis of new facilities proposed within areas that have supported or could support WST. CSVRA had documented the occurrence of the full range of WST developmental stages from eggs to adults within this area.

It is known now and has been that the 4x4 play area was constructed directly in Western spadefoot toad habitat on the east side and was done so with no authority in the 1981 GP and without adequate environmental review. It is also known that the adjacent MX track is located and has been expanded within the habitat zone for WST. The New Additional Visitor Recreation Area is immediately adjacent to the 4x4 WST habitat. The New Group Campsite is within WST habitat at the western side of the SVRA. Yet there is no analysis in this DEIR of the impacts of these new facilities on the WST population and habitat or the needed mitigation for this rare species.

Even where WST habitat is known to exist, CSVRA has failed to sufficiently protect it even in breeding season. Putting a strand of yellow caution tape around a water feature in the 4x4 play area does not protect the habitat or toads. See shared folder #3 for a notice to OHV users about WST kills caused by CSVRA continuing to allow OHV directly in habitat for protected species.

Shared folder #3 provides more detailed evaluation of the impacts to WST habitat in the eastern 4x4 area of CSVRA and the western area where the New Group Campsite in this GPU/DEIR is planned. This was completed for the 2016 CSVRA GPR/DEIR, but the findings remain applicable, especially because the WST protection status has been elevated. This evaluation documents that CSVRA is generating significant impacts for WST, just as the 2015 Technical Memorandum documented significant impacts

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for other protected species and wildlife. The GPU and DEIR need to finally demonstrate accountability for the impacts of OHV and facilities use on the WST and ensure protection of the natural resources, wildlife and plants is enforceable and effective in reducing rare species' numbers further. O3-53 (Cont.)

8.7 New visitor facilities and other structural infrastructure located within the Corral Hollow Creek floodplain are likely to result in bank stabilization and channelization of the creek to provide protection for these facilities. O3-54

Figure 2-9 Flood Map of the GPU depicts the FEMA 100-year flood zone along Corral Hollow Creek. Figure 2-3 Proposed Projects indicates that the GPU proposes to locate many of the proposed new, relocated or expanded facilities within or immediately adjacent to the FEMA 100-year flood zone, and situated within the floodplain of the actively meandering Corral Hollow Creek.

A review of Google Earth reveals the tendency of Corral Hollow Creek to actively meander within its floodplain. However, the DEIR fails to identify and analyze reasonably foreseeable impacts to Corral Hollow Creek resulting from the desire to protect the proposed new or expanded structural facilities, utilizing methods such as bank stabilization or the channelization of Corral Hollow Creek. Such actions can lead to significant and adverse impacts not only to the reaches of the creek within the CSVRA boundaries, but to creek reaches upstream and downstream of the boundaries of CSVRA as well.

We are in an era of climate change where we witnessing flashier and more intense storm systems with increased frequency. New, relocated or expanded structural facilities should not be sited within active floodplains or should be capable of being relocated out of harm's way. The indirect and cumulative impacts of facilities constructed within or immediately adjacent to the current floodplain of Corral Hollow Creek have not been identified or analyzed within this DEIR. This is a deficiency that must be rectified.

9. Review of Environmental Impacts - Goals And Guidelines Are Not Measurable Performance Standards, Mitigation Or Monitoring O3-55

Nearly all impacts analysis, goals and guidelines outlined in this DEIR to address the impacts of GPU implementation are vague and lack measurable standards or enforceability. Data is not provided that would inform the environmental Baseline against which impacts resulting from increased OHV use, impacts resulting from the new and expanded OHV facilities, the establishment of new OHV riding areas such as opening Waterfall Canyon, and increases in SVRA use over time as identified in the GPU and DEIR, can be analyzed. The impacts analysis largely cuts & pastes language from the invalidated 2016 DEIR. It relies in large part on "self-mitigating" guidelines and plans that are not enforceable, and relies upon monitoring and other plans that do not yet exist, such as the HMS and WHPP. The DEIR simply fails to provide this basic Baseline data, impacts analysis and measurable performance criteria as required by CEQA. The DEIR as such fails to comply with the requirements of CEQA.

An example of the failure of this GPU and DEIR to meet CEQA requirements, is the Natural Resource Management and Wildlife Impact, Goals and Guidelines that are detailed below. HMS data and reports identified as being integral to the guidelines have not been published since 2014 and are not included in this DEIR. The WHPP, found to be deficient since a 2009 Peer Review and 2015 Critique, is relied upon O3-56

within the 2024 DEIR to provide performance standards and the adaptive management structure, but it is still not available or implemented. O3-56 (Cont.)

The only actual analysis of CSVRA natural resource and wildlife data and impacts was conducted in 2015 as presented in the Technical Memorandum and WHPP and Adaptive Management Critique and other assessments included in shared folder #3. These analyses show significant impacts to natural resources, plants and wildlife and protected species in CSVRA that are not addressed in this DEIR. O3-57

CEQA analysis is not supposed to be just a paper exercise. The information provided within the DEIR should acknowledge the presence of important natural, cultural and other resources that are present in CSVRA and the surrounding Corral Hollow Canyon by providing meaningful review and proposing measurable standards for monitoring and mitigation measures and adaptive management, to ensure the important resources that exist within the SVRA are protected for current and future generations. O3-58

As can be seen from Figure 2.16 of the GPU, there is significant biodiversity in the Corral Hollow Canyon where CSVRA is located. The DEIR must incorporate measurable monitoring and mitigation requirements that will ensure regular monitoring of environmental conditions occurs within the boundaries of the SVRA. Monitoring reports should be completed on a regular basis and should include the identification of impacts that occur within the SVRA resulting from OHV use or use of the visitor facilities, and remedies proposed and implemented to rectify environmental harm. Any identified impacts must be documented, reported, analyzed and mitigated. The DEIR should provide clear performance standards for required monitoring and implementation of mitigation measures and adaptive management measures. This GPU and DEIR needs to be revised to achieve that purpose. O3-59

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?" O3-60

<u>Natural Resource Management</u>

NRM Goal 1 "Manage Carnegie SVRA for a balance of uses that allow protection and stewardship of natural resources while maintaining a quality OHV recreational experience."

This is vague and fails to provide measurable performance criteria. How does one judge whether protection and stewardship of natural resources is adequate? The phrase "maintain a quality OHV recreational experience" could result in the prioritization of OHV access over protection of natural resources, which would be contrary to 2021 Court Ruling and inconsistent with the required CEQA DEIR analysis.

NRM Guideline 1.1. "Locate visitor-serving facilities in prior disturbed areas or in areas of relatively low resource value to minimize disturbance to higher-value habitat area." O3-61

This is vague and not a measurable performance standard. Visitor-serving facilities have been proposed at specific locations. The impacts associated with these proposed facilities and mitigation measures be proposed within the DEIR and not deferred to a future date. O3-61 (Cont.)

Regarding the siting of these facilities, the floodplain of Corral Hollow Creek might be considered "disturbed" due to ongoing OHV impacts, however, as described above, it may be imprudent to continue to locate new facilities within the Corral Hollow Creek flood plain as this could result in losses of structural facilities during high intensity storm events. Or location of these facilities within the 100-year FEMA flood zone could result in the desire to channelize the creek to prevent it from meandering across its floodplain, which would result in significant adverse impacts not only to reaches of the creek within CSVRA's boundaries, but to creek reaches beyond the SVRA's boundaries.

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." O3-62

This is not a measurable performance standard. Visitor-serving facilities are at known locations and the DEIR should include current and historic survey information to determine impacts that can be identified now. In some instances, to the point of having prepared architectural drawings as shown in the Appendices to the DEIR. The location the New Group Campsite, Waterfall Canyon, Front Hills Trails, Pedestrian Loop Trails, North side of Franciscan RMA, Additional Visitor Recreation Area and all other new or expanded facilities are identified in the GPU including the locations where they are proposed to be constructed. The HMS and WHPP that are cited as self-mitigating plans, would already contain the habitat and wildlife data necessary if they were being implemented and existed. The GPU/DEIR defers analysis of reasonably foreseeable impacts which is not allowed under CEQA.

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." O3-63

This is not a measurable performance standard. It defers analysis that is foreseeable and should be completed now. Take Permits for protected species are required and have not been obtained by CSVRA, despite requests identifying the need for Take Permits from the USFWS and CDFW. See further discussion below about need to obtain Take Permits now and CDFW NOP comment letter in Appendix A. The CDFW provided detailed direction on what was required in this DEIR which has not been incorporated in the DEIR.

NMR Guideline 1.4. "Continue to implement the OHMVR Division's Habitat Monitoring System (HMS) until the Wildlife Habitat Protection Plan (WHPP) for the Carnegie SVRA is finalized." O3-64

This is not a measurable performance standard. No HMS reports are included in this DEIR or published since 2014. The last and only analysis of HMS data showed significant environmental impacts to habitat and wildlife, including protected species, as documented in the 2015 Technical Memorandum at shared folder #3. As documented in the 2015 WHPP Critique at shared folder #3 the WHPP has not been updated since 2001 and was shown to be ineffectively applied in a 2009 UC Davis Peer Review continuing in the 2015 WHPP Critique.

It is impossible to determine the efficacy of the WHPP because information regarding its structure and contents are not provided in the DEIR or its appendices, since it has yet to be finalized as the GPU/DEIR acknowledge. The HMS does not appear to be implemented on a regular and consistent basis, so its value in assessing the condition of physical and biological resources with the SVRA cannot be assessed. Prior to implementation of any of the projects described within the GPU, the WHPP and any other required monitoring programs, including an Adaptive Management Program and other monitoring reports mentioned above, should be provided in final draft form for review by the regulatory and resource agencies and the public, and these programs must be approved and be set to implemented prior to the construction of any of the projects identified in the GPU. O3-65

NRM Guideline 1.5. "Focus new trail development in areas of relatively low habitat value. Route new trails around the edges of high-quality habitat and include buffers to avoid habitat fragmentation. Maintain strict enforcement of riding destination requirements throughout the SVRA, according to the allowable uses in the respective visitor experience areas and monitor for compliance. If noncompliance is documented, enact adaptive management techniques such as temporary closures or other measures proven effective at the SVRA." O3-66

This is vague and not a measurable performance standard. And routing new trails around the edges of high-quality habitat and buffers does not prevent habitat fragmentation. As discussed below, some of the listed amphibians that occur within the CSVRA boundaries like the California tiger salamander and California red-legged frog, utilize ponds as breeding habitats, but can disperse long distances (over a mile) to reach burrows that provide aestivation habitat that is essential for their life cycles. It would be difficult to prevent habitat fragmentation for species such as the California tiger salamander and California red-legged frog.

Furthermore, the GPU violates this Guideline by opening Waterfall Canyon to all uses, and adding trails and uses in the riparian area of Corral Hollow Creek, including areas where there is Western spadefoot toad habitat.

NRM Goal 2. "Encourage a balance of uses that allow for the restoration or enhancement of natural habitats while maintaining a quality OHV recreational experience." O3-67

This is vague and not a measurable performance standard. As we commented earlier – what does "encourage a balance of uses" mean? The language does not ensure that restoration or enhancement will be viewed on equal footing with "maintaining a quality OHV recreation experience," only that it will

be "encourage." This goal should be rewritten to ensure that restoration or enhancement of habitats is equally important and this must be reflected on the ground and not merely in the language of the goal. Maintaining a quality OHV recreational experience must not be prioritized over protection of natural resources, including listed and rare species. O3-67 (Cont.)

NRM Guideline 2.1 "Implement an adaptive management plan for biological resources that combines the results of monitoring implemented through the HMS or WHPP (NRM Guideline 1.4) and monitoring for soil conservation (Soils Guideline 1.2). 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. O3-68

This is vague and not a measurable performance standard. As documented above the HMS Reports have not been published since 2015 and the WHPP, and an adaptive management have not been released for public review and comment and are not ready to be implemented. These deficiencies were identified in 2009 and 2015 and these documents still have not been finalized and have yet to be implemented and tested. CSVRA cannot endlessly defer required environmental analysis in reliance on monitoring and protective programs that do not even exist on paper. The DEIR fails to meet its statutory requirements.

NRM Guideline 2.2: "Implement adaptive management, including temporary or rotating closures, invasive species management, and habitat enhancement, to allow natural regenerative processes to occur; enact these measures proactively. Use signage to inform visitors of areas that contain sensitive biological resources or are closed. Use interpretive materials to inform visitors of habitat enhancement and restoration activities to promote environmental stewardship." O3-69

Has an adaptive management plan been written and is it ready for public review and comment? This guideline is meaningless unless CSVRA commits to finalizing an Adaptive Management Plan that includes measurable performance criteria against which CSVRA actions can be monitored and impacts assessed. Adaptive management was identified as being deficient by the 2009 Peer Review and 2015 WHPP Critique in shared folder #3 and included as a requirement of the 2017 OHMVR reauthorization legislation. It still has not implemented. The DEIR fails to provide enforceable language that ensures impacts that arise from OHV use and construction of facilities, etc. are monitored and that a program that includes corrective actions is in place to ensure minimization of environmental harm resulting from implementation of the GPU.

NRM Guideline 2.3: "Manage SVRA landscapes to preserve natural vegetation and to enhance native California plant communities and associated habitat functions and values. Management strategies include habitat restoration and enhancement; invasive species management; focused propagation of desired species; fencing or other barriers to protect sensitive habitats such as riparian areas, to maximize natural recruitment of riparian species; controlled burns; managed grazing; or other management techniques proven beneficial to the maintenance of healthy natural ecosystems." O3-70

This language of this guideline is vague and does not provide measurable performance criteria.

Scientifically and professionally credible HMS surveys and reports and a WHPP program if it is ever reviewed, finalized and implemented would hopefully provide concrete data and analysis. The Deficient HMS and WHPP programs have been documented since 2009 and 2015, yet corrective action has still not taken place and this data, analysis and measurable performance criteria still do not exist. This GPU/DEIR discusses 'managed grazing,' a holdover from the invalidated 2016 GPR/DEIR, which appears to have been largely cut and pasted into this 2024 GPU/DEIR. CSVRA must conduct the required HMS reporting and WHPP implementation now. Such data and analysis are required now and cannot be further deferred to some unknown future date. The DEIR fails to meet CEQA requirements. O3-70 (Cont.)

NRM Guideline 2.4. "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" O3-71

We deeply appreciate the language that "state-of-the-art science and ecological knowledge will be applied to the management of natural communities and associated habitat functions." This may become increasingly important as climate change influences or alters historic habitat and species occurrences and species life-history needs. However, similar to our comments on previous guideline language, the language proposed for this guideline is vague, and does not provide assurances that the guideline will actually be implemented. While the attempt is laudable, the DEIR should provide insights into how this program would be initiated and managed. Does the CSVRA have an existing pool of scientists or academics who are interested in conducting research at the SVRA, and who have recognized backgrounds in the ecology of natural communities and/or the conservation of species that have been documented to occur within the CSVRA boundaries? When would such a program be implemented? How often would information be updated? One way to launch such a program might be to engage peer review of HMS reports as well as the draft WHPP.

Wildlife O3-72

Wildlife Goal 1. "Manage the SVRA to maintain a quality OHV recreational experience while protecting native wildlife species, including special-status wildlife species and the DEIR designated habitats."

As with the previous goals, the language of the Wildlife Goal should provide specific measurable criteria to assess whether native wildlife species and their habitats are being protected. Maintaining a quality OHV recreational experience must not be prioritized over protection of natural resources. Such an approach was refuted by the 2021 Court Ruling and is inconsistent with the required CEQA DEIR analysis.

Wildlife Guideline 1.1, "Conduct annual (or more frequent) monitoring as part of the HMS or WHPP, to look for signs of active use by burrowing owls and for active kit fox dens in the planning area. If signs of burrowing owl use or active dens are detected during monitoring, consider active management strategies to encourage and preserve use of the site by the species. Such strategies include placing new facilities away from any active burrowing owl; appropriate buffers shall be sized O3-73

depending on the use of the burrow (nesting or wintering) and the disturbance impact, as described in Staff Report on Burrowing Owl Mitigation (DFG 2012) or subsequent version and/or consultation with CDFW. If active dens were found, strategies that include not siting facilities within 500 feet of active dens would be initiated based on CDFW guidelines (DFG 2012). CDFW would be contacted regarding appropriate setbacks for a natal/pupping den if found, both occupied and unoccupied."
The words "consider" and "encourage" in the guideline should be replaced by the word "adopt" and strike the words "encourage" and "and" and replace them with "that will." Use of the word "considered" does not ensure that active management strategies would actually be implemented. Nor does the word "encourage" mean that use of the site will actually be preserved. As explained throughout this letter, CSVRA has not completed its HMS or WHPP reports or Baseline wildlife, botanical and habitat reporting as required by CSVRA's own policies, reiterated in the CDFW NOP comment letter, and required by CEQA. CSVRA should have already identified whether there are active signs of burrowing owls, since the locations of the proposed projects are already identified. This DEIR should provide specific data for which impacts can be analyzed and mitigated according to the requirements of the regulatory agencies. O3-73 (Cont.)

From prior studies it is know that CSVRA operations impact protected species. CSVRA and this DEIR must provide that current Baseline and impacts analysis and not defer it any longer. These Guidelines need to specifically address the impacts that will require obtaining Take Permits for state and federally listed species and eliminate OHV use from listed species habitat. This GPU/DEIR goes in the wrong direction. Rather than reducing impacts, it expands OHV use into habitats that have not been disturbed by OHV or other recreational uses for decades creating even more unmitigated impacts. O3-74

Wildlife Guideline 1.2: "Avoid siting new facilities within 150 feet of pools currently known or later identified to support California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot." O3-75

This 150-foot standard is grossly inadequate and not supported by any regulatory agency or research. The CDFW NOP comment letter in Appendix A sets the avoidance zone for CTS at 5,587 feet, over one mile. The avoidance zone for CRLF is also over one mile. WST avoidance is 1,207 feet. WPT avoidance is between 837 and 3,596 feet. The GPU and DEIR must use accurate avoidance zones for listed species, eliminate OHV use within the avoidance zones, and commit to obtaining state and Federal Take Permits by a date certain.

The presence and occurrences of listed and rare wildlife species within CSVRA are for the most part already known. OHV use throughout the SVRA is likely to have direct, indirect and cumulative impacts on these species and their habitats including riparian creek corridors, pond areas and adjacent upland habitats. CSVRA allows recreational use and construction activities that impact these species and habitats, for example, trails and OHV use within protection zones or annual dredging of ponds because of excessive erosion from OHV use above and around the ponds and aquatic features impact listed and rare species such as the California tiger salamander and California red-legged frog. We urge CSVRA to eliminate OHV use from the avoidance zones for listed and rare species; obtain Take Permits now, and not add new facilities in sensitive habitat areas. This GPU and DEIR should identify mitigation measures that would ensure that these three actions, that could reduce environmental harm, are required and will be implemented. O3-76

Not only does the language of the Natural Resource, Plant and Wildlife Goals and Guidelines fail to reduce the impacts of OHV use in any meaningful way, this GPU and DEIR actually propose to add OHV use and impacts directly within habitat for listed and rare species (WST), and does so with no analysis and no measurable mitigation. O3-77

This 42-year pattern and practice of ignoring OHV impacts to wildlife, plants and natural resources and more must stop. CSVRA cannot continue to place OHV recreation above protection of the environment. CSVRA must not continue to defer required CEQA analysis and mitigation. O3-78

Wildlife Guideline 1.4. "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." O3-79

The proposed avoidance zone is inadequate because Alameda whip snake habitat is not limited just to scrub vegetation. It is also vague as to the actions that will be taken to avoid and compensate for impacts to whipsnake habitat. Using the limited standard set by CSVRA of scrub vegetation, CSVRA should already know where Alameda Whip snake preferred habitat is located and should be able propose avoidance measures. The language of this Guideline further delays impact analysis and development avoidance measures that can be determined now and should not be deferred.

Wildlife Guideline 1.5. "During placement of new facilities, avoid known breeding locations of all special-status avian species known to occur in the planning area." O3-80

The GPU has proposed expansion of OHV use and placement of facilities, in Waterfall Canyon, southern Franciscan, and along Corral Hollow Creek, however the DEIR fails to provide data or an impacts analysis to demonstrate these proposed projects would not result in more than minimal impacts to the environment, which violates the requirements of CEQA. This assessment and impacts analysis can be determined now for the new/expanded facilities in the GPU/DEIR and not must not be deferred. Deferral of the identification and analysis of impacts, as well as deferral of mitigation measures does not comply with the requirements of CEQA. The project details and locations are already known, and CSVRA should be aware of, and able to provide data regarding the existing environmental conditions that may be impacted (e.g. disruption of the hydrological regime, compaction of soils, mobilization of soils, degradation of water quality, habitat fragmentation, species occurrences, etc. to name just a few).

Wildlife Guideline 1.6. "If construction activities are planned during the breeding season of common and special-status birds, conduct a preconstruction survey of the construction zone and establish an appropriate buffer (as determined by a qualified biologist) *and confirmed by CDFW,* within 2 weeks of construction onset. If breeding birds are documented, establish appropriate buffer zones around the occupied nests to protect the birds until the young have fledged. O3-81

The GPU and DEIR have proposed new facilities, in Waterfall Canyon, southern Franciscan, and along Corral Hollow Creek without completing required surveys and impacts analysis. The assessment of location and project impacts can be determined now for the new/expanded facilities in the GPU/DEIR and not deferred until some undisclosed date in the future. A qualified biological monitor should verify on a daily basis that the CDFW (or USFWS if federally listed or protected species are involved) approved buffer is being maintained and that construction activities are not adversely impacting nesting or the successful fledging of nests. O3-81 (Cont.)

Wildlife Guideline 1.7. "If construction activities are planned within suitable upland habitat for special-status herpetofauna (California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot) and within the known maximum upland dispersal distance of those species from known breeding habitat, develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities on special-status herpetofauna in upland habitats. Before the start of construction, implement any protection or mitigation measures agreed upon during consultation with the wildlife agencies." O3-82

O3-70

Wildlife Guideline 1.7 fails to provide adequate protection for the special-status herpetofauna including the foothill yellow-legged frog and other special status/listed species that are included in the language of the guideline. See GPU tables/text at pages 2-79 to 2-83 for CSVRA list of wildlife. The Guideline is vague and provides no measurable performance standard for CSVRA against which compliance could be measured, the language also and fails to require consultation with CDFW and USFWS. The guideline as written fails to ensure take of a listed species will not occur. CSVRA cannot rely on future consultation alone, and based upon previous letters and comments provided by CDFW and the U.S. Fish and Wildlife Service (USFWS), CSVRA already has sufficient information to establish some overarching measurable performance criteria to protect listed species.

CSVRA must both eliminate and remove OHV use from within the avoidance zone for listed species habitat and obtain a Take Permit. As mentioned earlier the 150-foot avoidance standard mentioned in Guideline 1.2 is woefully inadequate and not supported by any regulatory agency or research. The CDFW NOP comment letter in Appendix A sets the avoidance zone for CTS at 5,587 feet, over one mile. The avoidance zone for CRLF is also over one mile. WST avoidance is 1,207 feet. WPT avoidance is between 837 and 3,596 feet. The GPU and DEIR must incorporate accepted avoidance zones for listed and protected species and provide mitigation measures that ensure impacts from OHV use will be prevented within the avoidance zones, to comply with existing laws and regulations for state and federally listed species, and reduce the likelihood Take of a listed species will occur. CSVRA must also obtain state and Federal Take Permits by a date certain. O3-83

No construction should occur until CSVRA comes into compliance with CEQA, CESA and ESA. Only then can construction proceed with appropriate monitoring in place to ensure compliance with the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA) and pursuant to Take Permits. For areas where listed species may be impacted, a qualified biologist should be on hand throughout the construction of the facility. O3-84

Protected wildlife species are distributed across the landscape within the CSVRA in (but not limited to) riparian habitat, seasonal wetlands, ponds, and adjacent upland habitats. The 2024 GPU proposes new

areas of OHV use or expansion that would spread the impacts of recreation and associated facilities across the CSVRA landscape. CSVRA is proposing to allow recreational use and construction that could result in take of these species and impacts to their habitats, because trails, facilities and OHV use would be constructed without regard to standardized CDFW/USFWS buffer zones described above. O3-84 (Cont.)

Additionally, annual dredging of ponds is necessary due to the soil mobilization directly resulting from OHV use above and around the ponds and aquatic features. Sedimentation of ponds degrades water quality and reduces the length of ponding which in turn can result in mortality of pond dependent amphibians still undergoing metamorphosis. To reduce this risk we urge CSVRA to avoid establishing OHV use and other visitor facilities in areas that could result in sediment mobilization, water quality degradation, and alterations of breeding pond hydroperiods. CSVRA should also obtain the CDFW and USFWS Take Permits now and not again delay and defer this action. Implementation of the GPU would result in the addition of more OHV use and impacts directly within habitat for listed species, with no analysis of impacts, and without providing mitigation measures that would reduce harm to listed species. O3-85

Wildlife Guideline 1.8 "Perform a preconstruction survey for potential bat roosting habitat (large trees with cavities, rock outcrops, caves, mines) in proposed construction areas and a 100-foot buffer around the construction area (Western Bat Working Group 2007). Implement avoidance and minimization measures determined appropriate by a qualified biologist based on guidance from the wildlife agencies and the best available science before conducting any activity within 100 feet of known bat roost locations. Avoidance and minimization measures may include establishment of roost avoidance buffers, seasonal activity restrictions, or monitoring of roost locations." O3-86

The response to Wildlife Guideline 1.7 applies here. The DEIR should inform appropriate siting of facilities proposed in the GPU, by documenting current conditions and completing an impacts analysis for bats that occur within the CSVRA based upon reasonably foreseeable project impacts (noise, removal of bat roosting locations, light pollution, etc.). Avoidance and minimization measures should include consideration of relocation the proposed facility or use, and should not immediately leap to the use of construction buffers, etc.

Wildlife Guideline 1.9. "Perform preconstruction surveys for active burrowing owl burrows for proposed construction that would occur within suitable burrowing owl habitat or within 50 feet of suitable burrowing owl habitat. Conduct preconstruction surveys according to current CDFW guidelines as described in their Staff Report on Burrowing Owl Mitigation (DFG 2012) or subsequent version. Because burrowing owls can be present throughout the year, this guideline would be implemented in suitable burrowing owl habitat regardless of the time period for initiation of construction. If active burrowing owl burrows are found, CDFW would be consulted regarding appropriate avoidance and minimization measures, including no disturbance buffers, to be implemented during construction and any additional mitigation measures agreed upon during consultation with CDFW." O3-87

The response to Wildlife Guideline 1.7 applies here. The DEIR must document current conditions and complete an impacts analysis for burrowing owls in CSVRA before determining the final location of proposed facilities, and before leaping to consideration of construction and preconstruction steps.

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Avoidance and minimization measures should include consideration of relocation the proposed facility or use and not immediately leap to the use of construction buffers, etc. O3-87 (Cont.)

Wildlife Guideline 1.10: During placement of new facilities, avoid interference of movement through known migratory wildlife corridors in the planning area. O3-88

This is vague and not a measurable performance standard. There is no data, and no analysis of the GPU relative to migratory corridors. This analysis relative to the projects proposed in the GPU must not be deferred. As an example, information presented regarding Waterfall Canyon at 8.1 shows that the GPU would affect wildlife movements because of OHV impacts in other CSVRA OHV riding areas. This would be a significant adverse impact.

DEIR Impact 3.4-1 concludes on page 3.4.6 that the goals and guidelines in the GPU result in a plan that protects "special-status species and their habitats in the SVRA and avoids and minimizes impacts on special-status species through programmatic solutions of strategic site selection, habitat preservation, agency consultation, restoration of habitats, ongoing surveys, and annual monitoring and adaptive management plans using the best available science (BAS)" and "**there would be a less than significant impact on special-status species and their habitats."** O3-89

There is no support for this conclusion in the DEIR, in fact, the evidence refutes this conclusion. The above assessment shows that this DEIR does not provide data for current conditions and Baseline. The information required in HMS reports and WHPP would be extremely helpful in identifying for decisionmakers and the public, the baseline conditions of the SVRA, the types of impacts to natural resources (including listed species) that have been observed, coordination that may have occurred with CDFW and USFWS, and how the impacts were mitigated or adaptively managed. Unfortunately, HMS reports have not been available since 2015, the WHPP is still in draft form, and such information has not provided within this DEIR. As we have repeatedly stated, the DEIR fails to provide meaningful identification of impacts and impacts analysis of the proposed GPU projects, uses inaccurate avoidance standards and provides no other measurable performance standards, improperly relies on guidelines that for the most part fail to provide measurable standards, defers analysis of impacts and mitigation measures, relies heavily on agency consultation, does not appear to avoid or minimize project impacts, and fails to provide compensatory mitigation, a monitoring plan, or an adaptive management plan. This DEIR defers almost the entire required CEQA analysis of impacts that can and should be completed now to some unknown future date. The 2021 Court Ruling invalidated the 2016 GPR and DEIR that was structured in largely the same manner. This 2024 GPU and DEIR is similarly fatally flawed.

10. Need for Endangered Species Take Permit under CESA and ESA. O3-90

The GPU and DEIR state that CSVRA is complying with federal and state endangered species regulations, but that is not correct. CSVRA has failed to obtain State or Federal Endangered Species Take Permits for its operations impacting critical habitat and threatened and endangered species and other protected species. This GPU and DEIR makes vague references to consulting with agencies about Take Permits, but there is no language that would ensure Take Permit(s) are actually obtained. While Take Permits are needed, Take Permits are not mitigation in themselves, and compensatory and avoidance mitigation must still be documented in the DEIR. CSVRA should not wait to obtain their Take Permits, but proceed

O3-90 (Cont.)

now, especially given past failures to take action. The GPU and DEIR should still concretely reference actions to obtain and implement the Take Permit by a date certain.

There are numerous protected species for which a Federal and State Take Permits may be necessary. The CDFW NOP Letter documents the protected species known to be present in CSVRA, or are likely to occur based on the geographic location and habitats that are present. The list demonstrates why it is vital that CSVRA prepare a valid GPU and DEIR because so much is at risk in terms of damaging impacts to wildlife and other natural resources.

CSVRA Specific subject to Take Permit

Common Name	Scientific Name	Status
Large-flowered fiddleneck	*Amsinckia grandiflora*	State rank S2, California Rare Plant Rank (CRPR)[1] 1B.2
California tiger salamander	*Ambystoma californiense*	CESA listed as threatened; Central California Distinct Population Segment ESA listed as threatened
Grasshopper sparrow	*Ammodramus savannahrum*	California Species of Special Concern (SSC)
Northern California legless lizard	*Anniella pulchra*	SSC
Golden eagle	*Aquila chrysaetos*	California Fully Protected species; Bald and Golden Eagle Protection Act
California glossy snake	*Arizona elegans occidentalis*	SSC
Burrowing owl	*Athene cunicularia*	SSC
Big tarplant	*Blepharizonia plumosa*	S2, CRPR 1B.1
Swainson's hawk	*Buteo swainsoni*	CESA listed as threatened
Chaparall harebell	*Campanula exigua*	S2, CRPR 1B.2
Lemmon's jewelflower	*Caulanthus lemmonii*	S3; CRPR 1B.2
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC
Hospital Canyon larkspur	*Delphinium californicum spp. Interius*	S3, CRPR 1B.2
White-tailed kite	*Elanus leucurus*	California Fully Protected species
Western pond turtle	*Emys marmorata*	SSC
Diamond-petaled California poppy	*Eschscholzia rhombipetala*	S1, CRPR 1B.1

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O3-90 (Cont.)

Brewer's western flax	*Hesperolinon breweri*	S2, CRPR 1B.2
Loggerhead shrike	*Lanius ludovicianus*	SSC
Showy golden madia	*Madia radiata*	S3, CRPR 1B.1
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	SSC
Alameda whipsnake	*Masticophis laterallus eruyxanthus*	CESA listed as threatened, ESA listed as threatened
Coast horned lizard	*Phrynosoma blainvilli*	SSC
Foothill yellow-legged frog (west/Central coast clade)	*Rana boylii*	CESA listed as endangered
California red-legged frog	*Rana draytonii*	SSC, ESA listed as threatened
Western spadefoot toad	*Spea hammonidii*	SSC
American badger	*Taxidea taxus*	SSC
San Joaquin kit fox	*Vulpes macrotis mutica*	CESA listed as threatened; ESA listed as endangered

11. Air Quality requires more effective measures and mitigation O3-91

The only significant environmental impact identified in the entire GPU and DEIR is Air Quality (AQ). That is that same result in the invalidated 2016 GPR and DEIR.

Even though air quality has been determined to be a significant impact, the goals and guidelines to reduce AQ impacts are weak. The Air Quality Analysis primarily focuses on impacts associated with construction of the new and expanded facilities, not the ongoing operations from OHV recreation. It also does not account for children in the SVRA who may be guests and OHV users and are sensitive receptors.

As a motor vehicular recreation area, CSVRA generates greenhouse other gas pollution such as ozone, and particulate pollution from vehicles, including dust, fumes, and other combustion products which the vehicles generate. Red Sticker OHVs which are allowed in CSVRA during October to May do not meet current emission standards. CSVRA has a huge fleet of diesel and gas heavy equipment and maintenance vehicles which are used daily for routine maintenance, grooming tracks, watering roads, earth moving, and more. O3-92

Given that DEIR concluded that Air Quality is the only factor that had a significant impact, more effective and feasible measures must be undertaken to reduce AQ impacts. All are feasible, they just require a change in past practices. Additionally, a mitigation and monitoring plan must be added. O3-93

The Air Quality Goals and Guidelines are detailed below in Bold. Comments follow each Guidelines and are not bolded.

OM Goal 1: Provide visitor services and infrastructure that encourage responsible visitor use of Carnegie SVRA and meet visitor needs. O3-94

OM Guideline 1.2: Investigate and implement the use of solar and other innovative and renewable technologies to provide electricity at the SVRA.

There is no performance standard for this guideline such as what will actually be done and when. Actions that should be added:

- Convert all existing buildings to solar power by 2030
- Require that all new and expanded facilities are solar powered

OM Guideline 1.3: 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. O3-95

There is no performance standard for this guideline such as what will actually be done and when.

Actions that should be added are:

- Until 2030 allow all electric vehicle and E-Mountain Bike Users and E-Motorcycle users to have a free ay pass and camping to try to achieve 43% electric vehicle use by 2030
- Convert one or more RMA areas for peddle Mountain Bikes and open all other existing OHV areas to EMB and E-Motorbikes which can use the same trails as motorized OHVs.
- Do not allow Red Sticker vehicles in CSVRA at any time since they do not meet emission standards. Air pollution is generated year-round including winter.
- Close the entire SVRA for any OHV use and construction/heavy equipment use, including peddle Mountain Bikes, EMB and E-Motorbikes in the hills and Corral Hollow Creek floor, during Spare the Air Days in either the Bay Area or San Joaquin Valley air quality districts to reduce dust and emissions and other air pollutants.

OM Goal 4: Coordinate with special-event sponsors to ensure that special events are well managed and that appropriate visitor services are available. O3-96

OM Guideline 4.3: During special events, implement traffic dust control measures in dirt parking areas and parking measures, such as clearly defined staging and unloading areas for OHVs, designated parking areas for large vehicles and trailers, defined parking lots for regular-sized vehicles, designated emergency vehicle parking and access routes, and barricades to direct vehicles and pedestrians. Provide travel and parking information in special-event publications.

This guideline will not, as outlined, be effective in reducing CSVRA air quality impacts. Actions that could be effective in reducing CSVRA air quality impacts include:

- Limiting special events to 1 event per year. Eliminate or reduce commercial Hill Climb events which create impacts across the range of environmental resources because of the huge

crowds of people and motor vehicles of all types concentrated in the riparian area of CSVRA, in addition to the direct impacts from the hill climbs. As a State public park, CSVRA's purpose should not be continued support of commercial special events at the expense of the environment. OM Guidelines 4.3

- Prohibit all diesel and gas generators in Campground on Spare the Air Days including for special events
- Set an enforceable run time limit per day for generators for days that are not Spare the Air Days, including for special events

O3-96 (Cont.)

OM Goal 6: Limit potential air quality impacts on residential properties within the planning area that could result from construction, maintenance, and OHV recreation activities.

OM Guideline 6.6: Maintain a buffer of at least 250 feet around any residential properties within the planning area during and after implementation of the General Plan.

OM Guideline 6.7: Conduct an environmental analysis for all construction projects located within 1,000 feet of any residents (on-site or off-site) to assess potential air quality health impacts of construction-related emissions on the existing residence(s). If any significant impacts (e.g., health risk thresholds) are determined pursuant to the applicable air district thresholds of significance (i.e., BAAQMD or SJVAPCD), the applicant and contractor shall implement all necessary measures to minimize emissions.

O3-97

This Goal and set of Guidelines and analysis of sensitive receptors completely misses the fact that young children are exposed to pollutants and dust in the OHV riding areas for extended periods. This impact must be addressed. Children are visitors and users of the SVRA are sensitive receptors and need to be considered in that part of the analysis.

OM Goal 7: Manage the SVRA to reduce regional air quality impacts from OHV recreation and related activities.

O3-98

OM Guideline 7.4: Implement the following operational emission reduction measures to help reduce regional emissions:

- **Prohibit campfires on all summer and winter Spare the Air days identified by either BAAQMD or SJVAPCD. In addition, campfires throughout the park from November 1 to the end of February should be limited to SJVAPCD's "Check Before You Burn" program where campfires are restricted on days designated as "no burning for all" or "no burning unless registered."**

  This measure is not inadequate and should be amended to prohibit ALL campfires at all times. Like camping in wilderness areas there is no requirement or need to have an open fire that generates air pollution. Furthermore, this region is extremely susceptible to wildfire risk.

  - Remove fire rings in all campsites.
  - Prohibit campfires at any times in the CSVRA campground. Only BBQs are allowed including for special events
  - Do NOT allow open fire in the proposed New Camp Fire Center in the GPU at any time.

- **Replace diesel-fueled maintenance equipment with alternative-fuel equipment (e.g., propane, electricity) when feasible.**

  There is no performance standard for this guideline. Actions that should be added:
  - Starting in 2025, ALL new vehicles added to the fleet will be alternative fuel powered and new heavy equipment will meet the highest emission standards
  - All gas and diesel powered vehicles will be phased out by 2030 and replaced with alternative fuel vehicles.

- **Install and utilize electric vehicle (EV) charger(s) to promote the use of low or zero-emission vehicles**

  Does not provide a measurable performance standard or timeframe. Action that should be added:
  - By 2030 add enough EV chargers to cover 48% of users and vehicles and 85% by 2045.

- **Inform and suggest to all park visitors limit the use of diesel generators for reactional vehicle cooling or heating during winter and summer Spare the Air days identified by either BAAQMD or SJVAPCD.**

  Does not provide a measurable performance standard or timeframe. Actions that should be added:
  - Prohibit the use of all diesel and gas generators in Campground areas on Spare the Air Days, including special events
  - Set an enforceable run time limit per day for generators on days that are not Spare the Air Days, including special events

O3-98 (Cont.)

We support the mitigation measure the proposes to "Limit maintenance equipment engine idling to 2 minutes."

<u>Include Goals and Measures Rejected in Alternative #1 with additional measures</u>

O3-99

The following Goals and Measures were included in Alternative #1 which was rejected. These measures and more must be added to take meaningful action to reduce AQ impacts. DEIR text is in bold. Additional AQ reduction measures are presented in text that is not bold:

- **OM Guideline 7.2 Provide regional air quality information (e.g., basics of air quality, local ambient pollutant concentrations, summer Spare the Air day alerts) on the website and at the SVRA entrance. Materials could include but are not limited to educational information about fugitive dust and ozone precursors, low-emission OHV engines and models, and health risk exposure.**

  This is vague and not a measurable standard. There will be no substantive change without measurable standards.

- **OM Guideline 7.3 During high-wind conditions, prohibit OHVs from entering the recreational trails and OHV areas.** O3-100

  This needs to clarify that the SVRA would be closed on High Wind Days.
  - Close the entire SVRA for any OHV use and construction/heavy equipment use, including peddle Mountain Bikes, EMB and E-Motorbikes in the hills and Corral Hollow Creek floor, during High Wind Days to reduce dust and emissions and other air pollutants.

- **OM Guideline 7.4 Implement the following operational emission reduction measures to help BAAQMD and SJVAPCD reduce regional air quality emissions:** O3-101
  - **Replace diesel-fueled maintenance equipment with alternative-fuel equipment (e.g., propane, electricity) when feasible.**

    This is vague and not a measurable standard.
    - Starting in 2025, ALL new vehicles in the fleet will be alternative fuel powered and new heavy equipment will meet the highest emission standards
    - All gas and diesel powered vehicles will be phased out by 2030 and replaced with alternative fuel vehicles.

  - **Install and utilize additional electric vehicle (EV) charger(s) at the SVRA to promote the use of low or zero-emission vehicles.** O3-102
    - Promote use of EMB and E-Motorbikes in existing, not new, OHV riding areas to reduce motorized OHV use and Air Quality and Noise impacts. Other than one charging station there is no action in the DEIR that promotes conversion of motorized OHV to electric bikes and motorcycles.
    - Until 2023 allow all electric vehicle and E-Mountain Bike Users and E-Motorcycle users to have a free day pass and camping. OM Guideline 2.1

With these additional measures the AQ analysis needs to be expanded (for children in SVRA as sensitive receptors) and revised to assess the level of improvement. Then if more actions are required to reduce Air Quality impacts that is what CSVRA needs to occur.

12. Noise Studies are inadequate to determine impacts and mitigation O3-103

The Noise analysis in the DEIR and the corresponding goals and guidelines in the GPU and DEIR are inadequate. Noise is generated from OHV use and related uses within CSVRA and not just from construction equipment. Additionally, noise would be generated by proposed new facilities (e.g. Campfire Center, Group Campsite, etc.).

The DEIR mentions but fails to discuss the potential adverse impacts of daytime and nighttime noise on wildlife species both onsite and on the adjacent lands, or to propose mitigation measures that could lessen the impacts. The noise analysis focuses on human receptors and fails to properly identify the potentially significant adverse impacts to biological resources. O3-104

The DEIR states the San Joaquin County Non-Transportation Noise Level Performance Standards for Outdoor Activity Areas "maximum acceptable outdoor noise levels for an outdoor activity area is an L_{dn} of 70 dB(A) or less, for daytime hours and, an L_{dn} of 65dB (A) for nighttime hours. O3-104 (Cont.)

The focus of the analysis was on road generated noise and construction noise.

Studies of the impacts of the effects of anthropogenic noise suggest the noise interferes with territorial vocalization (i.e. impacts to birds in breeding season) and the density of passerines occupying suitable habitat. These studies provide evidence that anthropogenic impacts on wildlife are not speculative, can be significant, and should be analyzed and avoided or fully mitigated. (Fuller, Warren, and Gaston. 2007. "Daytime noise predicts nocturnal singing in urban robins." Biol Lett 2007 August 22: 368-370 and Bayne, Habib, and Boutin, October 2008. "Impacts of Chronic Anthropogenic Noise from Energy-Sector Activity on Abundance of Songbirds in the Boreal Forest." Conservation Biology 22 (5): 1186-1193)

Anticipated noise levels have not been provided for impacts that would occur as a result of implementing the GPU, other than construction noise. The DEIR fails to identify dB levels that could be generated by new facilities, and whether or not noise levels will not only increase in dB levels, but also increase the length of time that biological resources are exposed to noise. Nor has the DEIR proposed any measurable, enforceable, mitigation measures that would ensure that noise levels do not exceed the maximum acceptable levels. What night time dB levels can be anticipated? Please provide estimates of noise generated from the use of televisions, boom boxes, etc. within the campground areas, or from music or other noises, including noise that might be generated by activities associated with the proposed Group Campsite and Campfire Entertainment Center. O3-105

What are the potential noise pollution impacts to wildlife that may nest or forage in areas immediately adjacent to the proposed park development, e.g. nocturnal species such as foraging owls, bats, etc. and what specific, enforceable mitigation measures will be implemented to ensure there are no significant adverse impacts to biological resources? O3-106

Noise studies were not conducted where there is OHV use, including within the existing OHV riding areas in CSVRA and along boundaries where wildlife may be impacted by noise generated from within the SVRA. Noise studies that actually measure noise impacts from OHV use should be conducted, and projections of noise levels that are likely to be produced by the new and expanded facilities in the GPU, and not just traffic along Corral Hollow and Tesla Roads must be provided. These Noise studies should require analysis of the impacts on wildlife as identified as required in the CDFW NOP Letter. O3-107

The DEIR fails to support the conclusion that Noise does not result in cumulative impacts. Cumulative impacts will occur within CSVRA, and not just in combination with sources outside CSVRA. Existing OHV use, and noise from other visitor facilities will be added to noise generated from the expansion of OHV use. Noise impacts will increase in a cumulative, compounding manner, with CSVRA as the source. What are the cumulative impacts to wildlife where noise generated by OHV use occurs at shorter intervals of time, for example, noise generated every 15 minutes on average versus every 20 minutes? What mitigation measures would CSVRA propose for wildlife avoidance of areas with more frequent noise disturbance? This would be an impact that should be mitigated. This impact should be assessed separately from the cumulative impacts of Corral Hollow Road noise which is additive to the noise generated from inside the SVRA. O3-108

One way to reduce Noise impacts is to reduce OHV use, not increase it as is proposed in the GPU and DEIR. Noise impacts can also be reduced by promoting conversion to EMB and E-Motorbikes instead of O3-109

motorized OHVs. Yet there is no mention of this being a Recreational Use at Section 4.3.1.2 nor is it identified in goals, guidelines, measurable performance standards or mitigation. O3-109 (Cont.)

13. Attendance Does not Support the assumptions of the GPU and DEIR and there is no Capacity Limit as Required O3-110

Specific new facilities in this GPU, including but not limited to the Front Hills Motorbike Trail and west side Group Campsite, are presented as necessary to meet the needs of increasing attendance. However, the attendance data presented in the GPU at Section 2, Figure 2-24 does not support this conclusion. Except for a one-year outlier, CSVRA attendance has been on a consistent downward trend line. The last annual attendance presented in the GPU was for FY 2018-2019. Yet Figure 2-25 depicts a monthly average for the period 2020-2022. Attendance data for at least 4 years needs to be added and applied in the environmental analysis. Attendance data for FY 2019-2020, FY 2020-2021, FY 2021- 2022 and FY 2022-2023 must be added to provide meaningful analysis of trends in attendance.

No data is provided to inform an understanding of how many days the existing campground is at capacity, yet a new camping area in the GPU is planned within the riparian flood zone of Corral Hollow Creek, where there is sensitive western spadefoot toad habitat. There is no assessment of when the SVRA and the camping area is mostly empty or have very low attendance such as on most weekdays, and during weekends in the late spring through early fall months. O3-111

There is no capacity limit proposed in the GPU and DEIR which is required by the Public Resources Code. There is a lot of verbiage about why capacity limits vary and are difficult to establish. Every resource, whether it is a movie theater or a camping area or a SVRA, especially in sensitive natural areas that exist within the CSVRA, has a capacity limit for the number of people, or vehicles or campers. CSP has limits on the number of campsite reservations in parks. That capacity must be established and respected to protect the resources, not damage and destroy them by over use, and to provide for safe and enjoyable visit experiences. Such a capacity limit must be established for CSVRA. O3-112

The falsehood that increasing demand necessitates increased facilities is important to accurately address because this GPU assumes there will not be significant impacts to sensitive biologic, or to physical and cultural resource in the SVRA, concluding there are no impacts from operating the SVRA. The data shows that there is no dramatic increase in OHV recreation use demand, but CSVRA is still proposing to increase facilities and uses that will have impacts to the environment. Even if there was an increase in demand, which there is not, there is still a capacity limit on the number of facilities, uses, visitors and vehicles for that the CSVRA can support. As a result of this capacity limit, CSVRA cannot continually add more and more facilities, uses, visitors and impacts, while assuming that impacts to the natural and cultural features are not significant, and while degrading the environment further. This would also be contrary to the 2021 Court Ruling which made clear that CSVRA has a responsibility to preserve the land and resources, and not place OHV recreation above that duty. O3-113

The GPU and DEIR must accurately present attendance data, establish a capacity limit for the site that incorporates protection of resources and then properly use that capacity limit in the DEIR analysis. O3-114

O3-115

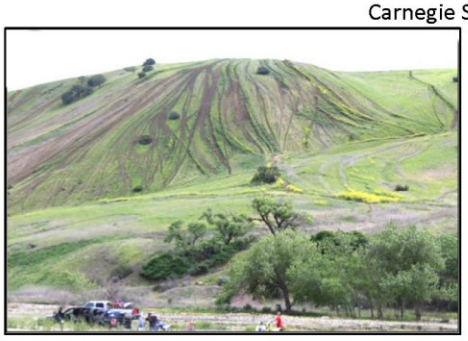
14. GPU Damages Scenic/Aesthetic Resources

The GPU and DEIR conclude that there are no significant impacts to scenic or aesthetics resources. However, the photographs of CSVRA in shared folder #5 document the extreme damage to scenic resources viewed from outside and from within CSVRA. Damage to natural resources from OHV recreation in CSVRA is visible from Corral Hollow Road and Tesla Road as shown by the following photographs. And damage to natural resources from OHV recreation in CSVRA is also clearly visible. This damage is even visible on Google Earth aerial images. The GPU states that CSVRA plans to add pedestrian trails along some historic resources which are surrounded by high traffic OHV use areas. The GPU also states that it plans to add scenic hiking trails and look-outs in Waterfall Canyon where it also intends to add mountain bikes and potentially add OHV use. How will adverse impacts to aesthetic resources be mitigated?

OHV use and biking use whether motorized, electric or peddle, results in degradation of scenic resources. The following photographs of CSVRA and additional photographs in shared folder #5 document this impact to scenic and aesthetics resources.

The photographs in the GPU and DEIR are not representative of CSVRA OHV riding areas. One photograph on Tesla Road attempts to show there are no impacts to aesthetic resources, is actually of Tesla where there is no OHV use looking west toward Livermore. But CSVRA is east from that location and if the photographer turned around, they would see the denuded hill climb areas of CSVRA.

Carnegie SVRA from Tesla Road





CSVRA Trails Only area for visitors



OM



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OAS/CCCR Comments CSVRA DEIR 3-2-24

O3-116

Guideline 8.2:

The DEIR states, "lighting would be angled downward to provide targeted illumination and prevent light spillover into adjacent areas as discussed in OM Guideline 8.2 below."

OM Guideline 8.2: Implement the following actions to minimize potential light pollution or glare that could result from lighting for nighttime activities and security:

- **Include shielding on any new light fixtures.**
- **Angle any new light fixtures downward to provide light spillover into adjacent areas.**
- **Avoid the use of reflective surfaces, such as tin roofs or reflective glass that could produce glare, on any new structures.**

An additional condition should be added that prohibits the use of LED lighting for any of the projects proposed in the GPU and if LED lighting is utilized outdoors, it should be replaced.

The biological impacts of Artificial Light At Night (ALAN) [shared folder #8] on the natural environment are pervasive and well documented. ALAN is emerging as a significant disruptor to ecosystems because it impairs biological function in individuals, disrupts daily and seasonal ecological function and decouples critical interactions within and among species (Annika K. Jägerbrand and Kamiel Spoelstra, 2023). Attraction to light by insects is a driver of the insect "apocalypse"(Smithsonian Magazine, 2019), and has been shown to disrupt pollination even during the day. Disappearing insect populations are depleting food sources for fish and birds and unraveling our global food webs.

Attraction to light is also affecting migration behavior in birds (Van Doren et al 2017). Increasing scientific evidence also shows links between ALAN (indoor and outdoor) and many common human diseases as well as impacts to mental health (Time, 2017). The blue light component of the spectrum emitted by LED fixtures has been shown to be especially harmful to all living organisms and to ecosystems.

Indeed, ALAN is documented to have serious adverse impacts for a wide range of wildlife ranging from invertebrates to mammals (DarkSky International). Longcore and Rich reported that light pollution disrupts migratory patterns, foraging capabilities, predation, nesting, breeding, etc. (Longcore and Rich, 2004) Longcore and Rich also report the findings of Buchanan (Buchanan, B.W. 1998) in which three different species of amphibians forage at different illumination intensities. As an example, the squirrel treefrog (*Hyla squirrela*) forages only between 10-5 lux and 10-3 lux under natural conditions, while the western toad (*Bufo boreas*) only forages at illuminations between 10-1 and 10-5 lux.

Evidence suggests light pollution affects the choice of nesting sites in the black-tailed godwit, with choice locations being the farther away from roadway lighting (De Molenaar et al 2000). Buchanan found frogs he was studying stopped their mating calls when the lights of a nearby stadium were turned on.

The DEIR should add an additional condition that prohibits the use of LED lighting. Kerbiriou et al, 2020 concluded:

41

O3-116 (Cont.)

> "Our re-analysis clearly indicates that the switches in spectrum and in intensity with replacement of LPS [low pressure sodium] lamps with LEDs [light emitting diodes] have significant additive and interactive effects, on bat activity. We also show that bat activity and buzz ratio decrease with increasing LED intensity while an opposite effect is observed with LPS lamps.
>
> ...Our results stress the need to consider simultaneously the effects of changes in the different lights characteristics when street lighting changes."

The DarkSky website quotes research scientist Christopher Kyba, regarding the impacts of ALAN on nocturnal animals:
"...the introduction of artificial light probably represents the most drastic change human beings have made to their environment.

> ...Near cities, cloudy skies are now hundreds or even thousands of times brighter than they were 200 years ago. We are only beginning to learn what a drastic effect this has had on nocturnal ecology."

The website also includes a quote from Chad Moore, who co-founded the U.S. National Park Service Night Skies Program, "**When we add light to the environment, that has the potential to disrupt habitat, just like running a bulldozer over the landscape can.**"[emphasis added]

Sufficient evidence exists that demonstrates artificial lights have significant and adverse impacts on wildlife. We urge that LED lighting be prohibited and if currently used, that LED lighting be replaced as soon as possible.

O3-117

Conclusion:

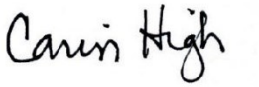
As with the discussion regarding the label of "programmatic" DEIR, and regardless of whether CSP calls this a General Plan "Update" or "Revision" or "Amendment" or just a "General Plan," CEQA still requires that an appropriate environmental analysis be must be conducted for a proposed project. Here the project is the operation of CSVRA, the addition of new facilities and expansion of OHV and other uses into areas that have been closed for decades. The existing General Plan is over 42 years old and it is imperative that quantitative documentation of the current Baseline be provided rather than brief qualitive descriptions. This is necessary to identify potential impacts to the environment, assess whether those impacts are significant and require avoidance, minimization or mitigation. The GPU and DEIR should provide guidelines, goals and mitigation that are enforceable and provide measurable performance standards.

As we have repeatedly stated, the DEIR fails to provide meaningful identification of impacts and analysis of impacts to the environment that would result from the implementation of the proposed GPU projects. The DEIR uses inaccurate avoidance standards and fails to provide measurable performance criteria. The DEIR improperly relies on guideline language that is vague, defers analysis of impacts and identification of mitigation measures, relies heavily on agency consultation, does not appear to avoid or minimize project impacts, and fails to provide compensatory mitigation and monitoring plan, or an adaptive management plan. This DEIR defers almost the entire required CEQA analysis of impacts that

can and should be completed now, and not at some unknown future date. The 2021 Court Ruling invalidated the 2016 GPR and DEIR that was structured in largely the same manner. This 2024 GPU and DEIR is similarly fatally flawed. These flaws must be corrected and regulatory and resource agencies and the public should be provided the opportunity to review and provide comments on a revised DEIR. O3-117 (Cont.)

Respectfully submitted,





William Hoppes
President
Ohlone Audubon Society
President@ohloneaudubon.org

Carin High
Co-Chair
Citizens Committee to Complete the Refuge
cccrrefuge@gmail.com

Attachments to Comment Letter O3-118

Shared drive link to documents referenced in comment letter:
https://www.dropbox.com/scl/fo/dik720c7f8du482lw73yf/h?rlkey=mhyfcls0eufe2tupdvq69k1ku&dl=0

1. 2016 CSVRA GP EIR Judgments
    a. 2021 (2016) Alameda County Order Granting Petition for Writ of Mandate
    b. 2021 (2016) FOTP_CBD ACA Order Granting Petition for Writ of Mandate

2. Alternatives

    a. CSP Amstrong Redwoods State Nature Reserve
    b. CSP OHV Access Project
    c. SOHP 12-7-12 letter Tesla Hx Dist NRHP

3. Biological Resources Impacts Analyses

    a) 2015-2016 Cashen Biological Resources Comments 6-29-15-2-3-16
    b) 2015-2016 WHPP Critique_Cashen Kupferberg 6-29-15_2-3-16
    c) 2015-2016 Technical Memo Kuperberg Furey 6-29-15_2-3-16
    d) 2015-2016 K Wiseman AWS Comments 6-28-15_2-3-16
    e) CSVRA DEIR GOEA comments Hunt 06-27-15
    f) CSVRA WST Deadspadefoot poster 4x4 area
    g) CSVRA Western Spadefoot Toad Case Study Jan 18 2016
    h) Impacts From Roads And Trails And Other Uses On Natural Resources
    i) Morrison CSVRA letter 062715
    j) STF SK letter FEIR cert hrg 10-21-16

4. Photographs of CSVRA

5. Prior CSVRA GP_EIR

    a) 1979 CSVRA Acquisition EIR
    b) 1981 CSVRA GP
    c) 2000 CSVRA GP Amendment-DEIR
    d) 2004 CSVRA GP Revision NOP
    e) 2004 CSVRA Draft HCP
    f) 2004 CSVRA Draft HCP EIR
    g) 2016 CSVRA DGP Revision
    h) 2016 CSVRA DEIR

6. Maps

O3-118
(Cont.)

a) Critical Linkage Habitat Corridor Map
b) CSVRA AWS Habitat Map
c) Tesla CSVRA Habitat Corridor Map

7. Physical Resources Impacts Analysis

a) CVRWQCB CSVRA CAO 2012
b) CSVRA BMP Failures 2-5-16
c) CSVRA Misuse of NOE
d) Leverich CSVRA PGP DEIR Physical Resources 6-25-15_2-4-16
e) FOTP Letter RE OHMVR CSVRA NOE Zone 44 46 47 Rehab 8-21-15

8. ALAN References

a) Jägerbrand, Annika K. and Kamiel Spoelstra. Effects of anthropogenic light on species and ecosystems. 2023. Science. 380(6650) DOI:10.1126/science.adg3173
b) Smithsonian Magazine. 2019. https://www.smithsonianmag.com/smart-news/light-pollution-contributes-insect-apocalypse-180973642
c) Van Doren, Benjamin M. Kyle G. Horton, Adriaan M. Dokter, Andrew Farnsworth. 2017. High-intensity urban light installation dramatically alters nocturnal bird migration https://www.pnas.org/content/early/2017/09/26/1708574114
d) K. M. Zielinska-Dabkowska, E. S. Schernhammer, J. P. Hanifin, G. C. Brainard. 2023. Reducing nighttime light exposure in the urban environment to benefit human health and society. Science 380(6650) DOI:10.1126/science.adg3173 https://time.com/5033099/light-pollution-health/
e) Artificial Light at Night: State of the Science 2023. DarkSky International DOI: 10.5281/zenodo.8071915. https://zenodo.org/record/8071915
f) Longcore, T. and Rich, C. "Ecological Light Pollution" Front Ecol Environ. 2004. 2(4): 191-198
g) Buchanan, B.W. "Low-illumination prey detection by squirrel treefrogs" 1998. J Herpetology 32: 270-74
h) De Molenaar, JG, DA Jonkers, and ME Sanders. 2000. Road illumination and nature. III. Local influence of road lights on a black-tailed godwit (Limosa l. limosa) population. Wageningen, The Netherlands: Alterra.
i) Kerbiriou, Christian, Barré, Kévin, Mariton, Léa, Pauwels, Julie, Zissis, Georges, Robert, Alexandre, Le Viol, Isabelle. 2020/04/24. "Switching LPS to LED Streetlight May Dramatically Reduce Activity and Foraging of Bats" Diversity 2020, Vol 12, 165
j) DarkSky. Resources Page. https://darksky.org/resources/what-is-light-pollution/effects/wildlife-ecosystems/ accessed 9-14-23.

Letter O3 Response William Hoppes, President and Carin High, Co-Chairperson, Ohlone Audubon Society and Citizens Committee to Complete the Refuge, March 2, 2024

O3-1 For the reasons specified in this document, the EIR complies with CEQA. Specific comments on the adequacy of this EIR are responded to in detail below.

Minor changes have been made to the General Plan. A comprehensive list of changes made to the General Plan can be found in Chapter 6 "Revisions to the General Plan" and changes made to the EIR can be found in Chapter 7 "Revisions to the DEIR." Revised documents will be made available to the public consistent with requirements of the PRC and CEQA prior approval of the General Plan and certification of the EIR.

O3-2 1. The current EIR is different from the 2016 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 all located in previously disturbed areas, the impacts of these specific projects will either have less-than-significant impacts or no impacts at all, as analyzed in the current EIR.

2. CEQA does not state that an alternatives analysis has to analyze a non-OHV alternative for an existing SVRA. In the case on the 2016 EIR, the courts found that a non-OHV alternative should have been considered for the additional property that was proposed as an addition to the SVRA and not currently open to the public. That property is currently undergoing a separate planning and classification process independent of and separate from this Carnegie SVRA and General Plan and will consider a variety of scenarios. This EIR assesses a non-OHV alternative (Alternative 2). Alternative 2 would result in the closing of Carnegie SVRA which would mean that no OHV use or other Park activities would occur. It also assesses the no project alternative. Because the EIR analysis did not identify significant or potentially significant impacts that could be reduced by additional alternatives (as intended by CEQA), no further alternatives analysis is required.

3. The 2016 EIR did not contain mitigation measures that failed to set performance standards. The courts found that some of the goals and guidelines relied upon to avoid and reduce impacts should have set standards. 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, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines, including for siting facilities and avoiding sensitive

resources, will not result in significant impacts. Where appropriate, the goals and guidelines include performance standards.

O3-3 This comment provides a brief history of the prior planning and associated environmental review efforts for the Carnegie SVRA. No further response is required.

O3-4 As described in the Project Description of the DEIR, Chapter 2 "Existing Conditions" and Chapter 4 "The Plan" of the General Plan Update serve as the project description used for this CEQA analysis. Chapter 2 "Existing Conditions" provides a description of much of the physical setting in the SVRA including existing facilities and ongoing operations. Chapter 4 "The Plan" identifies proposed visitor experience areas, facilities, and programs; operations facilities and programs; and SVRA management goals and guidelines. The General Plan is incorporated by reference, consistent with Section 15150 of the CEQA Guidelines.

This General Plan Update and associated EIR define the "project" as the ongoing and continued operation of the SVRA according to the goals and guidelines in the General Plan, as well as the implementation of a series of reasonably foreseeable projects that will likely be implemented under the General Plan, including upgrades to existing and a limited number of new facilities. All of these are described at the level of information currently available. The General Plan is not "framed" as an update, but it is an update to the 1982 General Plan, which to this date is the only General Plan adopted for the SVRA and thus the one the SVRA is currently managed under. This inherently makes the current General Plan an update to an existing General Plan.

O3-5 Chapter 4 of the General Plan Update includes a description of proposed projects that are reasonably foreseeable because they are in various stages of planning and that therefore could be constructed or implemented under the General Plan (see Section 4.3.1.4 Visitor Facilities of the General Plan). This includes a campground remodel, new group campsite, new campfire center, new front hills single motorbike trail, additional visitor recreation area (near MX track), rehabilitating the Franciscan Riding Area into a sustainable trail network for advanced riders, and reopening of the Waterfall Canyon Area to non-motorized trail use. As described on page 4-3 of Chapter 4 "The Plan," the Plan proposes to open Waterfall Canyon to non-motorized trail use (i.e. hiking, mountain biking). The Plan does not propose opening the trail to "all uses" as this comment suggests. Virtually all of these projects would occur in areas that currently experience heavy use and have previously been disturbed. In many cases, the project would aid in managing use to better serve the visitors while also protecting resources.

As described on page 3-1 of the DEIR, the programmatic analysis of General Plan addresses potential impacts related to all aspects of the General Plan, including ongoing management on the SVRA and the implementation of proposed projects. The approach to analyzing the General Plan's environmental

impacts is programmatic because the General Plan presents a framework for future management and park development. Each project is analyzed at the level possible, given the current state of its planning and development.

OHV impacts related to biological resources are discussed in Section 3.4 of the DEIR and Section 2.3.2 of the General Plan. Impacts related to Hydrology and Water Quality are discussed in Chapter 3.7 of the DEIR and Chapter 2.3.1 of the General Plan Update. Impacts related to geology and soils are discussed in Chapter 2.3.1 of the DEIR and Chapter 2.3.1 of the General Plan Update. The General Plan also describes all the management plans that are currently being implemented at the SVRA to manage visitor use and protect resources.

O3-6 Like the 2016 EIR, this EIR analyses impacts from implementing the goals and guidelines of the General Plan. Unlike the 2016 DEIR, this DEIR also includes an analysis of the impacts that the proposed projects for maintenance and upgrades to visitor facilities that could be implemented under the General Plan may have on the environment. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Chapter 3 of the DEIR assesses impacts to the various resources required to be addressed under CEQA. Each impact is subdivided into two subsections: "General Plan Implementation," which addresses environmental impacts through a programmatic lense, and "New and Improved Facilities," which addresses environmental impacts through a project lense. Where possible, this EIR assesses all reasonably foreseeable impacts resulting from the implementation of the proposed projects. The projects that are reasonably foreseeable to be implemented under the General Plan largely consist of upgrades or expansions of existing facilities and are generally located in disturbed and heavily used areas of the SVRA. Therefore, the lack of substantial 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.

It is not improper to develop a programmatic EIR to accompany and analyze the impacts of a long-range planning document, such as this General Plan Update. 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.

O3-7 The commenter lists 6 projects that were implemented at the SVRA but were not within the 1981 General Plan, and identifies 9 additional projects that were not identified in the 1981 General Plan and did not have an NOE prepared. The projects listed by the commenter are part of the existing operations of the SVRA and we cannot comment on what level of CEQA compliance was completed. The DEIR analyses all impacts associated with General Plan implementation and reasonably foreseeable projects that could be implemented under the General Plan. Thus, it meets all requirements of CEQA.

O3-8 The commenter expresses an opinion about "free reign" for future projects without further impact analysis. State Parks must develop a General Plan for each park unit before significant improvements can be made. Thus, a General Plan by nature needs to be a broad policy document that encompasses future management actions and future projects. Where future projects would result in impacts beyond what was analyzed in the program EIR, additional CEQA analysis will be conducted. There is no "free reign" for future projects and impacts.

O3-9 The commenter expresses an opinion about past environmental compliance for projects at the SVRA. The current 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 project. Additional CEQA compliance may be needed in the future, 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.

O3-10 Extensive descriptions of baseline conditions (i.e. existing conditions at the Carnegie SVRA) are included in Chapter 2 "Existing Conditions" of the General Plan. These descriptions are based on ongoing mapping and inventory, and do not draw from the 1981 General Plan, as alleged by the commenter. All source documents for the General Plan, including the extensive existing conditions chapter are references in the documents.

O3-11 This comment includes language from Section 15126.6 of the CEQA Guidelines about alternatives analyses. This comment also lists the three alternatives assessed in Chapter 6 "Alternatives to the Proposed Project." This comment does not discuss the adequacy of this EIR. No further response is required.

O3-12 The EIR does not imply that implementing the No Project Alternative would result in the "abandonment" of actions taken to comply with state and federal laws. Chapter 6 "Alternatives to the Proposed Project" explains that the General Plan Update is necessary to develop a planning document that is consistent with current laws and regulations.

The No Project Alternative represents perpetuation of existing management actions and the 1982 General Plan. The impact evaluation of the No Project Alternative relies on the fact that the 1982 General Plan is outdated, not compatible with current policies, and noes not adequately address resource issues. If this General Plan Update is not adopted, then the 1982 General Plan would continue to be the guiding management plan for Carnegie SVRA, which is not compatible with current local, state, and federal policies, nor does it provide the most accurate depiction of the ongoing management practices of the Park.

As described in Chapter 6 "Alternatives to the Proposed Plan," the environmentally superior alternative is the proposed Plan because it balances protection of resources while allowing for high-quality recreation. This plan also focuses OHV use to areas that are not environmentally sensitive.

O3-13 Alternative 1 (Reduced Emissions Alternative) and Alternative 2 (SVRA Shutdown and Park Closure) present a reasonable range of alternatives that could reduce or eliminate any significant environmental impacts of the project. While Alternative 2 (SVRA Shutdown and Park Closure) does not meet many of the project objectives described in the EIR, the 2021 Court Ruling requires that State Parks considers a "Non-OHV Alternative." Many of the project objectives depend on using the Park for OHV recreation, because this General Plan was written for the management of an existing SVRA. Finally, as required by CEQA, all projects are required to include the "No Project Alternative."

Therefore, the range of alternatives provided in Chapter 6 "Alternatives to the Proposed Plan" satisfies the requirements set forth in CEQA Section 15126.6 and requirements set forth in the 2021 Court Ruling.

O3-14 The General Plan aims to actively manage the Park to avoid impacts on sensitive resources. In most cases, environmental impacts would be less than significant because of the environmentally oriented goals and guidelines described in the General Plan. The lack of a long list of impacts and associated mitigation measures and performance standards is the result of the Park being managed to avoid impacts to sensitive resources, and that reasonably foreseeable projects would be located in heavily disturbed areas. As described in response to comment O3-13, the Alternatives evaluated in the EIR satisfies the requirements set forth in CEQA Section 15126.6 and requirements set forth in the 2021 Court Ruling.

O3-15 The current EIR is substantially different from the EIR written in 2016. The 2016 General Plan included the development of the large Alameda-Tesla property for OHV use, while this Plan includes the ongoing management of the existing SVRA with the description of multiple reasonably foreseeable projects. Comparing this EIR to the EIR written in 2016 is not applicable.

Extensive descriptions of baseline conditions, i.e. existing conditions at the Carnegie SVRA are included in Chapter 2. *Existing Conditions* of the General Plan. Alternatives are driven by the need to reduce any significant or potentially significant impacts that result from a project.

Please also see response to comment O3-12 for discussion on the adequacy of this EIR's alternatives analysis.

O3-16 The EIR thoroughly discusses anticipated impacts resulting from the adoption of the General Plan and its associated reasonably foreseeable projects. CEQA requires the EIR to analyze impacts resulting from the proposed project. This means that impact conclusions are developed by comparing proposed project conditions to baseline conditions (in this case, existing conditions). The Plan

Area is currently an operational OHV recreation area. Thus, the Plan is required to assess impacts resulting in the changes associated with the proposed General Plan. Because the General Plan neither includes drastic changes to the management of the Park, nor proposes projects in environmentally sensitive areas, many of the impacts are not expected to be significant.

Additionally, the OHMVR Division aims to manage the Park with the purpose of balancing OHV recreation with programs that conserve and protect cultural and natural resources. As such, the Plan includes many goals and guidelines that minimize environmental impacts associated with OHV activities, further reducing potential impacts.

O3-17 The commenter is correct in that CEQA requires lead agencies to adopt all feasible mitigation for significant and unavoidable impacts. The discussion in the Alternatives analysis identifies that implementing the additional measures creates a burden on SVRA staff without the proven benefit of substantially reducing operation impacts. However, the analysis does not claim that these measures are 'infeasible.' However, even with implementation of the additional measures, the impacts will remain significant and unavoidable. To demonstrate its efforts to make the maximum feasible contribution to improve local air quality, State Parks is adding the measures identified in Alternative 1 to the goals and guidelines in the General Plan.

O3-18 The commenter expresses an opinion that Alternative 2 is not supported by data and that actions of protective resources exist only because of OHV impact. This is not correct. State Parks manages all 280 units in the state park system to protect sensitive resource and provide high quality recreation. If the SVRA were to be closed for OHV use, it is highly unlikely that the same level of resource management would continue, as no funding would be allocated as a result of use. No further response it required.

O3-19 The analysis of Alternative 2 is adequate for the purpose of this EIR. The EIR does not specify what would happen to the land if Carnegie SVRA were shut down. Assessing potential impacts to related to future uses of this area if Carnegie SVRA was no longer operational would be speculative. What is important to note, is that the Park would no longer be used for OHV recreation, which would result in a significant and unavoidable impact related to the recreation based on a complete loss of an SVRA.

O3-20 The General Plan and EIR do not claim that the OHMVR Division is outside the purview of the State Parks system and the commenter provides no textual evidence for his statement.

It would not be feasible to relocate the existing Carnegie SVRA. This comment does not provide any suggested off-site alternatives, and assessing potential impacts of an off-site alternative would be speculative. Additionally, as discussed throughout the EIR, all environmental impacts related to the proposed project would be less than significant, except for impacts to air quality. Relocating the SVRA to another location in the region would not necessarily

reduce the air quality impacts, as OHV related air quality impacts would likely be considered regardless of its location. Carnegie SVRA is one of only 8 SVRAs in the state. SB155 seeks to identify additional areas throughout the state for OHV recreation to help satisfy the needs of a growing population. The commenter provides no evidence as to why they believe shutdown is feasible. No further response is necessary.

O3-21 In 1979, 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.

Whether or not the SVRA is reclassified, adoption of "Alternative 2: SVRA Shutdown and Park Closure" would result in the same impacts: complete loss of an SVRA.

O3-22 CEQA does not state that an alternatives analysis has to analyze a non-OHV alternative for an existing SVRA. In the case on the 2016 EIR, the courts found that a non-OHV alternative should have been considered for the additional property that was proposed as an addition to the SVRA and not currently open to the public. That property is currently undergoing a separate planning and classification process independent of and separate from this Carnegie SVRA and General Plan and will consider a variety of scenarios. This EIR assesses a non-OHV alternative (Alternative 2). Alternative 2 would result in the closing of Carnegie SVRA which would mean that no OHV use or other Park activities would occur. It also assesses the no project alternative. Because the EIR analysis did not identify significant or potentially significant impacts that could be reduced by additional alternatives (as intended by CEQA), no further alternatives analysis is required.

This General Plan does not propose any expansion of OHV beyond the existing SVRA limits. The General Plan proposes to rehabilitate the Franciscan Riding Area into a sustainable trail network for advanced riders, which will have no significant impacts to the environment.

As discussed in Chapter 3.3 "Air Quality" of the EIR, the only significant impact the environment would be related to air quality. During project operations, the emissions would slightly exceed the SJVAPCD thresholds for PM10. Many guidelines, including OM Guideline 4.3, 7.1, and the guidelines incorporated from Alternative 1 (OM Guidelines 7.2 through 7.4) would help reduce emissions. As discussed in Impact 3.3-1 on page 3.3-23 of the EIR, no feasible mitigation measures currently exist for directly treating fugitive dust emissions from OHV recreation, given the predominantly undeveloped, mountainous area of the planning area where water sources are limited, and water and dust-suppressant application trucks would produce significant

additional emissions of exhaust and fugitive PM dust. Therefore, this impact would be significant and unavoidable.

O3-23 The General Plan itself does not propose a reduction in OHV use within Carnegie SVRA. Rather, as required by CEQA, a range of project alternatives have been evaluated. These alternatives include a non-OHV alternative (Alternative 2) which would reduce OHV use. Alternative 2 was evaluated and determined to not meet the project objectives nor would it align with the OHMVR Division's mission statement.

Impacts associated with implementation of the General Plan, including reasonably foreseeable projects such as the reopening of Waterfall Canyon to non-OHV use, are assessed throughout the EIR. As discussed, impacts associated with the proposed projects would generally be less than significant because the projects would primarily occur in disturbed areas. Impacts associated with the ongoing management of the SVRA would generally not be significant because of the extensive goals and guidelines that would be in place to reduce environmental impacts.

O3-24 The commenter explains the importance of establishing an environmental baseline to assess impacts of the proposed project and the proposed alternatives. This comment does not discuss the adequacy of this EIR. No further response is required.

O3-25 The comment suggests that the Non-OHV Use Alternative should include the reclassification of the SVRA to a State Park or State Recreation Area. In 1979, 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 or a State Recreation Area, 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 would require many baseless assumptions and is not feasible.

Parks appreciates the suggestions for a reduced OHV alternative. CEQA does not state that an alternatives analysis must analyze a reduced OHV alternative for an existing SVRA. This EIR fulfills the requirements for an alternatives analysis by including an analysis for the "no project alternative" (Alternative 3) as well as two other alternatives that describe a reasonable range of alternatives that could feasibly attain most of the basic project objectives and could reduce or eliminate significant environmental impacts to the project.

As discussed in response to comment O3-17, to make the maximum feasible contribution to improve local air quality, State Parks is adding the measures identified in Alternative 1 to the goals and guidelines in the General Plan.

O3-26 Extensive descriptions of baseline conditions, i.e. existing conditions at the Carnegie SVRA are included in Chapter 2 "Existing Conditions" of the General

Plan. The EIR assesses impacts of the ongoing management of the SVRA as well as impacts resulting from reasonably foreseeable 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, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines including for siting facilities and avoiding sensitive resources will not result in significant impacts. Where appropriate, the goals and guidelines include performance standards.

The comment suggests that the EIR should assess "cumulative impacts" from all activities within the SVRA. All environmental impacts resulting from implementation of the proposed General Plan and its associated reasonably foreseeable projects are Project-specific effects. Project-specific effects are defined as "all direct or indirect environmental effects other than cumulative effects and growth-inducing effects" (PRC Section 21065.3). The DEIR analyzes all direct and indirect environmental effects associated with General Plan implementation and reasonably foreseeable projects that could be implemented under the General Plan. The EIR also adequately analyzes the project's contribution to cumulative impacts (see Chapter 4 of the DEIR). Thus, it meets all requirements of CEQA.

O3-27 The lack of a long list of impacts and associated mitigation measures and performance standards in the current EIR is not based on the fact that the existing General Plan is relying on management plans or defers any action. It is based on the fact that the SVRA is actively managed to avoid impacts on sensitive resources, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines including for siting facilities and avoiding sensitive resources will not result in significant impacts. Where appropriate, the goals and guidelines include performance standards.

Prior court decisions have explained that self-mitigating EIR's (i.e. EIRs where mitigation for project impacts are written into the project description) are inadequate. This comment suggests that this EIR is inadequate because it uses this "self-mitigating" approach. The project objectives, State Parks' mission statement, and OHMVR Division's mission statement all aim to balance recreation opportunities with the protection of natural and cultural resources. Including goals and guidelines for the protection of the SVRA's natural and cultural resources are not mitigation, rather, they are necessary policies to ensure that the General Plan aligns with the objectives set forth in the project description, and to assure that this SVRA is managed in alignment with State Parks and the OHMVR Division's mission statements. While these guidelines do result in reducing impacts to the environment, they are also necessary components of the General Plan. It would not align with the management strategy of the SVRA if these guidelines were omitted from the General Plan. Just because the General Plan itself includes guidelines that minimizes

environmental impacts, does not mean that this EIR uses a "self-mitigating" approach.

The commenter is correct in stating that there are some plans (for example, a Roads and Trails Management Plan) that have not been developed yet. This General Plan clearly states on page 4-19 that "the Park should consider developing a roads and trails management plan once the General Plan is approved." A programmatic EIR is not inadequate because it identifies the need for additional planning in the future.

The commenter has stated that that plans and reports are not described in the EIR, and thus the public cannot evaluate their efficacy. The commenter has not identified (in this comment) any specific plans or reports that have not been provided. The commenter states that some plans and reports are outdated. The commenter has not identified any specific plans or reports (in this comment) that are outdated.

The commenter also expresses concern that future planning documents or reports would not have measurable performance standards or meet performance standards. In many cases, the purpose of a report (for example, HMS reports) is to describe various conditions, whether it be wildlife surveys or vegetation surveys. Documentation that is meant to describe the conditions of the Park are not necessarily required to contain mitigation or performance standards. Furthermore, any concerns about the quality of plans and reports that have not yet been written are speculative.

O3-28 This comment states that the following plans and reports cited in the General Plan were improperly relied upon for the following reasons.

1. 2012 Storm Water Management Plan (SWMP). The commenter does not provide support to the claim that this SWMP is outdated. While it is from 2012, the contents of the plan are still applicable to the management of the SVRA. Furthermore, assessing whether this SWMP is compliant with CEQA is outside the scope of this EIR. Additionally, the commenter does not provide any examples of measures within this plan that lack performance criteria.

2. Habitat Monitoring System (HMS) reports. Please see response to comment O2-2.

3. Wildlife Habitat Protection Plan (WHPP). Please see response to comment O2-2.

4. SVRA Roads and Trail Management Plan (RTMP). As described in comment O3-27, a programmatic EIR is not inadequate because it identifies the need for additional planning in the future.

The commenter does not provide any support for the claim that the Best Management Practices identified in the SWMP were improperly relied upon.

O3-29 The commenter does not provide any evidence or reasoning to support the claims that the EIR fails to adequately identify, analyze and avoid, minimize or propose mitigation for impacts.

O3-30 Extensive descriptions of baseline conditions, i.e. existing conditions at the Carnegie SVRA are included in Chapter 2 "Existing Conditions" of the General Plan. As described on page 3-1 of the DEIR, the programmatic analysis of General Plan addresses potential impacts related to all aspects of the General Plan, including ongoing management of the SVRA and the implementation of proposed projects. The General Plan aims to actively manage the Park to avoid impacts on sensitive resources. In most cases, environmental impacts would be less than significant because of the environmentally minded oriented goals and guidelines described in the General Plan. The lack of a long list of impacts and associated mitigation measures and performance standards is the result of the Park being managed to avoid impacts to sensitive resources, and that reasonably foreseeable projects would be located in heavily disturbed areas.

Commenter expresses general disagreement with the impact conclusions stated in the EIR. However, the commenter does not identify any specific impact conclusion that they disagree with, nor do they provide evidence supporting their claims. Further, an EIR is not inadequate simply because experts in a particular subject matter dispute the conclusions reached by the experts whose studies were used in drafting the EIR, even where different conclusions can reasonably drawn from a single pool of information. (CEQA Guidelines Section 15151; Greenbaum v. City of Los Angeles).

O3-31 State Parks agrees with the commenter's claim that impacts evaluated in the EIR should not be understated or overstated, and that CEQA review must be based on factual information. State Parks also agrees with the commenter's statement that that CEQA review must include a complete project description, a description of the baseline, discussion of reasonably foreseeable impacts, and mitigation where necessary. This comment does not address the adequacy of this EIR. No further response is required.

O3-32 Please see response to comment O2-2.

O3-33 Please see response to comment O2-2.

O3-34 Please see response to comment O2-2.

O3-35 Please see response to comment O2-2.

O3-36 Please see response to comment O2-2.

O3-37 Please see response to comment O2-2.

O3-38 Impacts associated with implementation of the General Plan, including reasonably foreseeable projects, are assessed throughout the EIR. As discussed, impacts associated with the proposed projects would generally be less than significant because the projects would primarily occur in disturbed areas. As

discussed throughout this document already, this EIR does adequately evaluate baseline conditions and environmental impacts.

There are currently no areas within the park set aside for compensatory mitigation. As discussed in Water Guideline 1.2, compensatory mitigation will be required for loss of jurisdictional waters and wetlands.

O3-39 The "reopening" is not meant to imply any past OHV use, rather, it is meant to imply that the area has been open for non-OHV use in the past.

O3-40 While Waterfall Canyon has not been open for OHV or non-OHV uses, it has also not been designated as a compensatory mitigation site, as this comment suggests. The comment provides no specific language from the EIR or General Plan that states this area has been used as a compensatory mitigation site. No further response is required.

O3-41 A description of Waterfall Canyon Drainage Area is provided within Chapter 2 "Existing Conditions" on page 2-39. While the General Plan states that Waterfall Canyon may be open for recreation in the future, the General Plan also makes clear that the opening of Waterfall Canyon would rely on the development of an RTMP and CEQA review (General Plan page 4-19). Additionally, the possibility of opening Waterfall Canyon up for OHV recreation would depend on compliance with certain guidelines (EIR page 2-17). There is no extensive discussion of baseline or impacts related to Waterfall Canyon because that would be beyond the scope of this document, and will be assessed later on when more details on the reopening of Waterfall Canyon. Where future projects would result in impacts beyond what was analyzed in the program EIR, additional CEQA analysis will be conducted.

O3-42 As discussed in response to comment O3-41, the opening of Waterfall Canyon to non-OHV or OHV uses would be dependent on the development of an RTMP and its associated CEQA review. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Subsequent environmental review may be needed when more details of the project are known.

O3-43 As discussed in response to comment O3-41 and O3-42, the reopening of Waterfall Canyon to recreation would be dependent on an RTMP and additional CEQA review. While water quality is the primary limiting factor preventing recreation in the area, this EIR does not explicitly state or imply that there are not other environmental considerations. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Subsequent environmental review may be needed when more details of the project are known.

O3-44 As discussed in response to comment O3-40, Waterfall Canyon is not designated as a compensatory mitigation site, as this comment suggests.

As discussed in comments O3-41 and O3-42, the opening of Waterfall Canyon to non-OHV and OHV recreation is dependent on the development of an RTMP and additional CEQA review. This EIR does not state that the "ultimate objective" is to open Waterfall Canyon to OHV use. The EIR states that, if certain criteria are met, including the development of an RTMP and the compliance with certain guidelines, Waterfall Canyon may be opened for OHV in the future. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Subsequent environmental review may be needed when more details of the project are known.

O3-45 As discussed in comments O3-41 through O3-44, the reopening of Waterfall Canyon would be dependent on the development of a RTMP that would require additional CEQA review. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Subsequent environmental review may be needed when more details of the project are known.

O3-46 As discussed in response to comment O3-40, Waterfall Canyon is not designated as a compensatory mitigation site, as this comment suggests. As discussed in comments O3-41 and O3-42, the opening of Waterfall Canyon to non-OHV and OHV recreation is dependent on the development of an RTMP and additional CEQA review. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Subsequent environmental review may be needed when more details of the project are known.

O3-47 Water quality impacts related to the New Front Hills Motorbike Trail Expansion are addressed in Section 3.10 "Hydrology and Water Quality" of this EIR. No further response is required.

O3-48 The new trail is at the concept stage of development, and therefore, many details of the new trail (including capacity limit, reservation system on high use days, and speed limits) are currently unavailable. Additional details about this new trail will be provided in the Roads and Trails Management Plan. Additionally, all impacts associated with the addition of this trail will be mitigated to the extent feasible. The commenter's opposition to this trail is noted.

O3-49 The new additional visitor recreation area expansion would be done in an area that has already been developed. The lack of a long list of impacts and associated mitigation measures is not based on the fact that this project is located in heavily disturbed area. As such, significant impacts to the Corral Hollow Creek riparian area, western spadefoot habitat, and other sensitive resources are not expected to occur. Additionally, this area would be developed consistent with General Plan goals and guidelines which requires buffers for western spadefoot habitat and compensatory mitigation for impacts to riparian habitat (please see Wildlife Guidelines 1.2 and 1.7 on page 4-26, Water Guideline 1.2 and 2.1 on page 4-19, and NRM Guideline 2.3 on page 4-24).

As described in this General Plan, the management of the SVRA balances OHV use with resource protection and preservation. The commenter's opposition towards expanding OHV use in this area is noted.

O3-50 The new Campfire Center is at the concept stage of development, and therefore, many details of the project are unknown (including noise restrictions and lighting design). Noise restrictions implemented in the SVRA are universal, therefore, the noise restrictions required at the campgrounds would be required at this Campfire Center. Events held at the Campfire Center would not occur between the noise restricted hours of 10 pm to 6 am.

The proposed Group Campsite would be located further away from the other campsites in order to reduce the noise disturbance to smaller groups of campers associated with a large group of campers. Please see Figure 4-2 "Proposed Projects" in the General Plan to see the proposed location of the Group Campsite.

For information on allowable noise levels, please see page 2-151 and 2-152 of the General Plan. Noise levels would be required to remain within the ranges provided in the Alameda County General Plan Noise Element and the San Joaquin County General Plan Noise Element. The standards in the Alameda County General Plan include an exterior limit of 55 dB and an interior limit of 45 dB. The San Joaquin County General Plan Noise Element establishes that for non-transportation noise sources, the maximum hourly equivalent sound levels at outdoor activity areas of 50 dB or less during the daytime and 45 dB during the nighttime and maximum sound levels of 70 dB during the daytime and 65 dB during the nighttime.

As discussed on page 2-106 of the General Plan, Carnegie SVRA employs State Parks Peace Officers (SPPOs) whose job is to patrol the SVRA. These SPPOs would enforce night-time noise requirements.

The lack of a long list of impacts and associated mitigation measures is based on the fact that this project is located in a heavily disturbed area. Additionally, this area would be developed consistent with General Plan goals and guidelines which requires restrictions on noise and compensatory mitigation for impacts to riparian habitat (OM Guideline 5.3 and 5.5 on pages 4-36 and 4-37, Water Guideline 1.2 and 2.1 on page 4-19, and NRM Guideline 2.3 on page 4-24).

O3-51 The development of this trail would be developed consistent with General Plan goals and guidelines which requires measures to avoid and minimize impacts to wildlife and their habitat, as well as provide compensatory mitigation for impacts to riparian habitat (please see Guidelines associated with Wildlife Goal 1 on pages 4-26 and 4-27, Water Guideline 1.2 and 2.1 on page 4-19, and NRM Guideline 2.3 on page 4-24 of the General Plan). Additionally, guidelines protecting cultural and tribal cultural resources would reduce development and operational impacts on these resources (please see goals on guidelines on pages 4-27 through 4-31 of the General Plan).

The lack of a long list of impacts and associated mitigation measures is based on the fact that this project is located in a heavily disturbed area.

O3-52 State Parks agrees with the commenter that potential impacts should be avoided and mitigated to the extent feasible. State Parks also appreciates the commenters suggestions to enhance preservation at the SVRA. No further response is required.

O3-53 Potential impacts to spadefoot are discussed in Section 3.4 "Biological Resources" of the EIR. State Parks acknowledges that there is a risk of impacts on spadefoot resulting from General Plan implementation. As noted, upgrades or expansions to existing facilities as described in the General Plan and DEIR are generally located in disturbed and heavily used areas of the SVRA.

The commenter expresses an opinion about past environmental compliance for projects at the SVRA including the 4x4 area and the MX track.

State Parks has identified numerous special-status wildlife species observed or assumed to be present in the planning area, including spadefoot. The information regarding these species can be found in Tables 2-11 through 2-14 in Chapter 2 "Existing Conditions" of the General Plan.

Chapter 4.4 "Goals and Guidelines" of the General Plan includes specific goals and guidelines related to wildlife which are intended to protect all wildlife, including special-status species, and thus including spadefoot, during General Plan Implementation, including during design and construction of specific projects that are reasonably foreseeable to be implemented during the lifespan of the General Plan. These include the following:

Wildlife Goal 1: Manage the SVRA to maintain a quality OHV recreational experience while protecting native wildlife species, including special-status wildlife species and their designated habitats.

Wildlife Guideline 1.2: Avoid siting new facilities within 150 feet of pools currently known or later identified to support California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot.

Wildlife Guideline 1.7: If construction activities are planned within suitable upland habitat for special-status herpetofauna (California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot) and within the known maximum upland dispersal distance of those species from known breeding habitat, develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities on special-status herpetofauna in upland habitats. Before the start of construction, implement any protection or mitigation measures agreed upon during consultation with the wildlife agencies.

The proposed upgrades and expansions to facilities at the SVRA described in the General Plan, including the new additional visitor recreation area and the new group campsite, are not within known spadefoot habitat. If any project that

moves forward are within the known maximum upland dispersal distance of spadefoot from known breeding habitat, Wildlife Guideline 1.7 will be implemented. Because the proposed projects are at the concept stage of development, it is not possible to further analyze specific impacts or speculate about potential further mitigation at this time. Therefore, no further action is needed at this time.

The commenter also expresses an opinion about State Parks' previous measures to protect spadefoot. State Parks appreciates the supplemental information provided by the commenter related about western spadefoot toad.

O3-54 As described on page 3.10-7 of the EIR, all of the proposed new and improved facilities are required to adhere to the SWRCB's Phase II MS4 Permit requirement, along with the Carnegie SWMP and OHV BMP Manual requirements related to stormwater management and discharge and control. Compliance with these existing laws, regulations, and plans and adherence to General Plan goals and guidelines would serve to minimize long-term operational water quality impacts associated with operation of the proposed facility projects to reduce erosion and sedimentation.

The commenter is correct in stating that some of the proposed projects are located within the 100-year floodplain. Impacts associated with projects being located in the 100-year floodplain are discussed on pages 3.10-11 and 3.10-12 of the EIR.

Impacts to Corral Hollow Creek are discussed extensively throughout the EIR within sections 3.7 "Geology and Soils/Paleontological Resources," 3.9 "Hazards and Hazardous Materials," and 3.10 "Hydrology and Water Quality."

The commenter also expresses on opinion about projects being placed in the 100-year floodplain. As discussed, potential impacts related to developing proposed projects within the 100-year floodplain have been discussed thoroughly throughout the EIR.

O3-55 The EIR thoroughly discusses anticipated impacts resulting from the adoption of the General Plan and its associated reasonably foreseeable projects, as required by CEQA.

The lack of a long list of impacts and associated mitigation measures and performance standards in the current EIR is not based on the fact that the existing General Plan is relying on management plans or defers any action. It is based on the fact that the SVRA is actively managed to avoid impacts on sensitive resources, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines including for siting facilities and avoiding sensitive resources will not result in significant impacts. Where appropriate, the goals and guidelines include performance standards.

Extensive descriptions of baseline conditions, i.e. existing conditions at the Carnegie SVRA are included in Chapter 2. Existing Conditions of the General Plan.

Like the 2016 EIR, this EIR analyses impacts from implementing the goals and guidelines of the General Plan. Unlike the 2016 DEIR, this DEIR also includes an analysis of the impacts that the proposed projects for maintenance and upgrades to visitor facilities that could be implemented under the General Plan may have on the environment. For each project, the level of detail currently known (concept plan, design drawing, narrative only) is provided at the level known at this time. Where applicable, information from the 2016 EIR may have been used to inform the discussion in this EIR.

Prior court decisions have explained that self-mitigating EIR's (i.e. EIRs where mitigation for project impacts are written into the project description) are inadequate. This comment suggests that this EIR is inadequate because it uses this "self-mitigating" approach. The project objectives, State Parks' mission statement, and OHMVR Division's mission statement all aim to balance recreation opportunities with the protection of natural and cultural resources. Including goals and guidelines for the protection of the SVRA's natural and cultural resources are not mitigation, rather, they are necessary policies to ensure that the General Plan aligns with the objectives set forth in the project description, and to assure that this SVRA is managed in alignment with State Parks and the OHMVR Division's mission statements. While these guidelines do result in reducing impacts to the environment, they are also necessary components of the General Plan. It would not align with the management strategy of the SVRA if these guidelines were omitted from the General Plan. Just because the General Plan itself includes guidelines that minimizes environmental impacts, does not mean that this EIR uses a "self-mitigating" approach. For the reasons described throughout this comment and document, this EIR is CEQA compliant.

O3-56 Please see response to comment O2-2

O3-57 Section 2.3.2 Biotic Resources provides a list of information sources and studies that were used to inform the existing conditions of biological resources. These plans include HMS reports, as well as additional biological reports that were completed and published after 2015, including (but not limited to):

- Acoustic Bat Survey at Carnegie State Vehicular Recreation Area (The Wildlife Project 2016)
- Carnegie State Vehicular Recreation Area Delineation of State and Federal Jurisdictional Waters (State Parks 2016)
- Scientific Collecting Permit Annual Report: Amphibian and Reptile Species of Special Concern 2018 (State Parks 2019a)
- Habitat Use by Mountain Lions at Carnegie State Vehicular Recreation Area in Alameda and San Joaquin Counties, California (State Parks 2020a)
- Rodent Diversity and Population Dynamics in an Off-highway Vehicle Area (State Parks 2020b)

- 2020 Bird Survey Season Report: California State Vehicular Recreation Area Avian Monitoring for Habitat Conditions and Disturbance Effects (Cole and Siegel 2021)
- Carnegie State Vehicular Recreation Area Valley Elderberry Longhorn Beetle Survey (State Parks 2021a)
- Automated bird sound classifications of long-duration recordings produce occupancy model outputs similar to manually annotated data (Cole et al. 2022)
- Reconnaissance-level surveys conducted in the planning area by AECOM biologists in 2012

The commenter expresses general disagreement with the impact conclusions stated in the EIR. However, the commenter does not identify any specific impact conclusion that they disagree with, nor do they provide evidence supporting their claims. Further, an EIR is not inadequate simply because experts in a particular subject matter dispute the conclusions reached by the experts whose studies were used in drafting the EIR, even where different conclusions can reasonably drawn from a single pool of information. (CEQA Guidelines Section 15151; Greenbaum v. City of Los Angeles). No changes are needed.

O3-58 The presence of natural, cultural resources, physical, and aesthetic resources within the SVRA are described thoroughly in Section 2.3 “Resource Values” in the General Plan. The lack of a long list of impacts and associated mitigation measures and performance standards is the result of the SVRA being managed to avoid impacts to sensitive resources, and that reasonably foreseeable projects would be located in heavily disturbed areas.

O3-59 Many guidelines in the General Plan describe requirements to monitor and report for water quality, plants, wildlife, and cultural resources (see Water Guideline 2.2, Plant Guideline 1.1, Wildlife Guideline 1.1, CR Guideline 2.1, and TCR guideline 1.6 of the General Plan). Where appropriate, the goals and guidelines include performance standards. In many cases, guidelines include measures to reduce impacts to these resources if potential impacts are reasonably foreseeable. No changes are needed.

O3-60 As described above, multiple guidelines require ongoing monitoring of various resources within the SVRA which will track the efficacy of protective measures for natural resources. Where appropriate, the goals and guidelines include performance standards.

The project objectives, State Parks’ mission statement, and OHMVR Division’s mission statement all aim to balance recreation opportunities with the protection of 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. The phrase “maintain a quality OHV recreational experience” does not imply that implementation of this General Plan will result in a prioritization of OHV over natural and cultural resource protection, it just

indicates one of the many objectives of this General Plan, which among other things, is to maintain a quality OHV recreational experience.

O3-61 The current 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. 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, 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.

Additional CEQA review may be needed in the future, 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.

Impacts associated with projects being located in the 100-year floodplain are discussed on pages 3.10-11 and 3.10-12 of the EIR. Potential impacts (including downstream water quality impacts) related to developing proposed projects within the 100-year floodplain less-than-significant, as explained in Section 3.10 “Hydrology and Water Quality.” Modifications to, such as channelization of, Corral Hollow Creek are not proposed at this time. No further response is required.

O3-62 The current 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. 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 not currently foreseeable and therefore have not been discussed in the General Plan. 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 goals and guidelines.

Impacts associated with specific projects including the New Group Campsite, Front Hills Trails, Pedestrian Loop Trails, North side of Franciscan RMA, and the Additional Visitor Recreation Area have been assessed throughout the EIR to the extent possible given the current project planning stages.

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred. Additional CEQA review may be needed in the future, 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.

State Parks agrees with the commenter that the HMS reports contains useful information and disagrees with the commenter’s claim that the HMS and WHPP are “self-mitigating.” The commenter provides no further explanation or support

of this claim. This EIR does not improperly defer analysis. No further response is required.

O3-63 The current 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. 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, guidelines (such as NRM Guideline 1.3) 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.

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred. Additional CEQA review may be needed in the future, 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. This EIR does not improperly defer analysis. No further response is required.

Please see response to CDFW comment A4-7.

O3-64 The current 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. For reasons described more thoroughly above, guidelines must be written to encompass a broad array of future possibilities. Where they apply, performance standards have been included in goals and guidelines.

Please see response to comment O2-2.

O3-65 Please see response to comment O2-2.

O3-66 The current 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. 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, guidelines (such as NRM Guideline 1.3) 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.

Habitat fragmentation is defined as the process during which a large expanse of habitat is transformed into a number of smaller patches of smaller total area isolated from each other by a matrix of habitats unlike the original (Fahrig, 2003). By locating trails around the edge of high-quality habitat, the integrity and size of high-quality habitat would be preserved, minimizing impacts related to habitat fragmentation by restricting it to low quality habitat.

The General Plan does not violate this guideline by opening Waterfall Canyon to non-ohv uses. As described on page 4-3 of Chapter 4 "The Plan," the Plan proposes to open Waterfall Canyon to non-motorized trail use (i.e. hiking, mountain biking). The Plan does not propose opening the trail to "all uses" as this comment suggests.

O3-67 The current 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. For reasons described more thoroughly above, goals and guidelines must be written to encompass a broad array of future possibilities. Where they apply, performance standards have been included in goals and guidelines.

The project objectives, State Parks' mission statement, and OHMVR Division's mission statement all aim to balance recreation opportunities with the protection of 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. The phrase "maintain a quality OHV recreational experience" does not imply that implementation of this General Plan will result in a prioritization of OHV over natural and cultural resource protection, it just indicates one of the many objectives of this General Plan, which among other things, is to maintain a quality OHV recreational experience. No changes are needed.

O3-68 The current 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. For reasons described more thoroughly above, goals and guidelines must be written to encompass a broad array of future possibilities. Where they apply, performance standards have been included in goals and guidelines.

Please see response to comment O2-2.

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred. Additional CEQA review may be needed in the future, 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. This EIR does not improperly defer analysis, nor does it fail to meet "statutory requirements." No further response is required.

O3-69 A comprehensive "Adaptive Management Plan" for management of the SVRA has not yet been written. As discussed in Soils Guideline 1.2 and NRM Guideline 2.1, the development of an adaptive management plan for soils and biological resources would be developed as part of implementation of this General Plan. Just because these plans have not yet been developed, does not mean that adaptive management plans will not be developed, as the comment implies.

The EIR assesses environmental impacts resulting from implementation of the General Plan. There are many guidelines in the plan that, if approved, would be implemented and would require the ongoing monitoring of varying resources including water quality, wildlife, plants, cultural resources, and tribal cultural resources (please refer to Water Guideline 2.2, NRM Guideline 1.4, CR Guideline 2.1 and 2.6, and TCR Guideline 1.2 and 1.6). The lack of additional mitigation or "corrective action" is due to the fact that the General Plan itself has been written to balance the protection of natural resources with quality OHV recreation, and thus, many measures that will protect resources within the SVRA are displayed as guidelines within the General Plan itself.

O3-70 The current 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. For reasons described more thoroughly above, goals and guidelines must be written to encompass a broad array of future possibilities. Where they apply, performance standards have been included in goals and guidelines.

Please see response to comment O2-2.

The General Plan describes throughout the document that some areas within the SVRA have been used for grazing in the past, not that they are actively grazed. Descriptions about various watershed areas include discussion that some land within many of the watersheds contain grazing land. These watershed areas are very large and the portions of these watersheds that may be actively grazed are not within the SVRA.

Monitoring of natural resources is ongoing and would be continued once the General Plan is approved. This EIR does not improperly defer analysis, as this comment suggests.

O3-71 If the General Plan is approved, all of the guidelines, including NRM Guideline 2.4, will be implemented.

Many environmental scientists with expertise in natural resources and ecology are part of the team at Carnegie SVRA. NRM Guideline 2.4 does not propose the development of any sort of program, rather, this guideline provides guidance on how management strategies shall be informed.

The commenter's suggestion to engage peer review of HMS reports and the draft WHPP is noted.

O3-72 The current 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. For reasons described more thoroughly above, goals and guidelines must be written to encompass a broad array of future possibilities. Where they apply, performance standards have been included in goals and guidelines.

As discussed in response to comment O3-60 and O3-67, OHV recreation is not prioritized over the protection of natural resources. This General Plan prioritizes both providing high quality OHV recreation and protecting natural and cultural resources in the SVRA.

O3-73 State Parks considers Wildlife Guideline 1.1 sufficient as written and no edits are necessary.

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 conditions related to natural resources such as wildlife, plants, and habitat is in Section 2.3.2 "Biotic Resources."

Table 2-13 on page 2-81 includes a description of all special-status birds observed or presumed to be present in the SVRA. This includes burrowing owl that, as described in the table, was observed adjacent to planning area during reconnaissance surveys within the Alameda-Tesla property as well as the adjacent LLNL Site 300. As indicated in that table, burrowing owls have not been recorded within the planning area. Because proposed projects are restricted to the planning area, none of the proposed projects will disturb land known to occupy burrowing owl. Additionally, the reasonably foreseeable projects would be located in heavily disturbed areas, where burrowing owls are unlikely to be.

As discussed, the EIR relies on Chapter 2 "Existing Conditions" for the description of the baseline conditions. The General Plan and EIR provides specific data on natural resources, including locations of observed special-status plants and wildlife. The impact analysis in the EIR relies on this information.

The projects that are reasonably foreseeable to be implemented under the General Plan largely consist of upgrades or expansions of existing facilities and are generally located in disturbed and heavily used areas of the SVRA. Therefore, the lack of substantial impacts resulting from implementation of these projects should not be a surprise.

O3-74 Potential impacts to protected species have been assessed in Chapter 3.4 "Biological Resources" of the EIR. As discussed, potential impacts to protected species resulting from the implementation of the General Plan would be reduced to a less-than-significant level due to the extensive guidelines in place aimed at reducing such impacts.

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 conditions related to natural resources such as wildlife, plants, and habitat is in Section 2.3.2 "Biotic Resources."

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred.

Please see response to CDFW comment A4-7.

If adopted, the General Plan goals and guidelines will be applied to the management of the SVRA and all projects proposed under this plan. Thus, any expansion of OHV use into areas that have previously not been used for OHV use will be monitored closely and measures will be taken to minimize impacts resulting from introducing OHV use into those areas.

O3-75 The CDFW comment letter provides many examples of measures that can be taken to avoid and minimize impacts to California tiger salamander, western spadefoot toad, and western pond turtle. These include: erecting protective fencing during the breeding season to block off breeding aeras and allow herpetofauna to disperse without being disturbed or crushed by vehicles; restricting specific areas from use during breeding and dispersal times of year or after rains; and establishing buffer areas. State Parks recognizes that scientifically supported dispersal distances are greater than 150 feet for California tiger salamander, western spadefoot toad, and western pond turtle. This guideline would be implemented alongside Wildlife Guideline 1.7 that states:

> **Wildlife Guideline 1.7:** If construction activities are planned within suitable upland habitat for special-status herpetofauna (California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot) and within the known maximum upland dispersal distance of those species from known breeding habitat, develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities on special-status herpetofauna in upland habitats. Before the start of construction, implement any protection or mitigation measures agreed upon during consultation with the wildlife agencies.

Consistent with CDFW's suggestions in their comment letter provided during the scoping period, the General Plan proposes an adaptive approach to avoiding and minimizing impacts to these species. Because the General Plan proposes a wide array of projects, and additional projects that are not currently known may also be implemented after the adoption of this Plan, it is not feasible to apply a one-size-fits-all approach to mitigation. Consultation with the wildlife agencies would be required prior to any construction, and mitigation measures that best apply to the project would be applied.

Please see response to CDFW comment A4-7.

Any expansion of OHV into areas that previously were not used for OHV will be located away from special status species habitat, as feasible.

O3-76 Potential impacts to protected species related to the implementation of the General Plan and associated reasonably foreseeable projects, have been assessed in Chapter 3.4 "Biological Resources" of the EIR. As discussed, potential impacts to protected species and their habitat resulting from the implementation

of the General Plan would be reduced to a less-than-significant level due to the extensive guidelines in place aimed at reducing such impacts. Because the Carnegie SVRA is currently managed as an active SVRA, and the reasonably foreseeable projects are all located in previously disturbed areas, the impacts of these specific projects will either have less-than-significant impacts or no impacts at all, as analyzed in the current EIR.

Any expansion of OHV into areas that previously were not used for OHV will be located away from special status species habitat, as feasible.

Please see response to CDFW comment A4-7.

If the General Plan is approved, all goals and guidelines would be implemented. The lack of a long list of mitigation measures is due to the fact that the SVRA is actively managed to avoid impacts on sensitive resources, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines including for siting facilities and avoiding sensitive resources will not result in significant impacts.

O3-77 State Parks disagrees with the commenter's opinion that the Natural Resource, Plant, and Wildlife Goals and Guidelines fail to reduce impacts. Disagreement among experts on a particular environmental subject matter does not make an EIR inadequate.

Potential impacts to biological resources discussed in Section 3.4 "Biological Resources" of the EIR. State Parks acknowledges that there is a risk of impacts on wildlife resulting from General Plan implementation. As noted, upgrades or expansions to existing facilities as described in the General Plan and DEIR are generally located in disturbed and heavily used areas of the SVRA. As discussed, potential impacts to protected species and their habitat resulting from the implementation of the General Plan would be reduced to a less-than-significant level due to the extensive guidelines in place aimed at reducing such impacts.

The lack of a long list of mitigation measures is due to the fact that the SVRA is actively managed to avoid impacts on sensitive resources. Implementation of the goals and guidelines within the General Plan would prevent significant impacts to wildlife and their habitat.

O3-78 As discussed in response to comment O3-60 and O3-67, OHV recreation is not prioritized over the protection of natural resources. This General Plan prioritizes both providing high quality OHV recreation and protecting natural and cultural resources in the SVRA.

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred. Additional CEQA review may be needed in the future, 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.

O3-79 As quoted in the comment, Wildlife Guideline 1.4 states "Avoid siting facilities within 150 feet of preferred Alameda whipsnake habitat, particularly scrub vegetation types." This measure includes scrub vegetation as an example of preferred Alameda whipsnake habitat, but does not imply that scrub vegetation is the only habitat type this species can be found in.

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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, avoidance and minimization language in many guidelines (such as Wildlife Guideline 1.4) in the General Plan need to be broad enough to apply to a wide array of potential projects.

As described in Table 2-12. Special-Status Wildlife Species Observed or Assumed to Be Present in the Planning Area—Reptiles and Amphibians on page 2-79 of the General Plan Update, Alameda whipsnake habitat has been identified within the SVRA, and Alameda whipsnakes have been identified in various locations in the SVRA. General measures to avoid impacts to Alameda whipsnake have been provided in Wildlife Guideline 1.4.

As discussed, analysis of impacts resulting from General Plan implementation and the development of reasonably foreseeable projects have not been deferred. Additional CEQA review may be needed in the future, 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.

O3-80 Impacts associated with implementation of the General Plan, including reasonably foreseeable projects such as the reopening of Waterfall Canyon to non-OHV use, a new pedestrian trail along Corral Hollow Creek, and rehabilitating the Franciscan Riding Area into a sustainable trail network for advanced riders are assessed throughout the EIR.

The opening of any new non-OHV and OHV trails in Waterfall Canyon, along Corral Hollow Creek, and in the Franciscan Riding Area would rely on the development of an RTMP and CEQA review. There are no extensive impacts related to OHV use in Waterfall Canyon, along Corral Hollow Creek, or in the Franciscan Riding Area because that would be beyond the scope of this document, and will be assessed later on when more details on these projects are available. Where future projects would result in impacts beyond what was analyzed in the program EIR, additional CEQA analysis will be conducted. Project level analysis has been conducted to the extent feasible. CEQA analysis has not been improperly deferred.

Chapter 2 "Existing Conditions" of the General Plan Update describes existing conditions related to soils, hydrology, water quality, wildlife occurrences, and habitat.

O3-81 As discussed, impacts associated with implementation of the General Plan, including reasonably foreseeable projects such as the reopening of Waterfall Canyon to non-OHV use, a new pedestrian trail along Corral Hollow Creek, and rehabilitating the Franciscan Riding Area into a sustainable trail network for advanced riders are assessed throughout the EIR.

The opening of any new non-OHV and OHV trails in Waterfall Canyon, along Corral Hollow Creek, and in the Franciscan Riding Area would rely on the development of an RTMP and CEQA review. There is no extensive impacts related to OHV use in Waterfall Canyon, along Corral Hollow Creek, or in the Franciscan Riding Area because that would be beyond the scope of this document, and will be assessed later on when more details on these projects are available. Where future projects would result in impacts beyond what was analyzed in the program EIR, additional CEQA analysis will be conducted. Project level analysis has been conducted to the extent feasible. CEQA analysis has not been improperly deferred.

Construction compliance monitoring conducted by a qualified biologist or biological monitor may be required during construction of projects with potential to impact wildlife. This will be determined during the consultation process with CDFW and/or USFWS prior to projects with potential to impact listed species (please see NRM Guidelines 1.2 and 1.3).

O3-82 State Parks disagrees with the commenters belief that Wildlife Guideline 1.7 does not provide adequate protection for special-status herpetofauna. While Wildlife Guideline 1.7 is written broadly enough to apply to a wide array of projects, it also provides details such as the timing of consultation with wildlife agencies relative to the project development, as well as thresholds for consulting with the agencies (e.g. if construction occurs within the known maximum upland dispersal distance for the name species).

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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, avoidance and minimization language in many guidelines (such as Wildlife Guideline 1.7) in the General Plan need to be broad enough to apply to a wide array of potential projects.

The “wildlife agencies” discussed in Wildlife Guideline 1.7 refer to CDFW and USFWS.

Please see response to CDFW comment A4-7.

SVRA does not rely solely on consultation with CDFW and USFWS for the protection of wildlife in the SVRA, as this comment implies. In many cases, goals and guidelines include provide measurable performance standards.

O3-83 Eliminating OHV use in areas near potential habitat for special status species may not be feasible. Any expansion of OHV into areas that previously were not

used for OHV will be located away from special status species habitat, as feasible. [would like this to be reviewed]

[include standard response on take permits]

The CDFW comment letter provides many examples of measures that can be taken to avoid and minimize impacts to California tiger salamander, western spadefoot toad, and western pond turtle. These include: erecting protective fencing during the breeding season to block off breeding areas and allow herpetofauna to disperse without being disturbed or crushed by vehicles; restricting specific areas from use during breeding and dispersal times of year or after rains; and establishing buffer areas. State Parks recognizes that scientifically supported dispersal distances are greater than 150 feet for California tiger salamander, western spadefoot toad, and western pond turtle. This guideline states:

> **Wildlife Guideline 1.7:** If construction activities are planned within suitable upland habitat for special-status herpetofauna (California red-legged frog, California tiger salamander, western pond turtle, or western spadefoot) and within the known maximum upland dispersal distance of those species from known breeding habitat, develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities on special-status herpetofauna in upland habitats. Before the start of construction, implement any protection or mitigation measures agreed upon during consultation with the wildlife agencies.

Consistent with CDFW's suggestions in their comment letter provided during the scoping period, State Parks proposes an adaptive approach to avoiding and minimizing impacts to these species. Because the General Plan proposes a wide array of projects, and additional projects that are not currently known may also be implemented after the adoption of this Plan, it is not feasible to apply a one-size-fits-all approach to mitigation. Consultation with the agencies would be required prior to any construction, and mitigation measures that best fit the scope of any given project will be required.

O3-84 No construction would occur until SVRA has completed all that is required by CEQA, as well as CESA and ESA, if applicable.

Construction compliance monitoring conducted by a qualified biologist or biological monitor may be required during construction of projects with potential to impact wildlife. This will be determined during the consultation process with CDFW and/or USFWS prior to projects with potential to impact listed species (please see NRM Guidelines 1.2 and 1.3).

As described above, State Parks would comply with measures required by CDFW and/or USFWS. Adherence to buffer zones outlined in CDFW's comment on the NOP is not the only measure they provided that would avoid and minimize impacts to listed wildlife. As described, State Parks would adopt

any mitigation measures agreed upon during consultation with CDFW and/or USFWS, including buffer zones, if necessary.

O3-85 Reasonably foreseeable projects are all located in previously disturbed areas, and would not result in significant impacts related to sediment mobilization, water quality degradation, or alterations of breeding pond hydroperiods. Any expansion of OHV use would also not have significant impacts. If potentially significant impacts related to expanded OHV use is revealed during the development of the RTMP, measures would be taken to reduce these impacts to the extent practicable.

Please see response to CDFW comment A4-7.

As discussed in thoroughly in the EIR, impacts to wildlife related to the implementation of this General Plan would be reduced to a less-than-significant level. The lack of a long list of impacts and associated mitigation measures and performance standards in the current EIR is not based on the fact that the existing General Plan is relying of management plans or defers any action. It is based on the fact that the SVRA is actively managed to avoid impacts on sensitive resources, and that reasonably foreseeable projects that would be implemented under the General Plan are located in heavily developed or disturbed areas. Thus, implementation of the goals and guidelines including for siting facilities and avoiding sensitive resources will not result in significant impacts.

O3-86 The siting of the facilities described in Section 4.3.1.3 “Proposed Projects” are largely located in already disturbed areas and would therefore avoid and minimize impacts to bats. As of now, significant impacts to bats are not anticipated. If impacts to bats are anticipated as more project details become available, additional analysis may be required. However, these details are not yet known, and any assessment of impacts would be speculative. State Parks appreciates the general suggestions for avoiding impacts to bats.

O3-87 The siting of the facilities described in Section 4.3.1.3 “Proposed Projects” are largely located in already disturbed areas and would therefore avoid and minimize impacts to burrowing owls. As of now, significant impacts to burrowing owls are not anticipated. If impacts to burrowing owls are anticipated as more project details become available, additional analysis may be required. However, these details are not yet known, and any assessment of impacts would be speculative. State Parks appreciates the general suggestions for avoiding impacts to burrowing owls.

O3-88 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, avoidance and minimization language in many guidelines (such as Wildlife Guideline 1.10) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where appropriate, the goals and guidelines include performance standards.

The siting of the facilities described in Section 4.3.1.3 “Proposed Projects” are largely located in already disturbed areas and would therefore avoid and minimize impacts to migratory wildlife corridors. Impacts to migratory wildlife corridors is discussed on page 3.4-8 of the EIR. As of now, significant impacts to migratory wildlife corridors are not anticipated. If impacts to migratory wildlife corridors are anticipated as more project details become available, additional analysis may be required. However, these details are not yet known, and any assessment of impacts would be speculative.

O3-89 The impact analysis for Impact 3.4-1, and the reasoning behind a “less than significant” conclusion is discussed extensively on pages 3.4-2 through 3.4-6 of the EIR. Extensive descriptions of baseline conditions, i.e. existing conditions at the Carnegie SVRA are included in Chapter 2 “Existing Conditions” of the General Plan. Please see response to comment O2-2 regarding the HMS and WHPP availability.

The commenter goes on to summarize the points previously made. These comments refer to avoidance buffers, performance standards, deferral of analysis and mitigation, agency consultations, inadequate avoidance and minimization of impacts, compensatory mitigation, monitoring, adaptive management, and the 2021 court ruling. These comments have been responded to thoroughly throughout this document. No further response is required.

O3-90 Please see response to CDFW comment A4-7.

O3-91 To demonstrate its efforts to make the maximum feasible contribution to improve local air quality, State Parks is adding the measures identified in Alternative 1 to the goals and guidelines in the General Plan. These include:

OM Guideline 7.2: Provide regional air quality information (e.g., basics of air quality, local ambient pollutant concentrations, summer Spare the Air day alerts) on the website and at the SVRA entrance. Materials could include but are not limited to educational information about fugitive dust and ozone precursors, low-emission OHV engines and models, and health risk exposure.

OM Guideline 7.3: During high-wind conditions, prohibit OHVs from entering the recreational trails and OHV areas.

OM Guideline 7.4: Implement the following operational emission reduction measures to help BAAQMD and SJVAPCD reduce regional air quality emissions:

- Replace diesel-fueled maintenance equipment with alternative-fuel equipment (e.g., propane, electricity) when feasible.
- Install and utilize additional electric vehicle (EV) charger(s) at the SVRA to promote the use of low or zero-emission vehicles.

The purpose of an EIR is to evaluate the potential environmental impacts of a proposed project on the environment, and to recommend feasible mitigation measures to reduce significant impacts. In this case, the proposed project is the implementation of the General Plan Update. While State Parks actively manages this SVRA to minimize environmental impacts related to ongoing OHV, the SVRA is currently being used for OHV recreation. The General Plan does not propose any drastic changes to OHV use within the SVRA, and therefore, impacts associated with ongoing OHV use are not expected to be significant compared to the environmental baseline.

While children are particularly sensitive to poor air quality (as discussed on page 3.3-7 of the EIR), individual people without pre-existing conditions are not generally considered "sensitive receptors."

O3-92 The commenter is correct in stating that red sticker OHVs do not meet current CARB emission standards, which is why they are only allowed from October to May when air quality is generally better. The commenter is also correct that some equipment used at SVRA is powered by diesel fuel. The General Plan proposes multiple guidelines to reduce air quality impacts related to diesel (please see MY Guideline 1.5, OM Guideline 6.2, OM Guideline 6.5, and OM Guideline 7.1).

O3-93 As described in response to comment O3-91, additional measures from Alternative 1 will be implemented to further reduce air quality impacts. If approved, a mitigation monitoring and reporting plan will be adopted as part of this project.

O3-94 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, avoidance and minimization language in many guidelines (such as OM Guideline 1.2) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where appropriate, the goals and guidelines include performance standards.

State Parks appreciates the commenter's suggestions for additional actions that can be taken. Converting all buildings and requiring new buildings to be operated by solar power may not be feasible.

O3-95 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 not currently foreseeable and therefore have not been discussed in the General Plan. Thus, avoidance and minimization language in many guidelines (such as OM Guideline 1.3) in the General Plan need to be broad enough to apply to a wide array of potential projects. Where appropriate, the goals and guidelines include performance standards.

State Parks appreciates the commenter's suggestions for additional actions that can be taken.

O3-96 State Parks disagrees with the commenter and believes that implementing OM Guideline 4.3 will help reduce dust related to traffic.

O3-97 See response to comment O3-91.

O3-98 State Parks disagrees with the commenter that OM Guideline 7.4 is not adequate.

OM Guideline 7.4 provides as much detail as is available regarding State Parks strategy to implement operational emission reduction measures to help reduce regional emissions. The commenter provides no justification about why they believe this guideline has no measurable performance standard.

Support for the proposed mitigation is noted.

O3-99 As discussed, the additional guidelines proposed as Alternative 1 have been incorporated into this General Plan. OM Guideline 7.3 provides as much detail as is available regarding State Parks strategy to increase public awareness about air quality. The commenter provides no justification about why they believe this guideline has no measurable performance standard.

O3-100 State Parks does not propose closing the entire SVRA during high-wind conditions. State Parks proposes to prohibit OHV's from entering recreation trails and OHV areas during high-wind conditions. No changes are needed.

O3-101 OM Guideline 7.4 provides as much detail as is available regarding State Parks strategy to implement operational emission reduction measures to help reduce regional emissions. The commenter provides no justification about why they believe this guideline has no measurable performance standard.

O3-102 OM Guideline 7.4 provides as much detail as is available regarding State Parks strategy to implement operational emission reduction measures to help reduce regional emissions. The commenter provides no justification about why they believe this guideline has no measurable performance standard.

O3-103 As discussed in response to comment O3-91, the purpose of an EIR is to evaluate the potential environmental impacts of a proposed project on the environment. In this case, the proposed project is the implementation of the General Plan Update. The SVRA is currently being used for OHV recreation and the General Plan does not propose any drastic changes to OHV use within the SVRA, and therefore, noise impacts associated with ongoing OHV use are not expected to be significant compared to the environmental baseline.

As discussed in Section 3.13 "Noise" of the EIR, project-related operations is not expected to produce substantial vibration levels at acoustically sensitive receptors outside of the project boundary.

O3-104 Impacts to wildlife are discussed in Section 3.4 "Biological Resources" of the EIR. Because the General Plan neither includes drastic changes to the management of the SVRA, nor proposes projects in environmentally sensitive

areas, management of the SVRA is not anticipated to generate noise levels beyond existing conditions. Therefore, no impacts to wildlife resulting from an increase in noise are anticipated.

In regard to noise impacts during construction of the proposed projects, OM Guideline 5.3 would require multiple measures be taken to minimize construction noise. This includes limiting construction activities to between 8:00 a.m. and 6 p.m. with the exception of emergency work. Nighttime noise during construction would be minimized and is not anticipated to result in impacts to wildlife. These measures would also contribute to a reduction in daytime noise, reducing any daytime noise impacts to wildlife. Furthermore, more details about proposed projects may reveal additional environmental impacts beyond what was identified in this EIR. If this is the case, additional CEQA analysis may be conducted in the future. However, this EIR has provided analysis of environmental impacts to resulting from project construction to the extent that information is available. Due to the lack of detail available about many of the proposed projects, additional analysis of project construction noise impacts to wildlife would be speculative and is therefore not discussed in detail in this EIR.

Measures to lessen impacts related to noise have been included in OM Guidelines 5.2 and 5.3.

This analysis focuses on roadside noise and construction noise, because roadside and construction noise would be the most significant contributors to noise, since operational noise generated by recreationists would not substantially change.

The commenter provides additional resources related to anthropogenic noise impacts on birds. No further response is required.

O3-105 Noise levels generated from the operation of expanded visitor facilities, such as the New Group Campsite, are not expected to be substantially different from existing noise levels. Impacts related to noise have been discussed in the EIR to the extent that project-level details are available. If more project-level details revel additional anticipated noise impacts, additional CEQA analysis may be conducted in the future.

The lack of mitigation measures and performance standards in the current EIR is based on the fact that the SVRA is actively managed to avoid impacts on sensitive resources, including nosie impacts on sensitive receptors. OM Guidelines 5.2 and 5.3 would be implemented to reduce noise.

Nighttime noise is not expected to change with implementation of the General Plan.

O3-106 Noise is not expected to change from existing conditions. Therefore, noise impacts to wildlife resulting from implementation of the General Plan are not

anticipated. Additionally, OM Guidelines 5.2 and 5.3 would be implemented to reduce noise levels in the SVRA. Thus, no mitigation measures are required.

O3-107 State Parks appreciates the commenters suggestions for additional studies that could be conducted within the SVRA. State Parks may consider conducting studies related to noise in the SVRA, and the relationship between wildlife and noise associated with SVRA activities.

O3-108 The EIR addresses cumulative impacts related to noise in section 4.4.11 on page 4-11 of the EIR. As discussed, implementation of the General Plan improvements would not occur all at the same time and would be spread out over years. Noise generated from existing visitors facilities is the environmental baseline, it is not an additional project that is eligible for consideration in the cumulative analysis.

Cumulative impacts to wildlife are discussed in section 4.4.3 on pages 4-6 and 4-7 of the EIR. In regard to the "cumulative" impacts to wildlife associated with the frequency of OHV noise, as discussed, operational noise related to OHV use in the SVRA would not change substantially. Thus, impacts would not be significant.

With the implementation of OM Guidelines 5.2 and 5.3, noise impacts would be less than significant. With the implementation of NRM Guidelines 1.1 through 1.5, NRM Guidelines 2.1 through 2.4, and Wildlife Guidelines 1.1 through 1.10, impacts to wildlife would be less than significant. No additional mitigation is required.

The noise along Corral Hollow Road is the existing conditions and therefore considered the project's environmental baseline to which increases in noise are compared to. Traffic noise along Corral Hollow Road is not considered a nearby project impact that qualifies for consideration as a cumulative impact.

O3-109 State Parks agrees that reducing OHV use in the SVRA would likely reduce noise. However, as discussed, 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." This General Plan has struck a balance between protecting the environment and providing high-quality recreation, by proposing many goals and guidelines that would reduce environmental impacts (such as OM Guidelines 5.2 and 5.3 to reduce noise). With the various goals and guidelines in place, impacts related to noise are less than significant. Therefore, mitigation to further reduce noise is unnecessary.

While State Parks does not specifically call out e-bikes or E-Motorbikes in Section 4.3.1.2 "Recreational Uses," the discussion of OHVs does not exclude OHV's powered by electricity. As described above, with the various goals and guidelines in place, impacts related to noise are less than significant. Therefore, mitigation to further reduce noise is unnecessary.

O3-110 The commenter does not provide evidence that the General Plan claims the group campsite and new front hills single motorbike trail will accommodate increasing attendance. The new front hills single motorbike trail is intended to connect visitor experience areas and to help calm traffic along the main SVRA road which sometimes gets congested. Therefore, this project would help solve a current problem that is being experienced by visitors.

Figure 2-24. "Attendance at Carnegie SVRA over Time, by Pass Type" shows attendance from 2000 to 2019. The commenter is correct that this figure shows that attendance has generally been decreasing. The General Plan acknowledges this decrease in Section 2.7.4.3 "Carnegie SVRA Visitation" of the General Plan. Visitation data from 2020 through 2023 is not available, nor is that data necessary to show the general trend in attendance from the last two decades.

O3-111 The projects that are reasonably foreseeable to be implemented under the General Plan largely consist of upgrades or expansions of existing facilities and are generally located in disturbed and heavily used areas of the SVRA.

Please see response to CDFW comments A4-7 through A4-9.

O3-112 As described on page 4-43 of the General Plan, the number of visitors that Carnegie SVRA can support at any given time will depend on a variety of factors. Therefore, instead of assigning a specific quantifiable visitor capacity threshold, the SVRA can be better managed through an adaptive management process related to establishing visitor capacity. For more details on this approach, please see the heading Step 5. Establish Initial Visitor Capacities on page 4-43.

State Parks agrees that visitor capacities must be developed to protect resources and ensure a fun and safe experience for guests. To establish a visitor capacity that is most applicable to the SVRA at any given time, the General Plan proposes an adaptive approach to establishing visitor capacities.

O3-113 The General Plan does not state that there will be an increase in demand for visitor facilities. The visitor facilities would serve existing visitors, and potentially attract new visitors.

This General Plan does not "assume" that there will be no significant impacts to sensitive biological, physical, or cultural resources, rather this EIR provides evidence and explanation as to why impacts to these resources (with the exception of Air Quality) will be less than significant or nonexistent.

If implemented, this General Plan would guide the management of the SVRA. As stated on page 2-111 of the General Plan, the OHMVR Division's aims to ensure quality recreational opportunities remain available for future generations by providing education, conservation, and enforcement efforts that balance OHV recreation impacts with programs that conserve and protect cultural and natural resources. In other words, State Parks and the OHMVR Division have responsibility to both provide high quality recreation opportunities (including

OHV recreation) and protect cultural and nature resources. By adding new visitors' facilities, the recreational opportunities at Carnegie SVRA will be enhanced. The demand for these added facilities is not driven by projected increase in park attendance as this comment implies, rather, it is driven by State Park's obligation to provide high quality recreation opportunities.

Adding facilities is not contrary to the 2021 Court ruling.

O3-114 The General Plan and EIR have accurately presented attendance data from 2000 to 2019. As described on page 4-43 of the General Plan, the number of visitors that Carnegie SVRA can support at any given time will depend on a variety of factors. Therefore, instead of assigning a specific quantifiable visitor capacity threshold, the SVRA can be better managed through an adaptive management process related to establishing visitor capacity. For more details on this approach, please see the heading Step 5. Establish Initial Visitor Capacities on page 4-43.

O3-115 The purpose of an EIR is to evaluate the potential environmental impacts of a proposed project on the environment, and to recommend feasible mitigation measures to reduce significant impacts. In this case, the proposed project is the implementation of the General Plan Update. The SVRA is currently being used for OHV recreation. Under proposed project conditions, the SVRA would continue to be used for OHV recreation. There are no changes in the land use at the SVRA, therefore, there are no changes to the aesthetic value of the property. Because there would be no significant impacts to aesthetic resources resulting from the implementation of the General Plan, no mitigation is required.

O3-116 State Parks thanks the commenter for the information regarding LED lighting and will take it into consideration.

O3-117 This comment summarizes points already made throughout the comment letter. These summarized points provided in this comment have been responded to thoroughly. No further response is required.

O3-118 State Parks appreciates the link to the attachment provided. These documents have been saved to the administrative record and will be available.