APPENDIX D

PUBLIC COMMENT LETTERS AND REPONSES

1) MR. BILL BULGER
2) MR. FRANK CHESEK
3) MR. GEARY HUND, ON BEHALF OF THE WILDERNESS SOCIETY, ET AL.

To: Larrynn Carver

Subject: RE: Back Hoes in Round Valley, San Jacinto State Park

>>> "bill BULGER" <gobillb@msn.com> 02/08/06 7:17 AM >>>
I STRONGLY DISAGREE with the proposal to drop back hoes into round valley by helicopter. NO BACKHOES
Arnold is trying to save money(not spend it). This is a WILDERNESS. THis is a NATURAL OCCURENCE.
I have dropped my membership in the California State Parks Foundation because of this. If you recind the order I will re-join.
I use this park many times a year. I live in Cathedral City.
By the FREEDOM OF INFORMATION ACT, I request that you tell me how I can find out WHO, WHEN ,WHY this decision was made.
I am a citizen of our great country and believe in the Constitution`of the people, for the people, by the people.
There all laws that protect our wilderness and I believe those laws have been violated and request the authorities to prosecute those responsible.

It is time the people govern this country and not beaurocrats.

I suggest that ALL those responsible for this be dropped by helicopter into Round Valley and left there for one month so they understand what the meaning of Wilderness is.

Further I believe that due to current state of affairs in this country I will be arrested and thrown into jail just for stating my opinion.

Why am I sending this? It will not do any good.

Bill Bulger

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*

DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
(951) 443-2423 * Fax (951) 657-2736

April 6, 2006

Mr. Bill Bulger
68270 Perlita Road
Cathedral City, California 92234

Subject: Public Comments Received, Round Valley Headcut Repair and Elevation Restoration (Mt. San Jacinto State Park)

Dear Mr. Bulger:

Thank you for taking the time to review and comment on the Department's draft proposed Mitigated Negative Declaration for the subject project. We have reviewed the concerns raised in your February 8, 2006 E-mail, and hope that our review and slight changes to our project plan have addressed some or all of your concerns.

The Department has concluded that the eventual resource damage that will occur through inaction, an unnatural degree of accelerating erosion in the sensitive and fragile Round Valley meadow, will impose an unacceptable and significant resource loss upon future generations. While we regret there is an absence of definitive photographic or other "proof" of what initiated this large-scale erosion decades ago, we are confident that observations made by resource professionals, during and since the development of the Mt. San Jacinto State Park General Plan, have established that this erosion is indeed the result of past human activities. Moreover, throughout California, examples abound of the degree of additional damage that can and will occur in such fragile meadows if this problem is not addressed at an early stage. Our project also proposes actions and means to avoid future visitor disturbance to this sensitive meadow and the restoration site; we propose to modify visitor travel patterns through some additional interpretation (signage and Permit information) and though natural-log rails at strategic locations to deter off-trail travel at select fragile points.

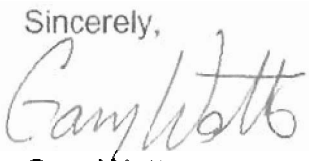
As you may be aware, this will be the first time that the Department has authorized use of mechanized equipment for a restoration project in State Wilderness. However, State policy is to allow such action for resource protection in certain extraordinary circumstances. As discussed in our draft proposed Mitigated Negative Declaration, the circumstances of this proposed project meet those stringent limitations. While we would prefer to undertake this restoration project without the need for mechanized equipment, the realistic constraints upon a project of this type and scale (and in such a remote location) do not allow adequate restoration to be accomplished

through hand-labor alone. Specifically, to ensure project success and to eliminate other potentially-significant environmental impacts, all work must be completed during the short period of time when the worksite is as dry as possible but before significant seasonal precipitation becomes likely. To avoid other projects impacts, the work must be completed within this short seasonal time window, and furthermore it cannot be left half-finished for a subsequent construction season.

To minimize impacts to Wilderness visitors to the maximum degree possible, we have proposed to implement this restoration project in September, after peak season visitor use of the Park has dwindled and during a period when the Palm Springs Aerial Tramway is coincidentally scheduled to be shut down for an extended period of scheduled maintenance. Our goal at project completion is to leave no evidence that such equipment was ever at the site, and restore the work area to a natural appearance indistinguishable from surrounding areas.

On behalf of the Department of Parks and Recreation, I hope you will reconsider and renew your membership in the California State Parks Foundation. We also hope the information in our proposed Mitigated Negative Declaration has addressed your comments, concerns, and the project-related planning information sought by your E-mail. If you require additional information, please contact Larrynn Carver of my staff at (951) 443-2410. Thank you again for your review and for submitting comments on this proposed restoration project.

Sincerely,



Gary Watts
District Superintendent

To: Larrynn Carver

Subject: RE: PROPOSED ROUND VALLEY HEADCUT REPAIR AND ELEVATIONRESTORATION PROJECT

>>> "Frank Chesek" <res085uw@verizon.net> 02/08/06 3:24 PM >>>

I object to the proposal to drop into Round Valley, by helicopter, BACKHOE LOADERS to "repair" the headcut. The headcut is where Round Valley meadow drops into the creek. It will be setting precedent to bring one or two BACKHOE LOADERS into STATE WILDERNESS. Part of the Wilderness concept is no mechanized equipment. The work can be done by hand, it will just take longer and require more people to do the work.

There are two main issues: 1) the headcut is a natural process. There is nothing in the document that proves the "damage" is human caused. The canyon the stream flows through is a natural formation. Let succession (natural changes in the landscape) occur, and 2) If you do go ahead with the "repair" is should be done by hand with non-mechanized tools. It will take long--so what, let it take longer.

Frank Chesek
413 N. Calle Rolph
Palm Springs, CA 92262

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*

DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
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17801 Lake Perris Drive
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April 6, 2006

Mr. Frank Chesek
413 North Calle Rolph
Palm Springs, California 92262

Subject: Public Comments Received, Round Valley Headcut Repair and Elevation Restoration (Mt. San Jacinto State Park)

Dear Mr. Chesek:

Thank you for taking the time to review and comment on the Department's draft proposed Mitigated Negative Declaration for the subject project. We have reviewed the concerns raised in your February 8, 2006 E-mail, and hope that our review and slight changes to our project plan have addressed some or all of your concerns.

The Department has concluded that the eventual resource damage that will occur through inaction, an unnatural degree of accelerating erosion in the sensitive and fragile Round Valley meadow, will impose an unacceptable and significant resource loss upon future generations. While we regret there is an absence of definitive photographic or other "proof" of what initiated this large-scale erosion decades ago, we are confident that observations made by resource professionals, during and since the development of the Mt. San Jacinto State Park General Plan, have established that this erosion is indeed the result of past human activities. Moreover, throughout California, examples abound of the degree of additional damage that can and will occur in such fragile meadows if this problem is not addressed at an early stage. Our project also proposes actions and means to avoid future visitor disturbance to this sensitive meadow and the restoration site; we propose to modify visitor travel patterns through some additional interpretation (signage and Permit information) and though natural-log rails at strategic locations to deter off-trail travel at select fragile points.

We agree that this project will be the first time that the Department has authorized use of mechanized equipment in State Wilderness. However, State policy allows such action for resource protection in certain extraordinary circumstances. As discussed in our draft proposed Mitigated Negative Declaration, the circumstances of this proposed project meet those stringent limitations. We also agree that it would be preferable to undertake this restoration project without the need for mechanized equipment, however, the realistic constraints upon a project of this type and scale, and in such a remote location, do not allow adequate restoration to be accomplished through hand-labor alone. Specifically, to ensure project success and to eliminate other

potentially-significant environmental impacts, all work must be completed during the short period of time when the worksite is as dry as possible but before significant seasonal precipitation becomes likely. To avoid other projects impacts, the work must be completed within this short seasonal time window, and furthermore it cannot be left half-finished for a subsequent construction season.

To minimize impacts to Wilderness visitors to the maximum degree possible, we have proposed to implement this restoration project in September, after peak season visitor use of the Park has dwindled and during a period when the Palm Springs Aerial Tramway is coincidentally scheduled to be shut down for an extended period of scheduled maintenance. Our goal at project completion is to leave no evidence that such equipment was ever at the site, and restore the work area to a natural appearance indistinguishable from surrounding areas.

On behalf of the Department of Parks and Recreation, I hope this additional information has addressed your comments and concerns. If you require additional information, please contact Larrynn Carver of my staff at (951) 443-2410. Thank you again for your review and for submitting comments on this proposed restoration project.

Sincerely,

Gary Watts
District Superintendent

San Bernardino Valley Audubon Society
Center for Biological Diversity
Sierra Club – San Gorgonio Chapter
The Wilderness Society
Dr. Michael Hamilton
Dr. James Absher

March 10, 2006

Larrynn Carver
Department of Parks and Recreation
Inland Empire District
17801 Lake Perris Drive
Perris, California 92570

RE: Comments on the Initial Study and Mitigated Negative Declaration (MND) for Mount San Jacinto State Park, Round Valley Meadow and Stream Head-cut Repair and Restoration Project.

Dear Ms. Carver,

Thank you for the opportunity to comment on the above referenced document. We also wish to thank State Parks for agreeing to meet with us on March 2nd to discuss the proposed project. These comments are being made on behalf of the San Bernardino Valley Audubon Society, the Center for Biological Diversity, the Sierra Club San Gorgonio Chapter, The Wilderness Society, Doctor Michael Hamilton and Doctor James Absher.

The Audubon Society is a national organization dedicated to the conservation and restoration of natural ecosystems with a focus on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. The Center for Biological Diversity is a non-profit conservation organization dedicated to the protection of imperiled native species and their habitats. The Sierra Club is the nation's oldest and largest conservation organization. Inspired by nature, it is working to protect our communities and planet. The Wilderness Society is a national organization committed to delivering to future generations an unspoiled legacy of wild places, with all the values they hold. Dr. Michael Hamilton is the Resident Director of the UC James San Jacinto Mountains Reserve. Dr. James Absher is an interested individual.

We agree with State Parks that the Round Valley meadow is a very important resource. Montane meadow habitat is very rare and contains an unusually high diversity of plant and animal species. And we appreciate the concern State Parks has shown for this resource. However, we have significant concerns and questions about the proposed project.

1. Necessity of the Project

Section 2.3 of the Project Description, Background and Need for the Project states, "This meadow (Round Valley) and the meadow's seasonal stream, have been subject to periodic disturbances that appear to be associated with "volunteer trails" developed during dry periods. Soil compaction and vegetation damage/removal is a consequence of this visitor activity, and in the middle of the meadow it has resulted in collection and concentration of surface flow from

what would otherwise be dispersed, standing and low-velocity flowing water. This unnatural concentration of surface flow has accelerated erosion of the meadow's fragile soil, and opened a deep rent in the wetland, soil, and subsoil and the meadow's eastern (downstream) end. This scouring erosion, which has created a series of head-cuts up to 10 feet deep, is poised to continue westward and upslope. The largest head-cut (also known as a "nick point") is presently temporarily arrested in the roots of meadow-edge conifers, but once these roots are undermined the erosion will accelerate and the damage will be irreparable." It further states, "Left unchecked, progressive erosion and headcutting of the now-confined, channelized, and lowered stream will cause a resultant lowering of the water table. Once the meadow is unnaturally dried in this fashion, it will allow invasion by upland plants and its wetland character and habitat will be greatly and permanently diminished." However, State Parks does not provide data to support these assertions. And there is evidence which suggests they may not be correct.

a. Head-cuts

The presence of erosion is not, in and of itself, evidence that an unnatural process is occurring. Other meadows in the San Jacinto Mountains, including meadows that have not experienced appreciable human disturbance, such as the establishment of social trails or significant livestock grazing, have head-cuts at their outlets. In his studies of rare plant communities in the San Jacinto Wilderness areas (Hamilton 1983), Dr. Hamilton found that the subalpine meadows, to a greater or lesser degree, experience erosion is a similar way; sediments are deposited along the highest elevation meadow margins during rainfall and snow melt events, the basin/meadow absorbs nearly all the inflowing water, and because of the steep terrain adjacent to the lowest elevation meadow margins, the stream flow emerges with sufficient energy to initiate head-cutting erosion. These meadow basins appear quite level to the eye, but there is up to 20 meters of elevation difference between the upper and lower ends, and the lower ends exhibit abrupt drop offs.

b. The Effects of Human Disturbance

As noted above we met with representatives of California State Parks on March 2nd to discuss the proposed project. According to Douglas Rischbieter, Environmental Scientist, he first noticed the trail in the middle of the Round Valley meadow during a site visit in 2000, during a period of extended drought - a time when the meadow was very dry and easy to traverse. He said the trail was well developed. When he returned in the spring of 2005, after a year of nearly record rainfall, the majority of the trail had disappeared. Meadow conditions at that time were dramatically different. The meadow was much wetter. As a result, hiking up the middle of the meadow would be much more difficult than in 2000 (Jeff Morgan, personal communication). If the trail had caused significant "soil compaction and vegetation removal/damage," resulting in a significant "collection and concentration of surface flow," it should have been even more evident after a record rainfall year. Both its entrenchment and the head-cuts should have been more pronounced. Such was not the case.

c. Vegetation and Rates of Erosion

Based on observations by Dr. Hamilton and others, including park staff, there has been little change in the head-cut at Round Valley since observations began in the mid-1970's. The most certain indicator of unnatural conditions would be a significantly accelerated rate of erosion from that which occurred historically. Last year, during a period of near record rainfall, little if any erosion occurred. State Parks asserts that the largest head-cut or nick point is "temporarily

arrested in the roots of meadow-edge conifers, but once these roots are undermined the erosion will accelerate and the damage will be irreparable." Mr. Rischbieter said he based this conclusion on his belief (professional opinion) that, unlike the tree roots, the meadow sedges and other meadow vegetation did not have the necessary attributes to prevent the rapid erosion of the head-cut. In fact, sedges may be very effective at stabilizing vertical cut banks, undercut banks, and banks protected by failed slump blocks (Micheli and Kirchner, 2002). In their paper, the Effects of Wet Meadow Vegetation on Streambank Erosion, Micheli and Kirchner concluded, "by increasing the size, mass and cohesion of failed cantilever blocks, wet meadow vegetation prolongs the period of basal cleanout required before a new cycle of bank erosion can commence." Although this paper focused on streambanks, it is reasonable to conclude that sedges could have a similar stabilizing effect on a head cut. The presence of wet meadow vegetation on the streambanks and in the streambed below the nick point also provides evidence of their stabilizing properties. In addition, the trees in question are still well rooted and bark has developed on some of the exposed roots of the trees, suggesting that this is a slow process that has been occurring for a very long time. And, when the trees fall, they have the potential to continue to slow the erosion process as natural check dams/silt collection basins.

2. Significant Wilderness and Biological Resource Values

a. Wilderness Values

Round Valley is in a State Wilderness Area. State and federal wilderness areas have been set aside to protect our most unique and untrammeled, primeval landscapes and to preserve their wild character for future generations. In wilderness, natural processes operate as free of human influence as possible and primitive recreation opportunities and solitude abound.

The proposed project would compromise wilderness values, both in the short and long term. The use of heavy mechanized equipment, including helicopters and backhoes or loaders, would compromise wilderness character by their presence. The effects of using equipment in the meadow and proposed borrow area, including soil compaction, would have lasting effects, even with the proposed mitigation. Additionally, the use of heavy mechanized equipment in wilderness in a non-emergency situation would set an undesirable precedent.

Within the National Wilderness Preservation System, managing agencies utilize a "minimum requirement decision guide" to evaluate whether a proposed activity is *necessary* and if so, are the proposed means to accomplish that activity the *minimum* needed. If at some point, through study and monitoring, data were to demonstrate the need for an erosion control project in Round Valley, we would ask that the State Parks conduct a process using similar methodology to that of the Forest Service and Bureau of Land Management. Project options using non-mechanical means, such as the hand installation of check dams to trap sediment should be fully evaluated and considered.

The excavation of 700 to 900 cubic yards of top soil would cause significant permanent changes to the affected upland areas. The project description states, "At project completion, disturbed areas, including borrow areas, will be re-graded to mimic the natural topography and rehabilitated through scatter of leaf-litter and revegetation." However, the document provides little detail about the methods and materials that will be used. For example, it provides few if any details about the type of species that will be planted, the timing of planting or the type of propagules that will be used (e.g., seeds, cuttings, container plants). It also does not discuss project monitoring, success criteria or remediation in the event the success criteria are not met.

The site is at a relatively high altitude with a short growing season. For this reason re-vegetation of the upland borrow area could be difficult, resulting in long-term impacts to visual resources and wildlife habitat.

Cutting down live trees and collecting dead logs in the nearby forest, for use in the project, would also compromise wilderness character.

Based on the information provided, we do not agree with the finding in the Initial Study that the project does not have potentially significant aesthetic effects, particularly when the potential impacts are considered in the context of the site being in a state wilderness area.

b. Biological Resources

Species occurrence records, including California Natural Diversity Database (CNDDB) records provided in the MND Appendices, and personal observations by Dr. Hamilton and others, indicate that sensitive wildlife species could be impacted (directly or indirectly) by the proposed project. Potentially affected species include the federally listed Southern California mountain yellow-legged frog (*Rana muscosa*), state listed threatened southern rubber boa (*Charina bottae umbratica*), lodgepole chipmunk (*Tamias speciosus*), and San Bernardino flying squirrel (*Glaucomys sabrinus californicus*), a California Species of Special Concern.

Southern rubber boa – this species has a very restricted range, being found only in three disjunct areas of montane forest in Southern California including the San Jacinto Mountains. Potentially suitable habitat for the southern rubber boa exists in and around the project site and southern rubber boas have been found in the State Wilderness (Dr. Hamilton, personal communication). The Southern rubber boa are "fossorial" in their behavior, living underground much of the time and using rocks, logs and other debris for shelter. The excavation of top soil and the recruitment of live and dead logs, "from nearby forest," could cause direct mortality or habitat loss.

Southern California mountain yellow-legged frog – this Distinct Population Segment of the yellow-legged frog is extremely endangered, being absent from 99 percent of its historic range. It is possible that Mountain yellow-legged frogs could occur in the vicinity of the project site. The nearest historic location is at Wellman's Cienega, at the same elevation and less than two miles away (USFWS, personal communication). The proposed work period may include the summer monsoon season – a heavy thunderstorm could cause large amounts of sediment to be washed downstream from the fill area potentially impacting mountain yellow-legged frogs and other aquatic organisms.

Lodgepole chipmunk and San Bernardino flying squirrel – both of these species could be present in and around the project area. The CNDD records in the MND Appendices indicate the historic presence of the lodgepole chipmunk in Round Valley. Although they are not listed species, the San Bernardino flying squirrel is a Species of Special Concern, and each of these species is locally rare. The disturbance caused by the project including the harvesting of live or dead trees could have impacts to these species.

The initial study concludes that the project will have no impact on any species identified as a sensitive, candidate or special status species. The conclusions in a CEQA document must be supported by substantial evidence in the record and they must provide sufficient information.

Section 15151, Standards for Adequacy of an EIR, of the CEQA Guidelines states, "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences."

It is reasonably foreseeable that the above listed species could be present in or near the project site. Given their potential presence, it is essential that State Parks conduct focused surveys for these species in the areas that would be affected by the proposed project. An adequate analysis of the environmental consequences of the project is not possible without project specific surveys. The surveys conducted during the General Plan process cannot substitute for focused surveys of the project area because they were a general inventory for planning purposes and they are dated. It is incumbent upon State Parks to complete adequate species surveys.

Section 15065 (a) (1), Mandatory Findings of Significance, of the CEQA Guidelines, states in part, "a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record that the project has the potential to substantially reduce the habitat of a wildlife species; cause a wildlife population to drop below self-sustaining levels; threatens to eliminate an animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species."

The proposed project may have a mandatory finding of significance under Section 15065(a) (1) of the CEQA Guidelines. Because potentially suitable habitat for two listed species and one special status species is present, and surveys for these species have not been completed, the current analysis is insufficient for State Parks to conclude otherwise. In addition, State Parks does not qualify for an exemption to the EIR requirement under section 15065 as provided for in the 2004 CEQA Guidelines Amendment, because it has not agreed to mitigation measures or project modifications that would avoid any impacts to these species.

3. Discretionary Approvals

Due to the potential presence of the southern rubber boa and the Southern California mountain yellow-legged frog, State Parks needs to consult with the California Department of Fish and Game to ensure compliance with the California Endangered Species Act and the United States Fish and Wildlife Service to ensure compliance with the Federal Endangered Species Act.

Conclusion

The potential impacts of the proposed project on wilderness, plants and wildlife are too great to proceed with the project in the absence of adequate data to support it, particularly in light of the fact that significant evidence exists which suggests that the meadow and streambed erosion may be a natural process, and that wet meadow vegetation may be effective in preventing significant erosion.

We recommend that State Parks collect and analyze data from the site and similar sites and that it conduct a review of the literature, in order to make a more informed decision. Given what's at stake it is important to take a measured and careful approach. There is sufficient time to take the necessary steps to determine what if any action needs to be taken to address the head-cut. At the current rate of erosion, it is not likely that existing conditions, including the presence of the trees and tree roots, will change within the next few years or longer.

In the meantime, there are preventative measures that can be employed, including measures to prevent the social trail from being reestablished in the meadow. They would have minimal impacts on wilderness character and wildlife and would not require mechanical equipment.

If at some point, the data were to demonstrate the need for an erosion control project in Round Valley, we would ask that a minimum tool analysis be conducted to ensure that less intrusive alternatives, including those which would not require the use of mechanical equipment, are fully evaluated and considered.

In addition, focused surveys for listed and special status species would need to be conducted and the appropriate regulatory agencies consulted.

Once again, we appreciate State Parks intention, and their concern about the resource and we are willing to work together with you to ensure the protection and preservation of Round Valley, its native species and habitats, and its wilderness values. If you have any questions or need additional information, please contact me at (951) 640-3398 or ghund@tws.org .

Sincerely,

Geary W. Hund
The Wilderness Society
CA Desert and Monuments Program Director

And on behalf of:

Dory Myers, President
San Bernardino Valley Audubon Society

Jeff Morgan
Sierra Club San Gorgonio Chapter

Monica Bond, Biologist
Center for Biological Diversity

Michael Hamilton, PhD.
Resident Director
James San Jacinto Mountains Reserve
University of California-Riverside

James Absher, PhD.
Wildland Resource Science

Literature Cited

Hamilton, Michael P. 1983. A floristic basis for the management of rare plants and their communities in the San Jacinto Mountians, California. Dissertation Thesis. Cornell University. 189 pp.

Micheli, E.R., Kirchner, J.W. 2002. Effects of Wet Meadow Riparian Vegetation on Streambank Erosion. 2. Measurements of Vegetated Bank Strength and Consequences for Failure Mechanics. Earth Surface Processes and Landforms 27, 687–697

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*

DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
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April 6, 2006

Mr. Geary Hund, et al.
California Deserts and Monuments Program Director
The Wilderness Society
Post Office Box 72
Idyllwild, California 92549

Subject: Public Comments Received, Round Valley Headcut Repair and Elevation Restoration Project (Mount San Jacinto State Park)

Dear Mr. Hund:

Thank you for taking the time to review, meet, and comment on the Department's draft proposed Mitigated Negative Declaration for the subject project. We have reviewed the thoughtful concerns raised in your March 10, 2006 letter, submitted on behalf of several individuals and organizations, and hope our review and slight changes to our project plan address those concerns.

1. Necessity of the Project. The Department has concluded that the eventual resource damage that will occur through inaction, an unnatural degree of accelerating erosion in the sensitive and fragile Round Valley meadow, will impose a significant and unacceptable resource loss upon future generations. Cumulatively, we believe current evidence supports the conclusions posed in Section 2.3 of the Mitigated Negative Declaration: exposed roots are testimony to significant recession of the soil surface, some undermined trees show evidence of more recent prostration, and the exposed banks are unstable to a degree that has prevented recruitment of younger trees below the elevation of the original meadow surface grade. We are aware of no studies claiming that plunge-pool type nickpoints several feet high can persist permanently or even indefinitely in meadow soils of this type; to the contrary, they are inherently unstable formations.

1a. Headcuts. Throughout California, examples abound of the degree of additional damage that can and will occur in such fragile meadows if this problem is not addressed at an early stage. We make such comparisons cautiously, because we are aware that meadow formation and hydrology can vary from case to case, but also recognize that meadows fundamentally share many common processes. For example, over the last two decades, the State has partnered with numerous Resource Conversation Districts and other watershed groups and invested millions of dollars to arrest or reverse similar damage. From the National Forests and rangelands of Plumas County to some of our own State Parks such as Calaveras Big Trees, we have observed the damage that can result from the identical process and the costly efforts necessary to address resultant

impacts to wildlife habitat and water quality. Such problems were also highlighted in the landmark Sierra Nevada Ecosystem Project, and are analogous to similar resource impacts occurring in California's other mountain ranges from the Cascades to the San Jacinto Range. We feel fortunate that this headcut has been identified at a sufficiently early stage to allow true restoration to be implemented. Throughout the National Forests of California, many mountain meadows have been irreversibly degraded because similar expanding nick-points were not identified or addressed while still in the downstream end of such meadows.

1b. The Effects of Human Disturbance. While we regret there is an absence of definitive photographic or other "proof" of what initiated this large-scale erosion decades ago, we are confident that this erosion is most likely the result of past human activities. Observations and comparisons made by Environmental Scientist Doug Rischbieter, during and since the development of the Mount San Jacinto State Park General Plan, are shared by other Department staff (Environmental Scientists Heidi West, a botanist, and Lisa Fields) who collaborated during vegetation surveys and mapping of the project site. To address and reduce the likelihood of future resource damage, our project also proposes actions and means to avoid future visitor disturbance to this sensitive meadow and the restoration site; we propose to modify visitor travel patterns through some additional interpretation (signage and Permit information) and though natural-log rails at strategic locations to deter off-trail travel at select fragile points.

1c. Vegetation and Rates of Erosion. Contrary to the study cited in your letter, it is not our objective to "prolong the period...before a new cycle of bank erosion can commence," but instead to restore stability so that subsequent cycles cannot progress. Several studies have documented cases where the rate of vegetation recovery on disturbed streambanks (and headcuts) is insufficient to reverse or even permanently arrest continued accelerated erosion and meadow degradation once this process begins. For example, Hagberg (1997)[1] lays out an articulate description of the shear stresses that can occur in areas where a stabilizing cover of *Carex* has been disturbed. Areas of sandy meadow soil are particularly vulnerable, and we conclude that the Round Valley headcuts and gullies are subject to inexorable advancement as the minimum shear stresses that wetland meadow vegetation can tolerate in such soils are periodically exceeded. Furthermore, recession of the meadow water table by as little as one foot has been determined to allow invasion by upland forest species, further decreasing the extent of meadow vegetation and the wetland roots that maintain soil integrity. However, following implementation of our proposed restoration project, we expect reduced water velocities that will allow wetland species to flourish and thus restore soil stability.

2. Significant Resource Values. The Department considers Mount San Jacinto State Park a rare and precious example of our State's most pristine natural heritage, and a tranquil refuge from the dominant expanses of altered landscapes that typify Southern

[1] Relationships between Hydrology, Vegetation and Gullies in Montane Meadows of the Southern Sierra Nevada Tom Hagberg, Hydrologist: Kings River Ranger District, Sierra National Forest.

California. For these reasons, it remains our objective to complete this project with a minimum, insignificant level of disturbance to both the Park visitor and the wildlife that relies on this island of habitat as essential to their survival.

2a. Wilderness Values. We recognize that this project will be the first time that the Department has authorized use of mechanized equipment for a restoration project in State Wilderness. However, State policy allows such action for resource protection in certain extraordinary circumstances. As discussed in our Mitigated Negative Declaration, the circumstances of this proposed project meet those stringent limitations. We also agree that it would be preferable to undertake this restoration project without the need for mechanized equipment, however, the realistic constraints upon a project of this type and scale, and in such a remote location, do not allow adequate restoration to be accomplished through hand-labor alone. Specifically, to ensure project success and to eliminate other potentially-significant environmental impacts, all work must be completed during the short period of time when the worksite is as dry as possible but before significant seasonal precipitation becomes likely. To avoid other projects impacts, the work must be completed within this short seasonal time window, and furthermore it cannot be left half-finished for a subsequent construction season.

To minimize impacts to Wilderness visitors to the maximum degree possible, we have proposed to implement this restoration project in September, after peak season visitor use of the Park has dwindled and during a period when the Palm Springs Aerial Tramway is coincidentally scheduled to be shut down for an extended period of scheduled maintenance. Our goal at project completion is to leave no evidence that such equipment was ever at the site, and restore the work area to a natural appearance indistinguishable from surrounding areas.

To reiterate the last point, we are confident that there will be no long-term negative aesthetic impacts. We have further committed to this objective since publication of the draft Mitigated Negative Declaration: at the request of the Regional Water Quality Control Board, we have prepared a Wetland Mitigation and Monitoring Plan as a condition of our requested Water Quality Certification, required under Section 401 of federal Clean Water Act. That Plan reiterates our commitment to complete revegetation, and less-intrusive adaptive management in case future unanticipated erosion occurs at the project site.

2b. Biological Values. As you are aware, the Department shares due concern about the impacts of its activities on listed species and, indeed, on all native plant and wildlife communities. With respect to the State- and federally-listed and candidate/concern species mentioned in your letter, be assured that we are consulting with the California Department of Fish and Game and will implement any measures they require as part of our Streambed Alteration Agreement to avoid impacts to sensitive species. However, we remain confident that past surveys for mountain yellow-legged frog have been recent and focused enough to conclude the absence of any population at Round Valley. At Round Valley, a site of substantial visitation, the absence of even anecdotal reports over the years gives us further cause for confidence in our assessment. We discuss in

The next section, below, the relationship between project site elevation and the published range of mountain yellow-legged frog; the published range of southern rubber boa is likewise somewhat below the general elevation of Round Valley.

While we recognize the possibility of occasional thunderstorms in the San Jacinto Mountains during late-summer and early-fall, we believe the size and seasonal dryness of Round Valley Meadow at that time of year sufficiently attenuates any reasonable risk of upper-watershed runoff arriving at the foot of the meadow in an erosive volume. Construction techniques in the fill area will include internal (buried) stabilization structure (logs) that will also serve as temporary grade-control in case brief surface flow occurs during construction. Also, the Department has committed to Best Management Practices to avoid significant project-induced erosion, and any possible resultant impacts to downstream frog habitat, even if a period of heavy rain were to occur before the project is complete. We expect that such BMPs may also be among terms and conditions included in the Water Quality Certification we seek from the Regional Water Quality Control Board, required under Section 401 of federal Clean Water Act, and that the project will cause no significant impact to aquatic habitat or water quality downstream from Round Valley.

During several years of project planning, the Department evaluated many alternatives for many aspects of this project, including details such as techniques, borrow areas and other sources of fill, and means to move equipment and material. We are confident that we have chosen the best alternative to safely and assuredly meet project objectives; however, the alternatives reviewed are not described in detail in our proposed Mitigated Negative Declaration. In light of the record, and with examples of successful similar projects at hand, the Department has concluded that this project does *not* have "the potential to substantially reduce the habitat of a wildlife species; cause a wildlife population to drop below self-sustaining levels; threatens to eliminate an animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species." Therefore, it is not anticipated that the project will cause significant effects on the environment nor that an EIR is required or that the project would require Mandatory Findings of Significance under Section 15065 of the CEQA Guidelines. To the contrary, it is our objective that the proposed project will preserve and enhance a sensitive wetland habitat resource, otherwise at significant risk for degradation, that provides benefit to many plant and animal species. Moreover, it is our intent to minimize *all* project impacts to a less-than-significant level.

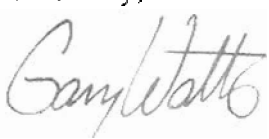
3. Discretionary Approvals. We do not agree that formal consultation with the U.S. Fish and Wildlife Service is warranted. In their determination to list the mountain yellow-legged frog, the Service published that the historical and expected upper elevation range of this species in southern California was around 7,500 feet. This is similarly reported in the California Department of Fish and Game's Wildlife Habitat Relationships System database, and collectively these substantial sources have recently relied upon the best available scientific information. Round Valley and our project site, at approximately 9,100' elevation, is significantly outside this defined range. The Service

has gone on to describe as "extensive" the surveys done locally several times throughout the 1990s; these same surveys were in large part relied upon when the Department completed its General Plan for Mount San Jacinto State Park. In any case, we have edited our final Mitigated Negative Declaration to clarify that a qualified biologist will be on-site at all times during project activities, and hope that you and other interested parties will be reassured that our intent and measures will be sufficient to avoid injury to *any* vertebrate specimen, especially sensitive species.

As you are likely aware, the Service's recently-published proposal to designate Critical Habitat for mountain yellow-legged frog does not include the project site. While the anecdotal and perhaps anomalous record at Wellman Cienega you cite is noteworthy, we believe any unlikely future transitory occurrence of mountain yellow-legged frog at Round Valley is adequately addressed by the aforementioned commitment to have a qualified biologist on site at all times. As stated in our final Mitigated Negative Declaration, Department staff will inspect all worksites before work commences, *each day* during the period of construction activities, to ensure no vertebrate wildlife is present in areas where they may suffer harm.

On behalf of the Department of Parks and Recreation, I hope this additional information has addressed your comments and concerns. We remain confident that the actions to which the Department has committed will reduce any impacts of the Round Valley Headcut Repair and Elevation Restoration Project to a less-than-significant level, and that a Mitigated Negative Declaration is appropriate. We appreciate your collective informed and expert review and comments, which have contributed to a better plan and, we hope, a better project. If you require additional information, please contact me at (951) 443-4324 or Larrynn Carver of my staff at (951) 443-2410.

Sincerely,



Gary Watts
District Superintendent

cc: Mr. Jim Sheridan
California Department of Fish and Game
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