

General Plan Update Final Environmental Impact Report

October 2024



Carnegie
STATE VEHICULAR
RECREATION AREA



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TABLE

Table 2-1 List of Written Comments Received.....2-1

Acronyms and Other Abbreviations

4WD	Four-Wheel Drive
AAQA	Ambient Air Quality Analysis
AB	Assembly Bill
ADA	Americans with Disabilities Act
AG	Agriculture
ANSI	American National Standards Institute
ANSI S1.4	American National Standards Institute Class 1 sound level meters
ARB	California Air Resources Board
ASC	Anthropological Studies Center
ATVs	All-Terrain Vehicle
BAAQMD	Bay Area Air Quality Management District
BAS	best available science
BMPs	best management practices
CAA	federal Clean Air Act
CAAQS	California ambient air quality standards
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen	Energy Conservation Standards
CALGreen Code	California Green Building Standards Code
CalOSHA	California Occupational Safety and Health Administration
CALVENO	California Vehicle Noise
CARE	Community Air Risk Evaluation
CASSP	California Archaeological Site Stewardship Program
CBC	California Building Standards Code
CBSC	California Building Standards Code
cc	cubic centimetres
CCAA	California CAA
CCAP	Climate Change Action Plan
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CHL	California Historical Landmark
CHRIS	California Historical Resources Information System
CHS	Campground Host Sites
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalents
COCs	contaminants of concern
CR	Cultural Resource Management
CRHR	California Register of Historical Resources
CWA	Clean Water Act
dB	Decibels
dBA	A-weighted decibels
Department	Department of Parks and Recreation
DNL	Day-Night Average Sound Level
DOE	U.S. Department of Energy
DOM	Department Operations Manual
DPM	diesel particulate matter

DPR	California Department of Pesticide Regulation
DTSC	California Department of Toxic Substances Control
ECAP	East County Plan Area
ECC	Emergency Command Center
EIR	environmental impact report
EO	Executive Order
EPA	U.S. Environmental Protection Agency
EV	electric vehicle
FEIR	final EIR
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FHWA-RD-77-108	Federal Highway Administration Highway Traffic Noise Prediction Model
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
FY	fiscal year
GAMAQI	Guide for Assessing and Mitigating Air Quality Impacts
General Plan	Carnegie State Vehicular Recreation Area General Plan
GHG	greenhouse gas
GIS	geographic information system
GPS	global positioning system
GWP	global warming potential
HMA	Hot mixed asphalt
HMS	Habitat Monitoring System
HMTA	Hazardous Materials Transportation Act
I-580	Interstate 580
ICS	Incident Command System
IE	Interpretation and Education
IEP	Interpretive and Educational Program
LAMPs	Local Agency Management Programs
lb/day	pounds per day
LDL	Larson-Davis Laboratories
L _{dn}	Day-Night Average Sound Level
LED	light emitting diode
L _{eq}	Equivalent Sound Level
LID	Low Impact Development
LLNL	Lawrence Livermore National Laboratory
L _{max}	Maximum Sound Level
LOS	level of service
LRAs	local responsibility areas
MEI	Maximally Exposed Individual
mgd	millions of gallons per day
MLD	most likely descendant
mph	miles per hour
MPOs	Metropolitan Planning Organizations
MWh	megawatt hours
MX	motocross
MY	model year
NAAQS	national ambient air quality standards
NAC	noise abatement criteria
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NO ₂	nitrogen dioxide
NOP	notice of preparation
NO _x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	U.S. Natural Resources Conservation Service

NRHP	National Register of Historic Places
NRM	Natural Resource Management
O&M	operations and maintenance
OHMVR	Off-Highway Motor Vehicle Recreation
OHV	off-highway vehicle
OHV BMP Manual	Off-Highway Best Management Practices Manual for Erosion and Sediment Control
OM	Operations and Maintenance
OPR	Governor's Office of Planning and Research
OS/RC	Open Space–Resource Conservation
OSHA	California Occupational Safety and Health Administration
OWTS	Onsite Wastewater Treatment Systems
OWTS Policy	Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems
P/F	Public
PCAPCD	Placer County Air Pollution Control District
perc	percolation
PG&E	Pacific Gas & Electric Company
Phase II Small MS4 General Permit	Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems
PM	particulate matter
PM ₁₀	particulate matter with an aerodynamic diameter of 10 micrometers or less
PM _{2.5}	particulate matter equal to or less than 2.5 micrometers in diameter
PRC	Public Resources Code
RCRA	Resource Conservation and Recovery Act of 1976
ROD	record of decision
ROG	reactive organic gases
ROVs	recreational off-highway vehicles
RPS	Renewable Portfolio Standards
RTMP	Roads and Trails Management Plan
RTP	Regional Transportation Plan
RV	recreational vehicle
RV2013	Recreation Vehicle 2013
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SCP	Soil Conservation Plan
SB	Senate Bill
SCS	Sustainable Communities Strategy
SFBAAB	San Francisco Bay Area Air Basin
SHPO	State Historic Preservation Officer
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SMAQMD	Sacramento Metropolitan Air Quality Management District
SO ₂	sulfur dioxide
Soil Standard	Soil Conservation Standard and Guidelines
SO _x	oxides of sulfur
SPLs	sound pressure levels
SPPOs	State Parks peace officers
sq. ft.	square feet
SRAs	state responsibility areas
SVP	Society of Vertebrate Paleontology
SVRA	State Vehicular Recreation Area
SVRA	Carnegie State Vehicular Recreation Area
SWMP	Storm Water Management Plan
SWPPP	Stormwater Pollution Prevention Plan

SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCR	Tribal Cultural Resources
TMDL	total maximum daily loads
tpy	tons per year
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USTs	underground storage tanks
VEO	Visitor Experience and Opportunities
VM	Visitor Management
VMT	vehicle miles traveled
VOCs	volatile organic compounds
VTA	Volunteer Training Area
Water	Water Quality
WDRs	Waste Discharge Requirements
WET	California Waste Extraction Tests
WHPP	Wildlife Habitat Protection Plan
WQA	Water Quality Assessment
ZEV	zero emission vehicles

1. Introduction

On January 16, 2024, the California Department of Parks and Recreation (State Parks), released to the general public and public agencies the Preliminary General Plan and Draft Environmental Impact Report (DEIR) for Carnegie State Vehicular Recreation Area (SVRA). The General Plan is a guidance document intended for use over many years. It includes a series of visitor experience areas and a detailed set of goals and guidelines developed to guide operations and management of the SVRA into the future. The goals and guidelines address existing issues and provide management guidance that should be implemented to achieve State Park's long-term vision.

The DEIR that accompanied the Preliminary General Plan contains an environmental analysis of potentially significant effects of implementing the General Plan. Together, the DEIR and this document, including the response to comments, constitute the final environmental impact report (FEIR) for the Carnegie SVRA General Plan Update.

In accordance with Public Resources Code Section 21091 and California Environmental Quality Act (CEQA) Guidelines Section 15087, a 45-day public review period for the Preliminary General Plan and DEIR was provided, starting on January 16, 2024. The comment period ended on March 1, 2024. The public was advised of the availability of the Preliminary General Plan Update and DEIR through legal notices placed in local newspapers, e-mails, direct mailings, and notification on the California Department of Parks and Recreation website. The Notice of Availability was filed with the State Clearinghouse (#2022030810) on January 16, 2024, and posted with the Alameda and San Joaquin County clerk/recorder, and was published in the *Tracy Press*, *The Modesto Bee*, and *The Independent*. Copies of the Preliminary General Plan and DEIR were also made available for review at the following locations: the California State Parks, Strategic Planning and Recreation Services Division in Sacramento; the Diablo Range District Office in Livermore; and the Carnegie SVRA General Plan website (https://www.parks.ca.gov/?page_id=30807).

During the public review period, comments were received from agencies, a tribe, organizations, and individuals. Responses to the written comments received during the public review period were prepared. This document provides responses to the written comments received during the public review period on the preliminary General Plan and DEIR. Comments were accepted through March 1, 2024. The focus of the response to comments is on the disposition of environmental issues that have been raised in the comments, as specified by CEQA Guidelines Section 15088(b). The responses to comments also include issues related to planning considerations of the General Plan.

This document is organized as follows:

Chapter 1, "Introduction," provides a brief overview of the public review process of the Preliminary General Plan and DEIR, and describes the organization of the FEIR.

Chapter 2, "List of Commenters," provides a list of agencies, tribes, organizations, and individuals that submitted comments during the public review period.

Chapters 3, "Individual Comments and Responses," provides complete copies of and responses to all written comments on the Carnegie SVRA Preliminary General Plan Update and DEIR received during the public review period. Each section provides all written comments received on the General Plan and DEIR.

These sections are as follows:

- Chapter 3.1, "State, Local, and Regional Agency Comments and Responses"
- Chapter 3.2, "Tribal Comments and Responses"

- Chapter 3.3, “Organizations Comments and Responses”
- Chapter 3.4, “Individuals Comments and Responses”

Chapter 4, “Revisions to the General Plan,” provides a reproduction of portions of the Preliminary General Plan Update with proposed revisions to text made by State Parks and in response to comments. These changes will be incorporated in the Draft General Plan to be submitted to the State Parks and Recreation Commission for approval.

Chapter 5, “Revisions to the DEIR,” provides a reproduction of portions of the DEIR with proposed revisions to text made by State Parks and in response to comments.

Chapter 6, “List of Preparers,” identifies all preparers of and contributors to the FEIR.

Chapter 7, “References,” lists all references used during the preparation of this FEIR, as well as citations for personal communications.

2. List of Commenters

This chapter provides a list of all public comments received on the Carnegie State Vehicle Recreation Area Preliminary General Plan Update and Draft EIR during the public review period. Table 2-1 indicates the commenter/organization that submitted written comments and the date the comment(s) were received.

Table 2-1: List of Written Comments Received

Letter Number	Commenter	Agency/ Organization/ Individual Represented	Date Received
Agencies A1	Dave Kereazis Associate Environmental Planner, CEQA Unit- Permitting – HWMP	California Department of Toxic Substance Control	February 23, 2024
A2	Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit	State Water Resources Control Board	February 27, 2024
A3	Steve Riley, Acting Planning Manager	City of Livermore	February 29, 2024
A4	Erin Chappell, Regional Manager, Bay Delta Region	California Department of Fish and Wildlife	March 14, 2024
Tribes T1	Katherine Perez Erolinda Perez	Nototomne Cultural Preservation	March 1, 2024
Organizations O1	Amy Granat, Managing Director	California Off-Road Vehicle Association (CORVA)	February 26, 2024
O2	Kerry Kriger, Founder, Executive Director & Ecologist	Save the Frogs!	February 29, 2024
O3	William Hoppes, President Carin High, Co-Chairperson	Ohlone Audubon Society and Citizens Committee to Complete the Refuge	March 2, 2024
Individuals I1	Diana Mead	self	January 17, 2024
I2	Justin Mazzon	self	January 18, 2024
I3	Gregg De Haan	self	January 18, 2024
I4	Mike Vandeman	self	January 24, 2024
I5	Randy Domercq	self	January 21, 2024
I6	Connolly Ranch Inc. & Connolly Garamendi LLC	self	February 24, 2024
I7	Connolly Ranch Inc. & Connolly Garamendi LLC	self	March 1, 2024
I8	Tom Gallo	self	March 1, 2024

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Chapter 3 Comments and Responses

This chapter provides a complete copy of all written comments received on the Preliminary General Plan and Draft EIR for Carnegie State Vehicular Recreation Area (SVRA) and presents responses to significant environmental issues raised in the comments, as required by California Environmental Quality Act (CEQA) Guidelines Section 15132. Comments pertaining to the Preliminary General Plan are also addressed.

Each letter received is reproduced in its entirety. The responses to comments directly follow each letter. Agency comments are included first, followed by comments from tribes, from organizations, and from individual commenters.

Revisions to the Preliminary General Plan or the DEIR in response to comments are shown in underline and ~~strikeout~~ format in the responses below. These revisions are also shown in Chapter 4, "Revisions to the General Plan," and Chapter 5, "Revisions to the DEIR."

3.1 State, Regional, and Local Agency Comments and Responses

3.1.1 Comment Letter A1, Dave Kereazis Associate Environmental Planner, CEQA Unit-Permitting – HWMP, California Department of Toxic Substance Control, February 23, 2024



SENT VIA ELECTRONIC MAIL

February 23, 2024

Katie Metraux
General Plan Manager
Department of Parks and Recreation
Natural Resources Building
715 P Street
Sacramento, CA 95814
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RE: CARNEGIE STATE VEHICULAR RECREATION AREA (SVRA) GENERAL PLAN UPDATE, PRELIMINARY GENERAL PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) DATED JANUARY 16, 2024 STATE CLEARINGHOUSE NUMBER [2022030810](#)

Dear Katie Metraux:

As a Responsible Agency, the Department of Toxic Substances Control (DTSC) received the DEIR for the Carnegie SVRA General Plan Update (GPU). The purpose of the GPU is to provide a comprehensive framework for future Park development and use; provide management objectives for the Park; identify formal boundaries and make recommendations for the classification of all of the Park's acreage. The Carnegie SVRA GPU establishes long-range visions and goals and provides direction on future types of improvements, services, and programs. The SVRA GPU also describes multiple projects which will improve operations and visitor experience of Carnegie SVRA. The proposed projects include a new group campsite, campfire center, recreational vehicle dump station, motorbike trails, pedestrian trails, an additional visitor

A1-1

recreation area, expansion of the ranger station, improvements of the maintenance area and headquarters, a new greenhouse, and a water treatment facility upgrade.

In accordance with Section 15123 of the California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) is to provide a brief summary of the proposed action and its consequences. The Carnegie SVRA DEIR includes a summary and potential effects of implementing projects proposed by the Carnegie SVRA GPU.

DTSC conducted its review of the GPU and DEIR with a focus on potential environmental impacts on the GPU proposed projects by the Lawrence Livermore National Laboratory (LLNL) Site 300 Pit 6 Landfill. The Pit 6 landfill is a 2.6-acre area at the southern boundary of LLNL Site 300. From 1964 to 1973, this landfill was used to bury waste in nine unlined debris trenches and animal pits. The buried waste includes shop and laboratory equipment and biomedical waste. In 1997, the Pit 6 landfill was covered with an engineering cap under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) requirements. Based on a completed investigation, the compounds of concern (COC) in Pit 6 groundwater include volatile organic compounds (primarily chloroform and trichloroethene), perchlorate, tritium, and nitrate. The selected remedy for the Pit 6 Landfill includes engineering capping and Monitoring Natural Attenuation (MNA). The progress and effectiveness of the implemented remedy is being monitored by the LLNL regularly.

In accordance with the GPU, the proposed upgrade of the existing water treatment facility includes increasing water treatment capacity and providing a backup electricity generating unit. In addition, the proposed upgrade will replace the existing system with a pressurized system, a new water treatment building, new water monitoring equipment and safety features. The treatment facility is in a 4-acre operations area north of Corral Hollow Road. Within the 4-acre site, there are wells which supply both the potable and non-potable water needs of the Carnegie SVRA. Two of the water supply wells are approximately 1,000 feet east of the capped LLNL Site 300 Pit 6 Landfill.

In accordance with the DEIR (Section 3.10), the proposed water treatment facility upgrade would include the potential for additional groundwater withdrawal to supply

A1-1
(Cont.)

potable water for SVRA needs. However, the exact amount of potential groundwater increase is unknown at the time the DEIR was produced. After review, DTSC recommends the following:

According to the sampling results presented in the most recent [groundwater monitoring report](#) for LLNL Site 300, the COC's detected in groundwater wells around Pit 6 do not present any adverse impact to the water quality of the SVRA water supply wells. However, monitored data shows hydraulic connections between the Pit 6 groundwater wells (W-PIT-1819 and K6-34) and the two water supply wells for the SVRA. Therefore, potential impacts to the water supply wells may be a concern if pumping rates are increased during both construction and operations of the upgrade projects proposed by the GPU. The text of Section 3.10 of the DEIR should be revised to include a discussion of whether the proposed upgrades of the water treatment system are projected to result in water quality impacts and appropriate mitigation measures should be implemented to address these impacts.

DTSC appreciates the opportunity to comment on the Carnegie SVRA General Plan Update and Draft Environmental Impact Report. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,



Dave Kereazis
Associate Environmental Planner
CEQA Unit-Permitting – HWMP
Department of Toxic Substances Control
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A1-1
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**Letter A1 Response Dave Kereazis Associate Environmental Planner, CEQA
Unit-Permitting – HWMP California Department of Toxic
Substance Control, February 23, 2024**

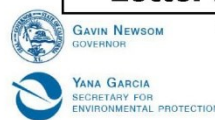
A1-1

State Parks appreciates the information provided by the California Department of Toxic Substance Control (DTSC) indicating that monitored data shows hydraulic connections between the Pit 6 groundwater wells (W-PIT-1819 and K6-34) and the two water supply wells for the SVRA. State Parks further appreciates the concerns raised by DTSC related to the potential for contaminants in the Pit 6 area to migrate into the SVRA water supply if SVRA groundwater pumping rates were to increase in the future as a result of the proposed water treatment facility upgrades.

As stated on DEIR page 3.10-8, “The proposed water treatment facility upgrade would include a new water treatment facility building, new water monitoring equipment with a chlorine injection system, and other modern efficiency and safety features including generator backup power. However, the proposed facility upgrades have not yet been designed and no details are available regarding the water quality treatment system. Since no details are available, it would be too speculative to attempt to reach an impact conclusion. A future CEQA analysis would be required for the water treatment facility upgrade project.” Similarly, DEIR page 3.10-9 states, “The proposed water treatment facility upgrade would include the potential for additional groundwater withdrawal to supply potable water for SVRA needs... However, the exact amount of the potential groundwater increase is unknown at this time, and the facility has not yet been designed. Since no details are available, it would be too speculative to attempt to reach an impact conclusion. A future CEQA analysis would be required for the water treatment facility upgrade project.”

Because the water treatment facility has not been designed or engineered, and because no details are known about how the facility would operate, including the potential groundwater pumping rates, the analysis requested by DTSC cannot be included in the General Plan EIR. Rather, as stated on DEIR pages 3.10-8 and 3.10-9, a future separate CEQA analysis would be required for the water treatment facility upgrade project.

3.1.2 Comment Letter A2, Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit, State Water Resources Control Board, February 27, 2024



Letter A2

State Water Resources Control Board

February 27, 2024

California Department of Parks and Recreation
Strategic Planning and Recreation Services Division
Attn: Katie Metraux
P.O. Box 942896
Sacramento, CA 94296-0001

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (CALIFORNIA STATE PARKS), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CARNEGIE STATE VEHICULAR RECREATION AREA GENERAL PLAN UPDATE, PRELIMINARY GENERAL PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT PROJECT (PROJECT); STATE CLEARINGHOUSE #2022030810

Dear Ms. Katie Metraux:

Thank you for the opportunity to review the EIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Stockton District. DDW Stockton District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The Carnegie State Vehicular Recreation Area will need to apply for a water supply permit amendment for this Project.

A2-1

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the California State Park's EIR:

A2-2

- Please provide a map of the existing public water system infrastructure. Be sure all improvements are included in Figure 2-3 or a separate map.
- Please discuss the existing infrastructure of the potable water system, and the total water demand in normal, dry, and multiple dry years (CEQA baseline).
- Please discuss all planned expansion or changes to the potable water system infrastructure and estimates of future water demand that will be needed in normal, dry, and multiple dry years; and if these demands can be met. Include a

A2-3

A2-4

A2-5

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

- discussion of what existing and new Project water uses will contribute to the new potable water demands. (Cont.)
- Please clarify if the well(s) that will serve the new double-wide modular home for staff will be connected to the existing public water system or be a separate unpermitted well(s). A2-5
A2-6
 - Would the concession store with food service connect to the existing public water system? A2-7
 - Will potable water be available for recreational vehicles to fill their potable water tanks at the recreational vehicle dump station? A2-8
A2-9
 - Please provide a map of the existing non-potable water system. Discuss the existing infrastructure for the non-potable water system and the total demand in normal, dry, and multiple dry years (baseline). A2-10
A2-11
 - If planned improvements are needed, please provide a map of planned improvements. Please discuss all planned expansion or changes to the non-potable water system infrastructure; estimates of future water demand that will be needed in normal, dry, and multiple dry years; and if these demands can be met. Include a discussion of what existing and new water uses will contribute to the new non-potable water demands. A2-12
A2-13
A2-14
 - The EIR mentions a future CEQA analysis will be required for the proposed water treatment facility upgrade (PDF page 162) that would include the potential for additional groundwater withdrawal to supply potable water for the State Vehicle Recreation Area needs, the exact amount which is unknown at this time (PDF page 163). When the tiered CEQA document is in circulation, please send the document to the Stockton District. A2-15
 - The Corral Hollow Creek Buffer, a visitor experience area, limits activities in the buffer area to pedestrian activities and low-water crossings of motorized vehicles to preserve the water quality of the seasonal creek (PDF pages 35 and 38) On average how wide is this protection buffer from the creek to its outer edge? How close will the Special Event Area be to Corral Hollow Creek? A2-16
A2-17
 - A pedestrian trail along the creek is proposed. Please discuss if animal proof trash cans will be available along the trail to encourage visitors to keep trash out of the creek. A2-18
 - The IS/MND indicates that culverts or bridge crossings shall be considered in highly erosive areas. Please define "highly erosive areas". A2-19
 - Please describe the location of the current septic systems and any new proposed locations or expanded sites. California Waterworks Standards Section 64572 requires drinking water main separation ten feet horizontally and one foot vertically from untreated sewage. Will the planned septic system areas for the Project have enough land to meet the required standards to protect drinking water and also be located far enough from the creek to protect water quality? Will vaulted bathrooms be elevated and/or located outside of the 100-year floodplain to protect water quality? A2-20
A2-21
 - The EIR indicated the Carnegie Fault, which may be active, lies under the planned tower relocation site (PDF page 124) and adjacent to the water treatment plant. If damage occurs to the tank or treatment plant drinking water quality may be at risk. A geotechnical report would be prepared for buildings that A2-22

house people. Under Geology and Soils, Impact 3.7.1 and/or Hydrology and Water Quality, Impact 3.10-1, please explain if a geotechnical report would also be performed for the relocation of the tank and upgrades to the drinking water treatment system to limit drinking water quality contamination in an earthquake?

A2-22
(Cont.)

When the CEQA review process is completed, please forward the following items with your permit application to the State Water Board, DDW Stockton District Office at DWPDIST10@waterboards.ca.gov:

A2-23

- Copy of the EIR and Mitigation Monitoring and Reporting Plan;
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Stockton County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

 Digitally signed by Lori Schmitz
Date: 2024.02.27 11:57:15
Water Resources

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Bhupinder Sahota
District Engineer
Stockton District

Mostafa Khademi
Water Resources Control Engineer
Stockton District

Letter A2 Response Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit, State Water Resources Control Board, February 27, 2024

A2-1 State Parks acknowledges the State Water Resources Control Board’s authority and jurisdiction and that a domestic water supply permit amendment will be required with any new or modified source of domestic water supply or new domestic water system components.

A2-2 See the map below of the existing public water system infrastructure. Planned improvements are to the system infrastructure and cannot be represented on a map.

A2-3 The existing infrastructure for the potable water system includes a groundwater well that is treated with chlorine at the water treatment plant, then is pumped to a 36,000-gallon storage reservoir. From there, the potable water is pumped to a larger storage reservoir at a higher elevation, then is gravity fed throughout the pipe through a 4-inch main line with pressure reducers. The line is reduced to 2-inch to supply potable water to buildings.

Future water demand needed in “normal, dry, and multiple dry years” cannot be estimated without a definition of thresholds for a “normal”, “dry”, or “multiple dry” water year(s). The total potable water demand in gallons for the past five years is presented below:

2018	2,360,000 gal.
2019	2,718,800 gal.
2020	4,406,500 gal.
2021	3,746,100 gal.
2022	3,050,700 gal.

A2-4 Planned changes to potable water infrastructure include water treatment plant upgrades to a SCADA control system, which will allow the system to operate more efficiently. Future estimates of potable water demand are difficult to quantify due to the variability in potable water demands each year. State Parks does not foresee any changes that will drastically affect the demand for potable water and expect that future potable water demands can be met.

A2-5 Existing and new projects that may contribute to new potable water demands include the possible addition of new office space, operations facilities or staff housing units at the SVRA Headquarters area, group campsite, and new bathroom. Potable water demands would be difficult to estimate at this time as no construction and design plans have been created yet.

A2-6 If a new double-wide modular home for staff is installed at the existing SVRA Resources Headquarters, the home will be connected to the existing public water system.

- A2-7 The existing concession store is already connected to the existing public water system. If the concession store was relocated, it would be connected to the existing public water system at the time of relocation.
- A2-8 Potable water may be available for recreational vehicles to fill their potable water tanks at the recreational vehicle dump station.
- A2-9 See attached for a map of the existing non-potable water system.
- A2-10 Non-potable water is sourced from a groundwater well; the storage reservoir is 36,000 gallons. The non-potable water is gravity fed throughout the park via 4-inch pipe reduced to 2-inch pipe. A portable 12,000-gallon non-potable water overhead fill is currently located west of the campground but may be moved throughout the park as needed.
- A2-11 Future non-potable water demand needed in “normal, dry, and multiple dry years” cannot be estimated without a definition of thresholds for a “normal”, “dry”, or “multiple dry” water year(s). The total non-potable water demand in gallons for the past five years is presented below:
- | | |
|------|----------------|
| 2018 | 2,240,300 gal. |
| 2019 | 932,180 gal. |
| 2020 | 2,051,900 gal. |
| 2021 | 1,838,700 gal. |
| 2022 | 2,793,200 gal. |
- A2-12 No planned expansion or changes to the non-potable water system exist at this time.
- A2-13 No planned expansion or changes to the non-potable water system exist at this time. Future estimates of non-potable water demand are difficult to quantify due to the variability in non-potable water demands each year. State Parks do not foresee any changes that will drastically affect the demand for non-potable water and expects that future non-potable water demands can be met. A future CEQA analysis would be required should plans for an expansion or changes to the non-potable water system be developed.
- A2-14 No new non-potable water uses are expected at this time. Existing non-potable water uses include dust control, fire suppression, and irrigation.
- A2-15 The SWRCB’s request for a copy of the future CEQA document related to the proposed upgrade of the water treatment facility is noted; State Parks will provide SWRCB with a copy of that CEQA document when it is prepared in the future.
- A2-16 From the 2012 Carnegie Stormwater Management Plan (SWMP): a large portion (70 acres) of the Corral Hollow Creek floodplain is permanently closed to OHV activity delineated by fencing. Designated crossings were installed for park visitors to access the trails system south of the creek. For a majority of the

creek's reach, this restricted area is at least 100 feet from the bank-full channel. In a few areas, the creek meanders within 100 feet of established park facilities or historic sites. While the maximum allowable flood plain area has been closed in these instances, meeting the 75 feet goal would significantly alter park operations.

- A2-17 The Special Event Area is an already existing facility. Some areas of the parking lot for the Special Event Area fall within the 75-foot buffer for the creek, but the area where the events and OHV-activity take place are approximately 200-feet from the bank-full channel of Corral Hollow Creek, behind a berm intended to capture any runoff and prevent entry into the creek.
- A2-18 Animal proof trash cans will be available along the road adjacent to the creek, but the trail itself will not be able to accommodate animal proof trash cans. Interpretive programs currently educate the public on the importance of keeping trash out of the creek as a component of the MS4 permit and will continue to do so in the future.
- A2-19 "Highly erosive areas" refers to areas of roads and trails that may be more prone to erosion. Areas may be more prone to erosion due to a variety of factors such as soil type, slope stability or angle, or natural drainage patterns. According to the CA Dept of Parks and Recreation's "OHMVRD Best Management Practice (BMP) Manual", culverts are installed and maintained in order to convey water where a stream or drainage intersects a road or trail, if a culvert is the only drainage option.
- A2-20 The information requested by SWRCB related to the location of existing septic systems (also referred to as onsite wastewater treatment systems, or OWTS), is not related to the analysis contained in the DEIR. The purpose of the EIR is to evaluate the potential environmental impacts of proposed new facilities or improvements to existing facilities. There are no improvements proposed to existing restroom facilities.

State Parks appreciates the concerns raised by SWRCB related to water quality concerns and proposed OWTS. The location of the proposed new facilities, including the proposed RV Dump Station, the proposed new Group Campground (which would have restrooms), the proposed Concession Store (which would have restrooms), and the proposed new permanent stand-alone restroom facility next to the existing MX Track are shown on DEIR Figure 2-3 (page 2-9) and are discussed on DEIR pages 2-11 and 2-12. The RV Dump station would involve sewage from RVs being pumped into an underground holding tank. The holding tank would be periodically pumped into a truck and would be hauled off-site by a licensed sewage contractor. The proposed new restrooms would be located in upland areas with enough land to meet the required standards to protect drinking water and would also be located far enough from Corral Hollow Creek to protect water quality. As described in detail on DEIR page 3.7-12, OWTS in San Joaquin County are regulated under the San Joaquin County OWTS LAMP, adopted by the Central Valley RWQCB in 2017 (San Joaquin County Environmental Health Department 2016), and

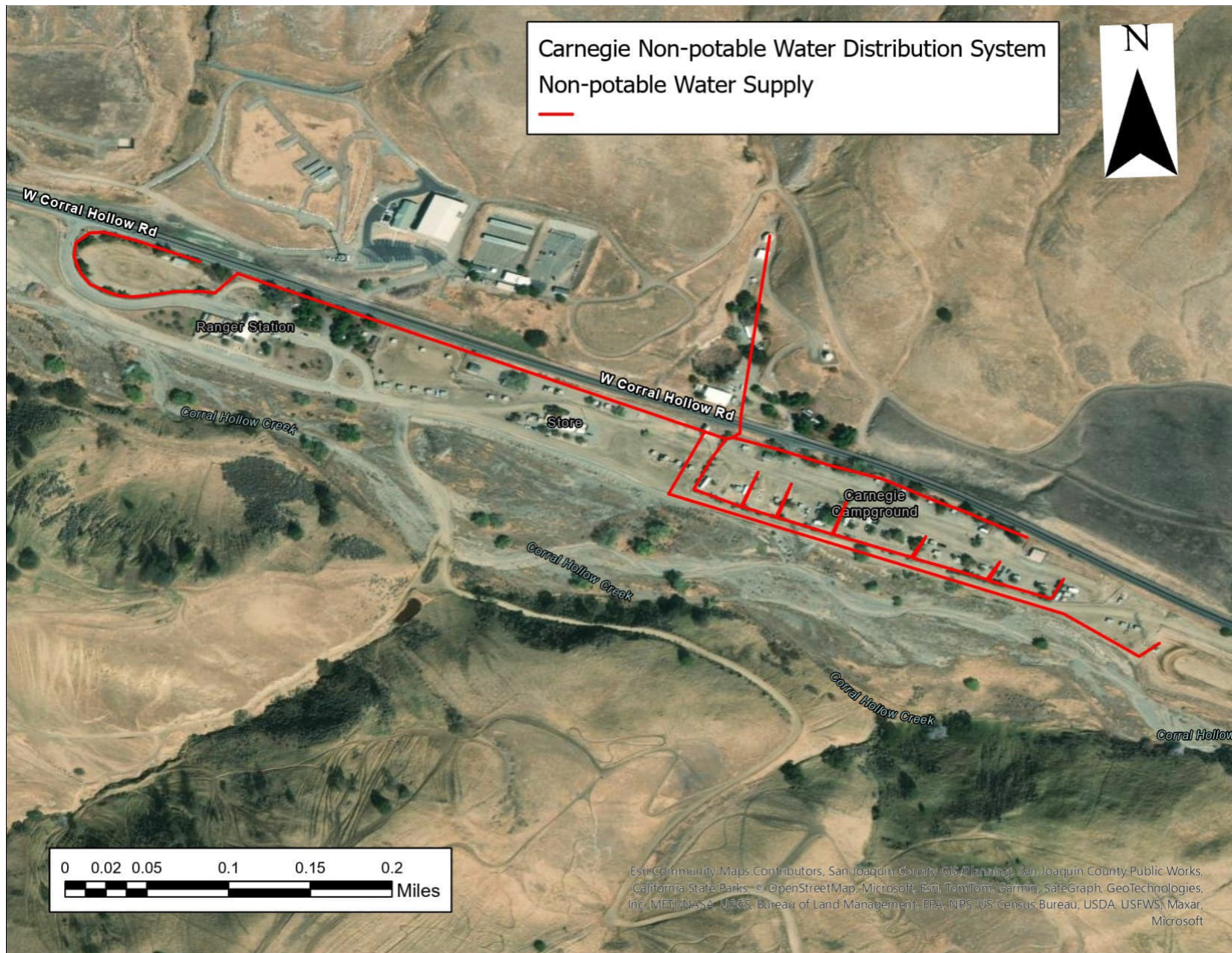
must also comply with the requirements contained in the County's *Onsite Wastewater Treatment Systems Standards* (San Joaquin County Environmental Health Department 2017). County requirements include issuance of a permit, which must include a perc test conducted by a registered civil or geotechnical engineer. The permit terms and conditions may also include a requirement for groundwater monitoring to ensure that appropriate water quality levels are maintained. The results of the perc test would determine what types of wastewater treatment facilities may be constructed at each facility to meet State and County requirements. As further stated on DEIR page 3.7-12, State Parks has consulted with San Joaquin County regarding the septic systems, and the County has determined that anaerobic septic systems (described on DEIR page 3.7-12) may be used.

A2-21 The proposed new restroom at the east end of the SVRA next to the MX Track would not be located within any type of floodplain (see Proposed General Plan Figure 2-9, page 2-45). Restrooms that may be associated within the new group campground at the west end of the SVRA would not be located within a FEMA floodplain but could be located within a DWR awareness floodplain (see Proposed General Plan Figure 2-9, page 2-45). The RV Dump Station would be within a FEMA 100-year floodplain but would be contained within an enclosed tank that is periodically pumped. The new Concession Store (with restrooms) would be situated at the extreme upland edge of the FEMA floodplain immediately adjacent to Corral Hollow Road. As described in response to comment A2-22, State Parks would continue to consult with San Joaquin County as the local lead agency for OWTS and would obtain appropriate permits and perform appropriate testing to satisfy County requirements demonstrating that water quality would be protected. As further stated on DEIR page 3.7-12, State Parks has consulted with San Joaquin County regarding several of the planned septic systems already, and the County has determined that anaerobic septic systems (described on DEIR page 3.7-12) may be used.

A2-22 As noted by the commenter, DEIR page 3.7-4 explains that the Carnegie Fault, which may be active, is immediately adjacent to the existing and proposed upgrade of the water treatment facility, and the potential water tower relocation site. As further noted by the commenter, DEIR pages 3.7-4 and 3.7-5 explain that a geotechnical report would be prepared as required by law under the California Building Standards Code, and the engineering and seismic design features recommended in the geotechnical report would be implemented. A geotechnical report would be prepared for the proposed upgrade of the water treatment facility. State Parks also notes that the existing water treatment facility is already adjacent to the Carnegie Fault; therefore, implementing upgrades to the existing facility would not result in any new or increased exposure to strong seismic ground shaking or surface fault rupture as compared to existing conditions. Because the water treatment facility has not been designed or engineered, and because no details are known about how the facility would operate, a detailed analysis cannot be included in the General Plan EIR. Rather, as stated on DEIR pages 3.10-8 and 3.10-9, a future separate CEQA analysis would be required for the water treatment facility upgrade project. No additional details are required in the DEIR.

A2-23

The SWRCB's request for a copy of the future CEQA document and associated documents related to the proposed upgrade of the water treatment facility is noted; State Parks will provide SWRCB with a copy of that CEQA document and associated documents when it is prepared in the future.



3.1.3 Comment Letter A3, Steve Riley, Acting Planning Manager, City of Livermore, February 29, 2024

Letter A3



February 29, 2024

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

Attn: Katie Metraux

RE: Carnegie State Vehicular Recreation Area (SVRA) Preliminary General Plan Update and Draft EIR

Dear Ms. Metraux,

Thank you for the opportunity to review the Carnegie SVRA Preliminary General Update and Draft Environmental Impact Report (DEIR). The General Plan Update covers the existing Carnegie SVRA and provides goals and guidelines for the long-term maintenance and operation of the 1,533-acre planning area. The proposed goals and guidelines support and enhance visitor experience of the off-highway vehicle (OHV) recreation area.

The Draft EIR evaluates the potential environmental impacts of the project. Most of the potential impacts are mitigated to less than significant levels through the goals and guidelines included in the General Plan Update. However, operational air quality impacts relating to criteria emissions, including PM₁₀, are significant and unavoidable cumulative impacts. However, the General Plan includes guidelines to reduce air quality impacts to the extent feasible. Park Operations and Maintenance (OM) Guideline 4.3 requires dust control measures during special events and OM Guideline 7.1 requires operational emission reduction measures such as prohibiting campfires on Spare the Air days.

The Carnegie SRVA is a valuable regional recreation asset and the City of Livermore supports the update of the general plan to guide future use of the area. The Draft EIR adequately identifies and mitigates potential environmental impacts of the project.

A3-1

City Hall
www.LivermoreCA.gov

1052 South Livermore Ave., Livermore, CA 94550
Phone: (925) 960-4000 TDD: (925) 960-4104

Katie Metraux
February 29, 2024
Page 2 of 2

If you have any questions, please call me at (925) 960-4461 or email me at spriley@livermoreca.gov.

Sincerely,

Steve Riley

Steve Riley
Acting Planning Manager

Y
A3-1
(Cont.)

Letter A3 Response Steve Riley, Acting Planning Manager, City of Livermore,
February 29, 2024

A3-1 State Parks thanks the City of Livermore for commenting on, and notes their support of, the Carnegie SVRA Preliminary General Plan Update and DEIR.

3.1.4 Comment Letter A4, Erin Chappell, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife, March 14, 2024

Letter A4

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 14, 2024

Katie Metraux, General Plan Manager
Department of Parks and Recreation
Post Office Box 942896
Sacramento, CA 94296
Katie.Metraux@parks.ca.gov

Subject: Carnegie SVRA General Plan Update, Preliminary General Plan, Draft Environmental Impact Report, SCH No. 2022030810, San Joaquin and Alameda Counties

Dear Katie Metraux:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the Department of Parks and Recreation for the State Vehicle Recreation Area (SVRA) General Plan Update and Preliminary General Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the draft EIR to inform the Department of Parks and Recreation, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a Project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY AUTHORITY

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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Department of Parks and Recreation
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during construction or over the life of the Project. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

Lake or Streambed Alteration

Pursuant to Fish and Game Code section 1600 et seq., an LSA notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian; or deposit or dispose of material where it may pass into a river, lake or stream. The Project proponent should submit a 1602 notification covering all activities subject to Fish and Game Code 1602 authority. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the Final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Fully Protected Species

Fully protected species, such as white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows. The take is for necessary scientific research, efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Specified types of infrastructure Projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds of prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division

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A4-3
(Cont.)

A4-4

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Project Description: The Carnegie SVRA is a 1,575-acre off-highway vehicle (OHV) park overseen by the Off-Highway Motor Vehicle Recreation (OHMVR) Division and operated by the Diablo Range District of State Parks. The purpose of the General Plan is to update the long-term management framework set in the 1981 General Plan and to establish the foundation for future park improvements. The update will provide a comprehensive framework for future SVRA development and use, and provide management objectives for the Park, identify formal boundaries, and make **recommendations for the classification of all of the Park's acreage.**

A General Plan is the primary management document for each park unit within the State Park System and establishes the park unit's primary purpose and management direction. An approved General Plan is required before State Parks can move forward with site-specific improvements that are beyond minor capital outlay Projects.

The General Plan Update includes recreational opportunities and management strategies for the Carnegie State Vehicular Recreation Area (Carnegie SVRA or the SVRA). A summary of the objectives of the Carnegie SVRA General Plan are as follows:

- Manage Carnegie SVRA for the protection of sensitive natural and cultural resources while providing recreational experiences;
- Manage the SVRA in accordance with the purpose of acquisition and classification;
- Promote public health and safety at Carnegie SVRA;
- Anticipate future demand for OHV recreation opportunities and identify strategies to accommodate the increase in demand at Carnegie SVRA;
- Provide management options for operating all portions of Carnegie SVRA in **keeping with California's** OHMVR Act of 2003, as amended;
- Increase the diversity of OHV opportunities at Carnegie SVRA;
- Provide interpretive opportunities for biological and cultural resources;
- Provide for adaptive management of park operations and resources;
- Plan orderly implementation of long-term capital improvements at Carnegie SVRA;
- Guide the enhancement of recreation opportunities that support family and community-oriented use;

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A4-4
(Cont.)

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- Provide a framework for the provision of adequate facilities for Carnegie SVRA management operations; and
- Comply with resource protection requirements, including air quality plans, stormwater management plans, and regulations protecting biological and cultural resources.

Project Component 1: Visitor Facilities

Campsite Remodel: State Parks may remove existing campsites 1 through 9 along Corral Hollow Road, which has a speed limit of 55 miles per hour (MPH) and turn this area into a buffer between the road and the campground. In addition to the SVRA main entrance, the campground has an entrance on its northern boundary, which connects directly to Corral Hollow Road. State Parks will install a gate at the northern entrance **that will close after SVRA hours and may have lighting that illuminates "exit only" signs and "tire busters" to prevent unauthorized entry into the campground while still allowing vehicles to exit.** Safety zones will also be created at entrances to reduce the potential for collisions when vehicles are entering and exiting the campground. Non-native trees that obscure viewing of oncoming traffic on Corral Hollow Road will be removed. Buffer and safety zones will be planted with native plants and trees and will provide drainage area for rainfall and dust control during the summer.

The campground remodel will include peeler core fencing to delineate and separate each campsite. Each campsite will be numbered and may include paved parking. Parking spurs will be approximately 45 feet long and 30 feet wide and at a 40-degree angle to allow easier backing in for larger RVs. Campsite delineation will also allow for **an increased number of campsites. A "camping area" behind the parking spur will have a table, shade ramada, fire ring, and a space for visitor tent(s).** Electricity hookups will be installed on the east side of the parking spur for each campsite.

New Group Campsite: State Parks will consider several locations on previously **disturbed land within the SVRA's gathering and services visitor experience area to develop a group campsite. One location currently under consideration is at the SVRA's northwest corner.** The campsite will hold up to approximately 30 people and may include parking spurs and spaces, electricity hookups, potable water, picnic tables, **shade ramadas, a fire ring, space for visitor's tents, and restrooms.** State Parks will construct a dump station within previously disturbed land within the campground.

New Campfire Center: State Parks will design and construct a campfire center on previously disturbed land on the west end of the existing campground (will require relocating the water tower to another previously disturbed area, such as the area west of the existing all-terrain vehicle (ATV) track). The campfire center, with seating for 50 to 75 people, will have a partially covered stage, lockable/removeable audio and visual

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A4-4
(Cont.)

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equipment and screen, lighting, electrical outlets, firepit, and other associated infrastructure. The campfire center would be used for campfire and interpretive programs, entertainment events, and group gatherings. The seating would be in an amphitheater configuration facing the stage.

New Minibike Riding Area: A kid's minibike riding area with a simple flat oval dirt track will be installed on a small portion of the camping area at the east end of the campground and west of the existing peeler core fence and the loading/parking area to the east of the peeler core fence and north of the SVRA's main road. This area is currently used as an informal camp space with a concrete table and campfire ring.

New Pedestrian Interpretive Loop Trails: State Parks will construct two new interpretive loop trails east of the campground and existing ATV track. The loop trails would be on the north and south sides of the main SVRA road. The trails will be above ground boardwalks. No-climb fencing will be installed in some areas to avoid impacts to cultural resources. The exact alignment of the trails will be determined by Park staff and resource managers. The southern trail will have interpretive signage describing the historic town of Carnegie and the Carnegie Brick and Pottery factory previously present in this area. The trails will be developed according to State Parks guidelines and Americans with Disabilities Act (ADA) compliant to the extent feasible. The trails will include turnouts with benches and potentially picnic tables.

New Creekside Pedestrian Trail: This new native surface/dirt trail will run along the north side of Corral Hollow Creek, which is located south of the main SVRA road, and could help increase safety by reducing the number of pedestrians walking on the road. The trail may have interpretive signage and some focused fencing to keep people on the trail to avoid impacts to sensitive resources.

New Front Hills Single Motorbike Trail: This new two-way native surface/dirt trail will run along the hillside to the south of and parallel to Corral Hollow Creek and the SVRA's main road, with turnouts for motorbikes. The alignment of the trail will take into consideration the terrain and sensitive resources.

Additional Visitor Recreation Area: State Parks will consider redeveloping the current Motocross area into one or more new visitor facilities, such as a remote-control car track area with small features to mimic the natural environment with hills, bridges, and obstacles; a trials motorbike area; and an additional ATV track.

Reopening the Waterfall Canyon area to Non-Motorized Trail Use: State Parks is considering the rehabilitation of existing trails in the southeast corner of the SVRA for non-motorized pedestrian use. Details about the trails and their allowed recreational uses will be provided in a Carnegie SVRA Roads and Trails Management Plan. The alignment of trails will take into consideration potential viewpoints, areas for picnic

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tables, benches, and interpretive signage, terrain and drainages, and sensitive resources.

Franciscan Riding Area: State Parks will finish rehabilitating the area (the area south of the Franciscan loop trail that was damaged in the 2015 Tesla fire) into a sustainable trail network for advanced riders.

Miscellaneous: An additional restroom may be added near the existing Motocross track. Additionally, potential additions to the existing 4x4 riding area include driving obstacles, such as a teeter totter or pyramid, as feasible.

Project Component 2: Operations Facilities

SVRA Maintenance Area Improvements: The SVRA maintenance area is located at the county line near the SVRA's western boundary and is accessible from Corral Hollow Road. Maintenance area improvements may include expansion of the existing footprint to install two new prefabricated buildings (ranger office and sector building), auto shop remodeling/addition, fuel system upgrade (2,000 gallons for unleaded gas and 1,000 gallons for diesel), carport roof and siding repair/reconstruction, solar photovoltaic (PV) installation on carport, power maintenance shop upgrade, new fencing, paving/concrete surfacing for parking, and shade structures. The auto shop garage/warehouse layout may be redesigned and improved.

Ranger Station Expansion: State Parks will expand and redesign the layout of the existing ranger station building and yard. The station and yard face the entrance road to the north. The building will include features such as new staff work areas/stations and offices, a breakout room, meeting/tactical training room, storage rooms, a break room, a locker room with shower, and redesigned medical facility. The operations yard west of the station building would be expanded further west and redesigned to include an approximately 50-foot x 70-foot shop building, vehicle and trailer parking areas, monitoring well, drainage basin, fencing, and security gate. The visitor parking area at the back of the building would include rock cobble lined drainage parking islands, an ADA accessible parking space, and dumpster enclosure. Hot mixed asphalt paving will be added on the east side of the station building to connect the entrance road to the visitor parking area located at the back (south) of the station building. The Project will require demolition of the back half of the existing ranger station (including the current shade structure), approximately 900 square feet (sq. ft.) and the addition of approximately 4,300 square-feet to the entire ranger station building and yard area.

Emergency Helicopter Pad Relocation: Currently, the emergency helicopter pad is near the SVRA maintenance area. The pad will be relocated to an area just east of the existing ranger station to better support and improve emergency medical response. The pad will be a hardscaped surface.

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A4-4
(Cont.)

Volunteer Training Area Enhancements: A volunteer training area will be expanded further east (potentially up to the location of the proposed greenhouse) to include facilities and features such as a classroom (no larger than 30 feet by 30 feet) and additional picnic tables.

Campground Host Sites: State Parks will develop up to four campground host sites potentially near the volunteer training area. These sites will provide features such as parking spur, electricity hook-up, water, picnic table, shade ramada, and fire ring.

New Greenhouse: A greenhouse will be constructed west of the existing visitor day-use area. State Parks will also install picnic tables for plant cuttings and educational programs. The greenhouse will likely be a cold frame structure and approximately 20 feet by 84 feet with a minimum 6-foot arch on the center arch and 5-foot side walls.

SVRA Headquarters Area Improvements: This area is located north of the campground and Corral Hollow Road and east of California Fire Station 21 and includes a portable building with SVRA staff offices and meeting space, storage sheds, a SVRA staff residence, three SVRA staff trailer pads, the SVRA water plant, and a large, drained man-made stock pond. The portable office building is at maximum capacity. Project area improvements may include filling the drained pond for additional developable space, upgrading or expanding the existing office space and other operations facilities and staff housing, such as a new wood shop, a new resource work/storage building, additional storage sheds/space, a new double-wide modular home for SVRA staff, additional staff trailer pads, and/or expanding the parking area.

Water Treatment Facility Upgrade: The water treatment facility system will be upgraded to increase water treatment capacity and provide a backup system to generate power to produce water during outages. The Project will replace the existing system with a modern, pressurized system. The Project will also include a new water treatment facility building, new water monitoring equipment with a chlorine injection system, and other modern efficiency and safety features.

Miscellaneous: Other potential operations facility Projects may include new or improved low-water creek crossing(s), maintenance of creek crossings, SVRA staff and public electric vehicle charging infrastructure, and an ATV and/or motocross track sprinkler system. Additionally, facilities for communication or technology support could be in any of the SVRA use areas, except for limited recreation areas. Maintenance and resource management activities also include activities such as shade ramada replacement, as needed, and tree planting.

Location: Carnegie SVRA is located within unincorporated Alameda and San Joaquin Counties, approximately 15 miles east of Livermore and 12 miles west of Tracy. To the north is the Lawrence Livermore Laboratory property. Open space and rural residential

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areas (ranchland) are located to the east, west, and south. Carnegie SVRA lies south of Corral Hollow Road/Tesla Road and is largely located on a northern hillside. Approximate GPS Coordinates 37.634135, -121.543642.

A4-4
 (Cont.)

ENVIRONMENTAL SETTING

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species that can be considered to be endangered, rare or threatened as defined in CEQA Guidelines section 15380, with potential to occur on-site include, but are not limited to:

A4-5

Scientific Name	Common Name	Status
<i>Amsinckia grandiflora</i>	Large-flowered fiddleneck	State rank S2, CRPR ² 1B.2
<i>Ambystoma californiense</i>	California tiger salamander	CESA listed as threatened; Central California Distinct Population Segment ESA listed as threatened
<i>Ammodramus savannahum</i>	Grasshopper sparrow	California SSC
<i>Anniella pulchra</i>	Northern California legless lizard	SSC
<i>Aquila chrysaetos</i>	Golden eagle	California Fully Protected species; Bald and Golden Eagle Protection Act
<i>Arizona elegans occidentalis</i>	California glossy snake	SSC
<i>Athene cunicularia</i>	Burrowing owl	SSC
<i>Blepharizonia plumosa</i>	Big tarplant	S2, CRPR 1B.1
<i>Buteo swainsoni</i>	Swainson's hawk	CESA listed as threatened
<i>Campanula exigua</i>	Chaparall harebell	S2, CRPR 1B.2

² CRPR rank definitions are available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants>).

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Scientific Name	Common Name	Status
<i>Caulanthus Lemmonii</i>	Lemmon's jewelflower	S3; CRPR 1B.2
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Delphinium californicum</i> spp. <i>interius</i>	Hospital Canyon larkspur	S3, CRPR 1B.2
<i>Elanus leucurus</i>	White-tailed kite	California Fully Protected species
<i>Emys marmorata</i>	western pond turtle	SSC
<i>Eschscholzia rhombipetala</i>	Diamond-petaled California poppy	S1, CRPR 1B.1
<i>Hesperolinon breweri</i>	Brewer's western flax	S2, CRPR 1B.2
<i>Lanius ludovicianus</i>	Loggerhead shrike	SSC
<i>Madia radiata</i>	Showy golden madia	S3, CRPR 1B.1
<i>Masticophis flagellum ruddocki</i>	San Joaquin coachwhip	SSC
<i>Masticophis lateralis eruyxanthus</i>	Alameda whipsnake	CESA listed as threatened, ESA listed as threatened
<i>Phrynosoma blainvilli</i>	Coast horned lizard	SSC
<i>Rana boylei</i>	Foothill yellow-legged frog (west/Central coast clade)	CESA listed as endangered
<i>Rana draytonii</i>	California red-legged frog	SSC, ESA listed as threatened
<i>Spea hammondi</i>	Western spadefoot toad	SSC, ESA proposed as threatened
<i>Taxidea taxus</i>	American badger	SSC
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	CESA listed as threatened; ESA listed as endangered

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 A4-5
 (Cont.)

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CRPR = California Rare Plant Rank; FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; ST = State Threatened; SFP = State Fully Protected; SSC = State Species of Special Concern

California Native Plant Society (CNPS) Plant Ranks

- 1A = Presumed extinct in California
- 1B = Rare, Threatened, or Endangered in California and Elsewhere

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80 percent occurrences threatened / moderate degree and immediacy of threat)

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's **significant, or potentially significant**, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project. Please see Attachment 1 Draft Mitigation and Monitoring Reporting Plan outlining the mitigation measures recommended by CDFW below.

COMMENT 1: Western Spadefoot Toad, California Tiger Salamander, California Red-Legged Frog, and Western Pond Turtle

Overall Issues: The draft EIR's mitigation measure Wildlife Guidance 1.7 defers mitigation for Western spadefoot toad, California tiger salamander, California red-legged frog, and western pond turtle by stating the following: "develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of Project-specific activities on special-status". The only specific measure included addressing these species is Wildlife Guideline 1.7. All avoidance, minimization, and mitigation measures need to be fully disclosed and described during the CEQA process.

Please see the following individualized measure sections to address impacts to Western spadefoot toad, California tiger salamander, California red-legged frog, and Western pond turtle.

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A4-5
(Cont.)

A4-6

A4-7

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Comment 1A: Western Spadefoot Toad

A4-8

Issue: Western spadefoot toad is a California SSC and has been documented in the Original Carnegie SVRA. Western spadefoot toads are almost completely terrestrial and enter water only to breed (Dimmitt and Ruibal 1980). Recently metamorphosed juveniles emerge from water and seek refuge in the immediate vicinity of natal ponds. They spend several hours to several days near these ponds before dispersing. CDFW staff observed western spadefoot toadlets seeking refuge in drying mud cracks in the breeding pools at the Original Carnegie SVRA. Therefore, there is a high risk of impacting this species during General Plan construction activities. The draft EIR as written does not provide adequate avoidance, mitigation, or minimization measures to address this species.

Western spadefoot toads are included in the U.S. Fish and Wildlife Service (USFWS) (2005) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (Recovery Plan). The Recovery Plan states that during dry periods, spadefoot toads construct and occupy burrows that may be up to 0.9-meter (three feet) in depth (as cited in Ruibal et al. 1969). Individuals may remain in these burrows for eight to nine months. Sound or vibration from rain striking the ground appears to be the primary emergence cue used by spadefoot toads, and even the vibrations of a motor can cause toads to emerge (Dimmitt and Ruibal 1980).

Sound or vibration from rain striking the ground appears to be the primary emergence cue used by spadefoot toads, and even the vibrations of a motor can cause toads to emerge (Dimmitt and Ruibal 1980). Based on calculations from upland habitat use data analyzed by Semlitsch and Brodie (2003), a buffer of 1,207 feet from suitable breeding wetlands or pools may provide protection for Western spadefoot toads.

Recommendations: The draft EIR shall analyze all groundwork activities, such as grading and filling, that may potentially impact Western spadefoot toad and shall also discuss all potentially significant impacts to the species. For any permanent Project impacts to Western spadefoot toads, or their habitat, CDFW recommends that the draft EIR include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value relative to the habitat that is lost either temporarily or permanently. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a legal instrument such as a conservation easement.

A4-9

Comment 1B: California Tiger Salamander

A4-10

Issue: According to BIOS, there is one extant observation of California tiger salamander intercepting the Northeastern portion of the site (California Natural Diversity Database (CNDDDB) accessed February 2024). This site contains breeding and estivation habitat.

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California tiger salamander are known to migrate up to 1.3 miles from a breeding pond to upland habitat to aestivate. Therefore, it is critical that adequate measures are incorporated into the draft EIR to address potential Project impacts to this species.

A4-10
(Cont.)

Recommendation: Due to the Project location overlapping California tiger salamander occurrences and appropriate habitat, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project activity implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; mitigation, and should fully describe a mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA> or <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

A4-11

CDFW recommends consulting with USFWS to comply with federal Endangered Species Act (ESA) requirements.

Comment 1C: California Red-Legged Frog

A4-12

Issues: According to BIOS, there are several extant detections of California red-legged frog located on the Original SRVA (CNDDDB accessed February 2024). As described above, Wildlife Guideline 1.4 and 1.7 do not adequately detail enforceable avoidance, minimization, or mitigation measures to reduce impacts to a less than significant level.

California red-legged frog require a variety of habitats, including aquatic breeding habitats and upland dispersal habitats. Breeding occurs sites are generally found in deep (greater than 2.5 feet), still or slow-moving aquatic habitats with a wide range of edge and emergent cover levels, including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frog frequently breed in artificial impoundments such as stock ponds (USFWS 2002). California red-legged frog can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails (*Typha* sp.) or overhanging willows (*Salix* sp.) or can proliferate in ponds devoid of emergent vegetation (i.e., stock ponds). Potential habitat for California red-legged frog includes nearly any area within one to two miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2017b).

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Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thompson et al. 2016; USFWS 2017b). Therefore, if California red-legged frog is present in the Project area and would be impacted, Project impacts to California red-legged frog would be potentially significant.

A4-12
(Cont.)

Recommendations: For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends adding the following measure to the EIR:

A4-13

Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to the Lead Agency and CDFW prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed, or all work shall cease. Work shall not proceed until the frog, through its own volition, moves out of harm's way. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.

Comment 1D: Western Pond Turtle

A4-14

Issue: According to BIOS, there are several extant detections of western pond turtle located on the Original SRVA (CNDDDB accessed February 2024). As described above, Wildlife Guideline 1.4 and 1.7 do not adequately detail avoidance, minimization, or mitigation measures to adequately address impacts.

Western pond turtles are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported. It is unclear where the described ephemeral pond or other water bodies are located on the Project site. Additionally, western pond turtles can spend up to 200 days away from water, especially since ponds tend to dry down during summer months.

Without appropriate avoidance and minimization measures for western pond turtles, potentially significant impacts associated with Project activities include nest destruction,

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inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

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 A4-14
 (Cont.)

Recommendations: CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained weekly until construction activities have been completed.

A4-15

Additionally, CDFW recommends that if any western pond turtles are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate it **out of harm's way** to habitat similar to where it was found.

COMMENT 2: Coast Horned Lizard

A4-16

Issue: The draft EIR does not analyze the potential for impacts to coast horned lizard based on proposed construction activities. CDFW staff have observed coast horned lizards at the Tesla Coal Mining Complex, which is approximately 1.5 miles northwest of the SVRA, west of Tesla Road. Coast horned lizard is vulnerable to death or injury by off-road vehicle use as its main form of defense is to sit motionless or seek refuge in shallow burrows (Stebbins 2012). Being a diurnal lizard, most activity occurs during the middle of the day in the spring and fall but is restricted to morning and late afternoon during mid-summer.

Recommendation: State Parks shall propose a pitfall trap monitoring protocol to understand the distribution of coast horned lizard on the site prior to conducting expansion activities. For Project impacts to Western spadefoot toads, or their habitat, the draft EIR shall include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement.

A4-17

COMMENT 3: Alameda Whipsnake

A4-18

Issue: The draft EIR's Wildlife Guideline 1.4 includes a buffer requirement of 150-feet around "preferred" Alameda whipsnake habitat, including scrub habitat. However, this measure does not provide any information on survey protocols to be used to determine habitat impacts. The draft EIR does not provide surveys results from multiple intensive

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and focused surveys (i.e. use of cover boards, trapping, multi-line transect visual surveys) for Alameda whipsnake during the peak of the season in which detection probabilities are highest.

Due to the elusive, fast-moving nature of Alameda whipsnake and their use of animal burrows as refugia, presence/absence may not accurately locate and allow for full avoidance of Alameda whipsnake. The use of heavy machinery in Alameda whipsnake habitat can cause burrow collapse, resulting in take of Alameda whipsnake that may go unnoticed.

Recommendations: CDFW recommends implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations, including clearing and grubbing, within suitable habitat areas to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends operations occur during winter months, where feasible, when snakes are less active (Alvarez, 2021). Additionally, CDFW recommends Wildlife Guideline 1.4 be revised to state ongoing surveys will occur ahead of all manual and mechanical work in suitable habitat areas. CDFW recommends crews be advised on where to broadcast wood chips, avoiding potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.

Unless adequate Alameda whipsnake surveys are performed demonstrating negative results, CDFW recommends that the draft EIR presuppose the species is present and utilizes the Project site and an ITP be obtained for the Project. Alameda whipsnake has been documented using the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. CDFW recommends that these habitat types be mapped on the Project site and Project impacts such as permanent destruction of habitat and permanent ongoing impacts from roadways be identified in a revised EIR. The EIR should also address cumulative impacts to the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from vehicle traffic on roadways. CDFW recommends for this Project, that the Project mitigate for these impacts to Alameda whipsnake and their habitats to a less-than-significant level requiring compensatory mitigation in the form of conserved lands at minimum 5:1 (mitigation to impact) ratio for new roadways, a minimum 3:1 ratio for all other permanent impacts and a minimum of 1.25:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. CDFW recommends that priority for conserved lands be given to on-site locations. To ensure significant impacts are adequately mitigated to a level less-than significant, feasible mitigation measures described above should be incorporated as enforceable conditions into the final CEQA document for the Project.

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A4-18
(Cont.)

A4-19

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COMMENT 4: Nesting Migratory Birds, including Nesting Raptors and Fully Protected Birds

A4-20

Issues: Wildlife Guideline 1.6 would not adequately reduce impacts to nesting birds to a level of less-than-significant. While this measure requires a pre-construction survey, it does not provide any details regarding buffer distances, a nest monitoring timeline, or requirements to ensure the qualified biologist does not miss signs of disturbance and/or distress. Without an adequate protocol specified, Project-related impacts to nesting birds could lead to significant impacts to nesting birds including, but not limited to, nest abandonment, nest failure, impacts to availability of forage, chick mortality, and resultant population decline.

Recommendations: CDFW recommends the draft EIR be revised to incorporate the following edits to language in Wildlife Guideline 1.6 to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.

A4-21

Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of Fish and Game Code. A qualified biologist shall conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for non-raptors; (2) and 1,000 feet for raptors. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.

- *Active Nest Buffers. Active nest sites and protective buffer zones shall be **designated as "ecologically sensitive areas" where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.***
- *Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of*

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the adults and any nestlings. Once Project activities commence, all active nests shall be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.

A4-21
(Cont.)

COMMENT 5: Golden Eagle

The draft EIR does not discuss potential Project impacts to golden eagles. However, there is an extant golden eagle observation approximately 2.55 miles to the northwest of the Project site (CNDDDB accessed February 2024). The Carnegie SRVA contains grazed grassland, which is suitable for golden eagle to use as foraging habitat. Additionally, a component of the Project involves removal of several trees within the campground on-site. Based on the proposed activities, proximity of observation data, and available surrounding habitat, Project activities may cause significant impacts to golden eagle without focused surveys conducted.

A4-22

Golden eagles are sensitive to both visual disturbances as well as noise disturbance alone, even with a full visual barrier. The species typically displays subtle behavioral changes signifying stress from noise and visual disturbances. These behavioral changes can easily be missed, so it is critical that any biologist conducting surveys have previous experience monitoring golden eagle nest behavior.

Recommendations: CDFW recommends incorporating following survey protocols per the *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* document:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940>.

A4-23

Surveys shall be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile of the outer boundaries of Project related activities. Active golden eagle nests observed within one mile of Project related activities shall be monitored by a qualified biologist and a "no-work" buffer shall be implemented until all young have fledged.

If impacts to golden eagles as a result of Project related activities cannot be avoided, CDFW and USFWS shall be consulted for further guidance.

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COMMENT 6: Burrowing Owl

A4-24

Issues: Wildlife Guideline 1.9 requires a pre-construction level survey for burrowing owl within suitable burrowing owl habitat or within 50 feet of suitable burrowing owl habitat according to guidelines as described in their Staff Report on Burrowing Owl Mitigation (2012). This survey buffer distance is insufficient in appropriately avoiding impacts to the species. Please be advised that preconstruction surveys alone are inadequate to determine impacts to western burrowing owl and their habitat. All guidelines presented in the Staff Report on Burrowing Owl (2012) should be followed throughout the SVRA as applicable.

If burrowing owl that may be impacted by the Project are not detected, the Project may result in reduced health and vigor, or direct mortality, of burrowing owl arising from impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances (Klute et. al 2003). Therefore, if burrowing owl are present on, or within 1,640 feet of, the Project site, impacts to burrowing owl would be potentially significant.

Recommendation: For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to a level less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:

A4-25

A qualified biologist shall conduct a habitat assessment for burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.

Detected burrowing owl shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-

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site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.

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COMMENT 7: Swainson's Hawk

Issue: The draft EIR does not analyze the potential for Swainson's hawk impacts, including a habitat analysis of potential nest trees near the Project site. Swainson's hawk is known to forage in the vicinity of the Project area. Noise-generating or vegetation-disturbing activities as described in the General Plan update may result in take of Swainson's hawk.

A4-26
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Recommendations: CDFW recommends the draft EIR require the Project to conduct protocol-level surveys for Swainson's hawk nest sites to determine the impacts to Swainson's hawk and appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (TAC Report) available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

A4-27
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To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*, CDFW 1994, (SWHA Staff Report), CDFW recommends the draft EIR incorporate the following language:

- For projects within one mile of an active nest tree (the SWHA Staff Report defines an active nest as used during one or more of the last five years), provide at least one acre of land for each acre of development authorized;
- For Projects within five miles of an active nest tree, but greater than one mile from the nest tree, provide at least 0.75 acres of land for each acre of development authorized; and
- For Projects within 10 miles of an active nest tree, but greater than five miles from an active nest tree, provide at least 0.5 acres of land for each acre of development authorized.

CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active SWHA nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 15 through September 15) in order to avoid significant impacts to SWHA. If

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Project activities must be conducted during this critical phase, then the Project should be required to apply for an Incidental Take Permit.

A4-27
(Cont.)

COMMENT 8: Townshend's Big-Eared Bat

A4-28

Issue: Townshend's big-eared bats are protected by CDFW as California SSC and have potential to be present on-site. Townsend's big-eared bat has been observed at the Tesla Coal Mine Site (T. Kerss (DeSilva) personal communication, March 21, 2015), an area proposed for gathering areas, trail and road crossings. The draft EIR requires 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). However, a preconstruction survey alone is not sufficient in adequately assessing potential impacts to bat species. The draft EIR indicates that tree removal will occur within the Project area. Townshend's big-eared bat may roost in snags, crevices, cavities, and foliage of mature trees (typically greater than 12-inch diameter at breast height [dbh]) on and within 100 feet of the Project site.

Construction activities may result in the disturbance of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. Bats also often roost in buildings and other structures; especially as human development has encroached on wildland habitat. Proposed activities may result in the disturbance and/or loss of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1).

Recommendations: To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project:

A4-29

Recommendation 1: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist shall conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

Recommendation 2: Bat Habitat Monitoring

If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.

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Recommendation 3: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities shall stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.

Qualified biologists shall possess the appropriate specialized qualifications, such as 1) at least two years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys.

Recommendation 4: Tree Removal Methodology

For all unavoidable tree removal, survey methodology shall be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day one, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist shall survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.

COMMENT 9: Special-Status Plants

Issue: The draft EIR Plant Guideline 1.1 requires conducting protocol-level surveys for special-status plants and sensitive natural communities according to guidance provided by CDFW and USFWS. CDFW concurs with this measure, however, the measure should incorporate more robust and clear survey and mitigation requirements to prevent the Project from causing significant impacts on special-status plant species. Potential impacts to special-status plants include inability to reproduce and direct mortality. Special-status plants are often narrowly distributed endemic species. They are susceptible to habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species. Therefore, there is high potential for the Project to have significant impacts to these species and their populations.

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Due to the high potential for encountering special-status plants on-site, appropriate methodologies for species detection should be clearly outlined and conducted well in advance of the anticipated start of construction. If CESA listed plants that may be impacted by the Project go undetected, the Project may result in mortality of individuals from direct impacts or degradation of habitat adjacent to ground disturbance. The CESA listed plant species mentioned herein are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA listed plants are present on or directly adjacent to the Project site where they may be indirectly impacted, the Project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommendations: For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends adding the following information to Plant Guideline 1.1:

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The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised EIR. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. Surveys conducted during drought conditions may not be acceptable.

In addition, the draft EIR should be revised to include all species of special-status plants that will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the botanical survey results and proposed Mitigation and Monitoring Plan to the Lead Agency with copy sent to CDFW. Based on the results of botanical surveys, a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants, including those with a rare plant ranking, are detected.

COMMENT 10: Crotch's Bumble Bee

A4-32

Issue: The Carnegie SVRA area is within the current known range of the Crotch's bumble bee and suitable nesting habitat for the species is present in the Project area, however, the draft EIR does not analyze potential impacts to this species, nor does it

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identify any mitigation measures. Potential adverse effects to this species from vegetation removal, clearing, grubbing, and grading work on-site may include direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, and loss of native vegetation that may support essential foraging habitat.

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Recommendation: CDFW recommends the draft EIR include an analysis of impacts to **Crotch's bumble bee** and **identify avoidance, minimization and mitigation measures** based on the analysis to ensure impacts are reduced to a level of less-than-significant. CDFW also recommends that the draft EIR include a mitigation measure that requires focused surveys for the species to be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, focused surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (<https://wildlife.ca.gov/Conservation/CESA>).

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CDFW recommends the Project be revised to indicate that within suitable habitat for **Crotch's bumble bee**, the impact area should be divided into a sufficient number of units such that the entirety of the habitat is not impacted within the same year in order to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area. Additionally, CDFW recommends that habitat removal (i.e. grading of floral resources) be conducted in a patchwork pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not removed and untreated portions of occupied or suitable habitat are retained.

COMMENT 11: East Alameda Conservation Strategy

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The updated General Plan is located within the East Alameda County Conservation Strategy (EACCS) and Conservation Zones 9 and 10³, which includes a portion of the SRVA Expansion Area. The EACCS was a joint effort including, but not limited to, Alameda County, East Bay Regional Park District, USFWS and CDFW. The EACCS is intended to support and streamline the permitting process. The EACCS does not create new regulations or change the process by which a Project applicant obtains permits for authorization to impact biological resources, but it has, in fact, been accepted as a guidance document by several agencies including USFWS and CDFW. Several of the species potentially impacted by this Project are included as focal species in the EACCS,

³ Conservation Zone 9 is located in the eastern region of the EACCS study area. This 16,135-acre CZ contains Arroyo Seco and Patterson Pass watersheds in their entirety and is bounded to the north by I-580. CZ-10 is located along the eastern boundary of the EACCS study area. This 26,144-acre CZ is made up of portions of the Mountain House, Mountain House Creek, Patterson Run, Carnegie, Mitchell Ravine, Upper Corral Hollow Creek, and Carbona watersheds.

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such as California red-legged frog, Alameda whipsnake, golden eagle and burrowing owl.

CDFW recommends the SVRA provide a thorough analysis for these impacts and discuss the mitigation that will be implemented consistent with the goal of the EACCS.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist State Parks in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Mia Bianchi, Senior Environmental Scientist (Specialist), at (707) 815-8722 or Mia.Bianchi@wildlife.ca.gov; or Melissa Farinha, Environmental Program Manager at (530) 351-4801 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

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Attachment: Draft Mitigation Monitoring and Reporting Program

cc: Office of Planning and Research, State Clearinghouse (SCH No. 2022030810)

REFERENCES

- California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>
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- Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.
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- U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii and 173.
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- U.S. Fish and Wildlife Service. 2017b. Species Account for California Red-legged frog. December 2017. Sacramento, CA.
- Semlitsch, R. D. and J. R. Brodie. 2003. Biological criteria for buffer zones around wetlands and riparian habitats for amphibians and reptiles. Conservation Biology 17(5):1219-1228

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ATTACHMENT 1

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Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure Description	Implementation Schedule	Responsible Party
Wildlife Guidance 1.7: Western Spadefoot Toad The draft EIR shall analyze all groundwork activities, such as grading and filling, that may potentially impact Western spadefoot toad and shall also discuss all potentially significant impacts to the species. For any permanent Project impacts to Western spadefoot toads, or their habitat, CDFW recommends that the draft EIR include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value relative to the habitat that is lost either temporarily or permanently. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a legal instrument such as a conservation easement.	Prior to ground disturbance	Project Applicant
Wildlife Guidance 1.7: California Tiger Salamander Due to the Project location overlapping California tiger salamander occurrences and appropriate habitat, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project activity implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; mitigation, and should fully describe a mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA or https://www.wildlife.ca.gov/Conservation/Survey-Protocols . CDFW recommends consulting with USFWS to comply with federal ESA requirements.	Prior to ground disturbance	Project Applicant
Wildlife Guidance 1.7: California Red-Legged Frog	Prior to ground disturbance	Project Applicant

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<p>For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends adding the following measure to the EIR:</p> <p><i>Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to the Lead Agency and CDFW prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed, or all work shall cease. Work shall not proceed until the frog, through its own volition, moves out of harm's way. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.</i></p>		
<p>Wildlife Guidance 1.7: Western Pond Turtle</p> <p>CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained weekly until construction activities have been completed.</p> <p>Additionally, CDFW recommends that if any western pond turtles are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate it out of harm's way to habitat similar to where it was found.</p>	Prior to ground disturbance	Project Applicant
<p>Additional Measure: Coast Horned Lizard</p> <p>State Parks shall propose a pitfall trap monitoring protocol to understand the distribution of coast horned lizard on the site prior to conducting expansion activities. For Project impacts to Western spadefoot toads, or their habitat, the draft EIR shall include appropriate and effective compensatory mitigation by</p>	Prior to ground disturbance	Project Applicant

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preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement.		
<p>Wildlife Guideline 1.4: Alameda Whipsnake</p> <p>CDFW recommends implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations, including clearing and grubbing, within suitable habitat areas to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends operations occur during winter months, where feasible, when snakes are less active (Alvarez, 2021). Additionally, CDFW recommends Wildlife Guideline 1.4 be revised to state ongoing surveys will occur ahead of all manual and mechanical work in suitable habitat areas. CDFW recommends crews be advised on where to broadcast wood chips, avoiding potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.</p> <p>Unless adequate Alameda whipsnake surveys are performed demonstrating negative results, CDFW recommends that the draft EIR presuppose the species is present and utilizes the Project site and an ITP be obtained for the Project. Alameda whipsnake has been documented using the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. CDFW recommends that these habitat types be mapped on the Project site and Project impacts such as permanent destruction of habitat and permanent ongoing impacts from roadways be identified in a revised EIR. The EIR should also address cumulative impacts to the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from vehicle traffic on roadways. CDFW recommends for this Project, that the Project mitigate for these impacts to Alameda whipsnake and their habitats to a less-than-significant level requiring compensatory mitigation in the form of conserved lands at minimum 5:1 (mitigation to impact) ratio for new roadways, a minimum 3:1 ratio for all other permanent impacts and a minimum of 1.25:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. CDFW recommends that priority for conserved lands be given to on-site locations. To ensure significant impacts are adequately mitigated to a level less-than significant, feasible mitigation measures described above should be incorporated as</p>	Prior to ground disturbance	Project Applicant

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enforceable conditions into the final CEQA document for the Project.		
<p>Wildlife Guideline 1.6: Nesting Migratory Birds, including Nesting Raptors and Fully Protected Birds</p> <p>CDFW recommends the draft EIR be revised to incorporate the following edits to language in Wildlife Guideline 1.6 to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.</p> <p><i>Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of Fish and Game Code. A qualified biologist shall conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for non-raptors; (2) and 1,000 feet for raptors. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.</i></p> <ul style="list-style-type: none"> • <i>Active Nest Buffers. Active nest sites and protective buffer zones shall be designated as "ecologically sensitive areas" where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</i> • <i>Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests shall be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the</i> 	Prior to ground disturbance	Project Applicant

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<p><i>Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until they nestlings have fledged, and the nest is determined to be inactive.</i></p>		
<p>Additional Measure: Golden Eagle</p> <p>CDFW recommends incorporating following survey protocols per the <i>Interim Golden Eagle Inventory and Monitoring Protocols</i>; and <i>Other Recommendations</i> document: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940.</p> <p><i>Surveys shall be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile of the outer boundaries of Project related activities. Active golden eagle nests observed within 1 mile of Project related activities shall be monitored by a qualified biologist and a "no-work" buffer shall be implemented until all young have fledged.</i></p> <p><i>If impacts to golden eagles as a result of Project related activities cannot be avoided, CDFW and USFWS shall be consulted for further guidance.</i></p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>Wildlife Guideline 1.9: Burrowing Owl</p> <p>For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to a level less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:</p> <p><i>A qualified biologist shall conduct a habitat assessment for burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes</i></p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

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<p>to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.</p> <p>Detected burrowing owl shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.</p>		
<p>Additional Measure: Townshend's Big Eared Bat</p> <p>To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project:</p> <p><u>Recommendation 1: Bat Habitat Assessment</u></p> <p>To evaluate Project impacts to bats, a qualified bat biologist shall conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.</p> <p><u>Recommendation 2: Bat Habitat Monitoring</u></p> <p>If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.</p> <p><u>Recommendation 3: Bat Project Avoidance</u></p> <p>If bat colonies are observed at the Project site, at any time, all Project activities shall stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.</p> <p>Qualified biologists shall possess the appropriate specialized qualifications, such as 1) at least two years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

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<p>who can verify the experience, and 2) the types of equipment used to conduct surveys.</p> <p>Recommendation 4: Tree Removal Methodology</p> <p>For all unavoidable tree removal, survey methodology shall be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day one, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.</p> <p>All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist shall survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.</p>		
<p>Additional Measure: Swainson's Hawk</p> <p>CDFW recommends the draft EIR require the Project to conduct protocol-level surveys for Swainson's hawk nest sites to determine the impacts to Swainson's hawk and appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (TAC Report) available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols.</p> <p>To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (<i>Buteo swainsoni</i>) in the Central Valley of California, CDFW 1994, (SWHA Staff Report), CDFW recommends the draft EIR incorporate the following language:</p> <ul style="list-style-type: none"> For projects within one mile of an active nest tree (the SWHA Staff Report defines an active nest as used during one or more of the last five years), provide at least one acre of land for each acre of development authorized. For Projects within five miles of an active nest tree, but greater than one mile from the nest tree, provide 	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>

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<p>at least 0.75 acres of land for each acre of development authorized.</p> <ul style="list-style-type: none"> For Projects within 10 miles of an active nest tree, but greater than 5 miles from an active nest tree, provide at least 0.5 acres of land for each acre of development authorized. <p>CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active SWHA nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 15 through September 15) in order to avoid significant impacts to SWHA. If Project activities must be conducted during this critical phase, then the Project should be required to apply for an Incidental Take Permit.</p>		
<p>Plant Guideline 1.1: Special-Status Plants</p> <p>For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends adding the following information to Plant Guideline 1.1:</p> <p><i>The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised EIR. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. Surveys conducted during drought conditions may not be acceptable.</i></p> <p>In addition, the draft EIR should be revised to include all species of special-status plants that will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the botanical survey results and proposed Mitigation and Monitoring Plan to The Lead Agency with copy sent to CDFW. Based on the results of botanical surveys, a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants, including those with a rare plant ranking, are detected.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>

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<p>Additional Measure: Crotch's Bumble Bee</p> <p>CDFW recommends the draft EIR include an analysis of impacts to Crotch's bumble bee and identify avoidance, minimization and mitigation measures based on the analysis to ensure impacts are reduced to a level of less than significant. CDFW also recommends that the draft EIR include a mitigation measure that requires focused surveys for the species to be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, focused surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i> (https://wildlife.ca.gov/Conservation/CESA).</p> <p>CDFW recommends the Project be revised to indicate that within suitable habitat for Crotch's bumble bee, the impact area should be divided into a sufficient number of units such that the entirety of the habitat is not impacted within the same year in order to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area. Additionally, CDFW recommends that habitat removal (i.e. grading of floral resources) be conducted in a patchwork pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not removed and untreated portions of occupied or suitable habitat are retained.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>
<p>Additional Measure: East Alameda Conservation Strategy</p> <p>CDFW recommends the SVRA provide a thorough analysis for these impacts and discuss the mitigation that will be implemented consistent with the goal of the EACCS.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>

A4-38
 (Cont.)

Letter A4 Response Erin Chappell, Regional Manager, Bay Delta Region,
California Department of Fish and Wildlife, March 14, 2024

- A4-1 State Parks thanks CDFW for submitting comments on the DEIR with their concerns regarding potentially significant impacts to biological resources associated with the Project. No further response is required.
- A4-2 State Parks acknowledges CDFW's role as a Trustee Agency and Responsible Agency. No further response is required.
- A4-3 State Parks acknowledges CDFW's regulatory authority under the California Endangered Species Act (CESA); the Lake and Streambed Alteration Program (LSA); and jurisdiction over fully protected species, raptors, and other nesting birds. No further response is required.
- A4-4 State Parks notes that CDFW summarizes the project description. No further response is required.
- A4-5 State Parks notes that CDFW lists special-status species, including their protection status, that have potential to occur within the Carnegie SVRA. No further response is required.
- A4-6 State Parks notes that CDFW includes recommendations to assist Parks in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources in the following comments and that CDFW concludes that an EIR is appropriate for the Project. No further response is required.
- A4-7 This General Plan provides a broad management framework to guide the management and planning for Carnegie SVRA. This DEIR analyzes impacts from implementing the goals and guidelines of the General Plan. 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. 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 lens, and "New and Improved Facilities," which addresses environmental impacts through a project lens.

Special-status species presence as known to occur within the General Plan area or vicinity have been presented in Chapter 2 "Existing Conditions" of the General Plan, including the locations they are known to inhabit. The presence of sensitive resources, including special status herpetofauna, is considered with Goals and Guidelines presented in Chapter 4 of the General Plan. These measures have been developed to the extent feasible based on the level of detail known at this time to prevent or offset effects and ensure that future planned actions will not cause significant environmental impacts. This EIR assesses the

reasonably foreseeable impacts resulting from the implementation of the proposed projects. The projects largely consist of upgrades or expansions of existing facilities and are generally located in disturbed and heavily used areas of the SVRA.

Natural Resource Management (NRM) Goals and Guidelines will inform planning under the General Plan. NRM Goal 1, Guidelines 1.1 through 1.5 prescribes site-specific surveys/mapping of sensitive biological resources (e.g., special-status species and sensitive habitats, migratory corridors, nesting sites, and colony locations) and the use of data accumulated through various monitoring programs. NRM Goal 2, Guidelines 2.1 through 2.4 detail yearly surveys and research that have been and will continue to occur in the planning area. As project-specific design plans are advanced, these measures are intended ensure that sensitive biological resources such as breeding or nesting habitats will be avoided. Wildlife Goals and Guidelines are to be implemented after the planning phase goals and guidelines.

The measures identified are appropriate for a high-level general planning document. We anticipate that many subsequent activities will be within the scope of the EIR and no additional CEQA document would be required, however, the General Plan acknowledges that some actions may require additional CEQA analysis before implementation. Once the project details are known, and if determined necessary during subsequent environmental analysis, future environmental documents will be prepared, additional measures would be developed and disclosed during that future CEQA process, and consultation with regulatory agencies will occur if necessary. With this understanding, we do not agree with CDFW's claim that WG 1.7 defers mitigation.

Western Spadefoot

- A4-8 State Parks acknowledges that there is a risk of impacts on western spadefoot resulting from General Plan Implementation and will adhere to Goals and Guidelines intended to avoid or minimize effects. With implementation of NRM Guideline 1.2 and Wildlife Guideline 1.2, construction activities will not impact breeding habitat. In addition, Wildlife Guideline 1.7 has been revised to specify that biological monitoring would occur to avoid impact (please see FEIR section 4 "revisions to the General Plan" for the specific revision language.
- A4-9 This DEIR analyzes impacts from implementing the goals and guidelines of the General Plan. 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. 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 lens, and "New and Improved Facilities," which addresses environmental impacts through a project lens.

As described in response to A4-7, the General Plan includes goals and guidelines intended to prevent or offset effects and ensure that future planned actions will not cause significant environmental impacts, and no need for compensatory mitigation has been identified at this time. However, some actions may require additional CEQA analysis after project details are known and prior to implementation. This comment from CDFW will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.

California Tiger Salamander

- A4-10 State Parks acknowledges that there is a potential risk of impacts on California tiger salamander resulting from General Plan and specific project implementation. State Parks will adhere to Goals and Guidelines in the General Plan intended to avoid and minimize these impacts. Wildlife Guideline 1.7 has been revised to specify that preconstruction surveys and biological monitoring may occur to avoid impact (please see FEIR section 4 “revisions to the General Plan” for the specific revision language) has been revised to specify a preconstruction survey and flagging burrows to avoid CTS aestivation sites.
- A4-11 The recommendation by CDFW is consistent with NRM Guideline 1.3, which would require additional environmental analysis and take authorization if take were unavoidable. This will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.

California Red-Legged Frog

- A4-12 State Parks acknowledges that there is a risk of impact on California red-legged frog resulting from General Plan and specific project implementation and will adhere to the Goals and Guidelines in the General Plan intended to avoid or minimize impacts. With implementation of NRM Guideline 1.2 and Wildlife Guideline 1.2, construction activities will not impact breeding habitat. Wildlife Guideline 1.7 has been revised to specify avoidance and minimization measures such as preconstruction survey, flagging of habitat features for avoidance, and biological monitoring during construction to avoid potential impacts (please see FEIR section 4 “revisions to the General Plan” for the specific revision language
- A4-13 The recommended preconstruction survey and avoidance of habitat features is consistent with implementation of General Plan NRM Guideline 1.2, Wildlife Guideline 1.2, and Wildlife Guideline 1.7. (as revised). The recommendation for consultation with CDFW if CRLF are encountered is consistent with NRM Guideline 1.3. The additional measures of this recommendation are also consistent with NRM Guideline 1.3, which would require additional environmental analysis and take authorization if applicable. This will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.

Western Pond Turtle

- A4-14 State Parks acknowledges that there is a risk of impact on western pond turtle resulting from General Plan and specific project implementation and will adhere to General Plan Goals and Guidelines intended to avoid and minimize impacts. With implementation of NRM Guideline 1.2 western pond turtle nesting sites would be identified for avoidance or exclusion fencing. Wildlife Guideline 1.7 has been revised to specify daily site clearance to avoid impact (please see FEIR section 4 “revisions to the General Plan” for the specific revision language.
- A4-15 The recommendation for focused surveys and avoidance of nesting habitat is consistent with General Plan NRM Guideline 1.2. The recommendation for protection of turtles found onsite is consistent with Wildlife Guideline 1.7., as revised (please see FEIR section 4 “revisions to the General Plan” for the specific revision language.

Coast Horned Lizard

- A4-16 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. This DEIR includes an analysis of all reasonably foreseeable impacts resulting from the implementation of the General Plan and proposed projects at the level of detail currently known (concept plan, design drawing, narrative only).
- A4-17 CEQA does not mandate conducting studies to further understand species. As described in response to A4-7, the General Plan includes goals and guidelines intended to prevent or avoid or minimize impacts to sensitive biological resources and ensure that future planned actions will not cause significant environmental impacts. No potentially significant impacts and associated need for compensatory mitigation have been identified at this time.

Alameda Whipsnake

- A4-18 Vegetation types at Carnegie SVRA have been mapped using VegCAMP protocol, and this can be used to identify scrub habitat and establish buffer. Existing survey data was provided, however, because the General Plan assumes that Alameda whipsnake could occur in the planning area, results from intensive and focused surveys are not necessary for the purpose of EIR analysis. Wildlife Guideline 1.4 encourages 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.
- In addition, Wildlife Guideline 1.7 has been revised to specify preconstruction survey and flagging burrows for avoidance, if necessary. State Parks acknowledges that there is a risk of impact to Alameda whipsnake resulting from General Plan implementation and will adhere to Goals and Guidelines intended to avoid and minimize such impacts.

- A4-19 The recommendation for surveys ahead of work in suitable habitat areas is consistent with NRM Guideline 1.2. The recommendation for an ITP is consistent with NRM Guideline 1.3, which would require additional environmental analysis and take authorization if warranted. The additional specific details of this comment will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.

Nesting birds

- A4-20 Wildlife Guideline 1.6 prescribes preconstruction nesting bird surveys by a qualified biologist in areas where construction is to occur. NRM Guidelines 1.1, 1.2, 1.3, 1.4, and 2.1 combined with Wildlife Guidelines 1.5, 1.6, would reduce the impacts to nesting birds through surveys, research, and, when needed, agency coordination. We believe the measures as prescribed will adequately protect nesting birds at the SVRA.
- A4-21 The recommendation that construction take place outside of nesting season is consistent with NRM 1.2. The remainder of the detail provided in this comment is consistent with what recommendations included in Wildlife Guideline 1.6.

Golden Eagle

- A4-22 The DEIR analyzed the potential for golden eagle to occur within the vicinity of the General Plan planning area. This analysis concluded that golden eagle has potential to nest where large trees, snags, or transmission towers exist in the planning area.
- A4-23 The park is within the USGS study area for golden eagles in the Diablo Range (<https://pubs.usgs.gov/publication/ofr20151039>), which has been monitored annually since 2014. Annual surveys by permitted USGS researchers include mapping perches, flight paths, territorial displays, and locations of nests and fledged young to determine activity centers used by each pair of eagles detected. Sites with pair detections are surveyed mid-June to late-July to locate nests not previously detected. All information is communicated to State Parks to inform management to ensure that impacts are avoided.

Burrowing Owl

- A4-24 Wildlife Guideline 1.1 prescribes annual (or more frequent) monitoring as part of the HMS or WHPP, to look for signs of active use by burrowing owls in the planning area. Because of this, if owls move into the planning area they would be detected during the regular surveys. Consistent with Wildlife Guideline 1.9 a preconstruction survey of a 50-foot buffer in suitable habitat where construction is to occur, will be conducted after all planning phase surveys have been completed to capture any dispersing fledglings or displaced individuals. Combined, these measures are sufficient to ensure impacts are avoided.

- A4-25 The recommended revision is consistent with Wildlife Guideline 1.1 which includes habitat assessment and avoidance as described in CDFW *Staff Report on Burrowing Owl Mitigation* (DFG 2012).

Swainson's Hawk

- A4-26 The DEIR analyzes the potential for Swainson's hawk to occur within the vicinity of the General Plan planning area. This analysis concluded that Swainson's hawk has potential to nest in riparian areas where large trees exist in the planning area could provide habitat.
- A4-27 Please see response to comment A4-20.

Bats

- A4-28 The DEIR analyzes the potential for Townsend's big eared bat to occur within the vicinity of the General Plan planning area. This analysis concluded that Townsend's big eared bat has the potential to forage in the planning area. Additionally, the DEIR acknowledges suitable roosting habitat exists in the Tesla Coal Mine near the planning area and Lime Kiln Cave within the planning area and possibly in rock outcroppings in the planning area. State Parks acknowledges that there is a risk of impact to Townsend's big-eared bat resulting from General Plan and specific project implementation and will adhere to Goals and Guidelines in the General Plan for all special-status species intended to avoid or minimize impacts.
- A4-29 Wildlife Guideline 1.8 prescribes preconstruction surveys for potential bat roosting habitat. Additionally, it requires implementation of avoidance and minimization measures determined appropriate by a qualified biologist based on guidance from the wildlife agencies if applicable based, including establishment of roost avoidance buffers, seasonal activity restrictions, or monitoring of roost locations. NRM Guidelines 1.1, 1.2, 1.3, 1.4, and 2.1 combined with Wildlife Guideline 1.8, would avoid or minimize impacts to special-status bat species. The specific details of these recommendations will be considered for actions that require additional environmental analysis during later CEQA compliance but are not necessary to incorporate at this time.

Plants

- A4-30 Plant Guideline 1.1 prescribes protocol-level surveys for special-status plants and sensitive natural communities on the sites of proposed facilities during the planning and design process. These surveys will be conducted during the blooming season for all potentially occurring special-status plant species according to the most current methodology recommended by CDFW and USFWS. Because these methodologies are industry standards for botanical survey protocols, clarification is not needed to ensure requirements are met.
- State Parks acknowledges that there is a risk of impact to special-status plants resulting from General Plan implementation and will adhere to Goals and Guidelines intended to avoid and minimize impacts. The General Plan

acknowledges that some actions may require additional CEQA analysis before implementation. Once the project details are known, and if determined necessary during subsequent environmental analysis, future environmental documents will be prepared, and new findings may be disclosed through future CEQA process. With this understanding, we do not agree that potential impacts to rare plants would be a *mandatory finding of significance*.

- A4-31 A protocol-level rare plant survey report is referenced in the General Plan (MIG 2021), which includes methods and results that were used to analyze potential impacts and conclude effects would be less than significant. The remainder of this recommendation is consistent with NRM Guideline 1.3, which would require additional environmental analysis and take authorization if impacts were identified during subsequent CEQA analysis. This will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.

Crotch's Bumble Bee

- A4-32 State Parks acknowledges that suitable nesting habitat for this species may be present and will adhere to Goals and Guidelines intended to prevent or offset effects to less than significant. If Crotch's bumble bee is detected during surveys as called for in NRM 1.2 then suitable nesting habitat would be avoided, or additional environmental review required.
- A4-33 This comment from CDFW will be considered for actions that require additional environmental analysis during later CEQA compliance, but it is not necessary at this time.
- A4-34 Carnegie SVRA is not subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved applicable plan. No further response is required.
- A4-35 State Parks acknowledges the reminder CDFW has provided regarding submitting environmental data.
- A4-36 The payment of fees is statutorily required and does not need to be raised in a comment.
- A4-37 State Parks acknowledges the CDFW contact information and extends the same appreciation for CDFW's information and recommendations for this EIR.
- A4-38 State Parks notes that CDFW attached a summary of their recommendations for each mitigation measure and recommended additional measures. No further response is required.

3.2 Tribal Comment Letter

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

NOTOTOMNE CULTURAL PRESERVATION		Letter T1
Cell: (209) 649-8972 Office: (209) 887-3415 canutes@verizon.net PO Box 717 Linden, CA 95236		
March 1, 2024 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		
Subject: CSVRA GP/DEIR Comments- submitted by email only		
Dear CSVRA GP/DEIR Planning Team:		
These comments are submitted on behalf of myself as a Most Likely Descendant, Nototomne Cultural Preservation and Northern Valley Yokuts/Ohlone Tribe, Inc. on the 2024 Carnegie State Vehicular Recreation Area General Plan Update and Draft Environmental Impact Report (CSVRA GP and EIR).		
<u>No Native America Consultation</u>		
Section 1.8.3.1 of the General Plan Update addresses Native American Consultation. The statement about consultation is incorrect.		
I did participate in a consultation at Carnegie SVRA in 2012 for the 2012 Carnegie SVRA/Tesla General Plan Revision and EIR that was approved in 2016 representing Northern Valley Yokuts. That General Plan process was terminated when a Court ordered that Carnegie SVRA had violated the law and required that the California State Parks Off Highway Motor Vehicle Recreation Division rescind the EIR and General Plan.		
There has been no consultation that I am aware of related to this new and separate General Plan Update and EIR started in 2022. I have had discussions with some California State Parks staff about Tesla. But I have had no consultations nor been notified of any consultations or onsite visits for this current new separate Carnegie SVRA General Plan process. Consultation with me and others as Most Likely Descendants and representatives of Nototomne Cultural Preservation and Northern Valley Yokuts/Ohlone Tribe, Inc is required for this current 2022-2024 General Plan process.		
We are concerned about the misleading language in the General Plan Update at page 1-9 implying that consultation had occurred when it had not. Consultation is a formal process or should be. While the prior 2012 consultation is important, it does not replace consultation for this new project. You cannot rely upon a consultation on a different project that is over 11 years old. Our organization has expanded and there are other tribal representatives that need to be included.		
		T1-1
		1

NOTOTOMNE CULTURAL PRESERVATION

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We are also concerned that the consultation process appears to be a little more than a procedural step for which a box is checked rather than us providing meaningful input to be incorporated into the project plan. You state in Section 1.8.3.1 that concerns were raised in 2012. The need for complete surveys to document all Native American resources in Carnegie SVRA as well as concerns about impacts on a culturally sensitive sites and botanical resources were identified. Aside from no consultation on this current project, this General Plan Update does not address those prior concerns. Consultation is not intended to be a meaningless exercise of no consequence. We hope to see our input incorporated into the actual General Plan Update design.

T1-2

For this current General Plan process there needs to be formal consultation with me and representatives from our new group at least. Before that can be arranged, we would like to receive the current inventory and map of Native American resources identified in Carnegie SVRA and documentation of the survey process that was conducted so we can have confidence it is complete. If needed further surveys will have to be conducted to get a comprehensive picture of what is in the planning area.

T1-3

Other comments on the General Plan Update and EIR

T1-4

Project needs to include the entire Carnegie SVRA operation.

This General Plan Update only considers impacts from new and expanded facilities identified in the document. But this is a General Plan for the ongoing operation of Carnegie SVRA which impacts the entire site of more than 1500 acres, plus some specific new and expanded facilities. Those ongoing operations are creating new and expanded impacts across the SVRA and for cultural resources. They cannot be ignored especially because the 1981 General Plan is so outdated and there is no approved baseline of current conditions. The General Plan and EIR and the impacts and mitigation, need to cover the entire SVRA and all operations. If the entire operation is not covered under the General Plan and EIR then damaging impacts to all resources, including cultural and biological resources continue to occur and are never mitigated.

Need to reduce OHV use around Native American Sites

T1-5

From our 2012 on-site visit it was clear that Carnegie SVRA operations were crowding out cultural resources and the natural landscape that surrounds them, and therefore causing damage. You cannot just put a fence around the footprint of a sacred or archeological site or cover it up with dirt and pretend that protects the resource. For Native American Resources there needs to be a large wide perimeter around the sacred or archeological sites so that they are not impacted by the noise, and destruction of the surrounding natural resources. These resources need to be protected not just on a map, but also protected so that tribal members can visit the sites for education and ceremonial purposes without the sacred web of trails and denuded hillsides and motorized screams. That means that OHV use which is currently allowed around Native American Resources must be significantly reduced, not expanded, and not unchanged.

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Need to reduce not expand OHV use throughout SVRA

The entire General Plan and EIR are based on the premise that Carnegie SVRA will continue to expand into every possible corner of the site. It adds new and expanded facilities along the Corral Hollow Creek area which is a biologically sensitive area and into waterfall canyon which is the only protected natural resources area in the SVRA of any size. This will obviously further damage biological and other resources across the SVRA. There is no analysis documenting the impacts on any resource and ineffective guidelines and best management practices do not substitute. The only real mitigation to reduce impacts is to cut back where OHV use is allowed and certainly not expand uses into what few safe areas exist. OHV use needs to be removed around Native American sites. It should also be removed from around the historic/cultural sites along Corral Hollow Creek in the east side of the SVRA and not expanded into waterfall canyon, which has never been surveyed.

There is a limit to what the land can tolerate. Carnegie SVRA has far exceeded that limit and caused tremendous damage which continues. OHV recreation is not the primary purpose when it causes so much damage to a place with such sensitive resources. The primary purpose needs to be protecting resources, Native American, historic and natural. This General Plan and EIR need to be redone to cover the entire Carnegie SVRA operation, eliminate OHV use around all Native American sites and historic/cultural sites, not expand into protected areas and reduce OHV use throughout the SVRA to protect plants, wildlife and other natural resources.

Thank you.

Sincerely,


Katherine Perez
canutes@verizon.net


Erolinda Perez
arr0604w@verizon.net

T1-6

T1-7

T1-8

Letter T1 Response Katherine Perez and Erolinda Perez, Nototomne Cultural Preservation,
March 1, 2024

T1-1 State Parks believes we have engaged in a good faith effort for tribal consultation in support of the General Plan update. According to our records, consultation began on Sept. 22, 2022 with a Zoom meeting with Chairperson Perez and State Parks staff Zackary Moskowitz in attendance to discuss the upcoming Carnegie General Plan process and the separate Alameda Tesla Property classification process. A subsequent in-person meeting was held with Northern Valley Yokuts Tribe (NVYT) Chairperson Perez, State Parks archeologist Zackary Moskowitz, and State Parks Interpreter Elise McFarland in attendance at the Diablo Range District Office. During that meeting, attendees discussed the protection of cultural resources at the SVRA and the Alameda Tesla Property and the need to reduce impacts from recreation in the immediate vicinity of known cultural sites. Attendees also discussed the need to update the cultural resource surveys for both units. NVYT was invited to participate in these surveys if interested during the meeting. The final topics of discussion were the Resource Management Area (RMA) model for trail riding, potential ways of reducing environmental impacts on cultural resources at the SVRA, and the State Parks environmental review process for proposed projects.

State Parks continued the consultation process following other cultural inventory projects with NVYT and sent out proposed dates for the survey on June 6th, 2024. These emails continued back and forth through June 19th. On June 19th Sonoma State University staff Mark Walker, Diablo Range District staff Zackary Moskowitz, Amanda Blosser, and April Maron, and NVYT Chairperson Perez held a Zoom meeting. This meeting acted as the kickoff for the upcoming survey and cultural resources inventory. Topics discussed at the meeting included survey dates, survey strategy, and Tribal concerns. Survey dates for round one of the CSVRA surveys were set for June 20th-25th. Unfortunately, NVYT was not able to attend any of these survey dates. As NVYT could not attend, SSU sent daily updates on the surveys and avoided Tribal concern areas that were identified in the kickoff meeting. On June 27th, Carnegie SVRA hosted NVYT for a tour of the SVRA and important cultural areas. Discussions during the tour included potential collaboration areas, areas of concern to NVYT, and survey areas that were of concern since the previous General Plan effort. An ethnographic meeting was proposed for August 19th to discuss a cultural landscape with NVYT, but NVYT was unable to attend. As of August 29, 2024, a second round of survey dates have been proposed to allow NVYT ample time for meaningful survey participation. DRD will continue to prioritize Tribal Consultation and ensure it is meaningful and impactful.

State Parks does not believe that the language on page 1-9 of the General Plan discussing the tribal consultation is misleading. State Parks has been and continues to be actively engaged in consultation with Native American Tribes for all projects and activities at the Carnegie SVRA. We are not supplementing the 2012 consultation held in support of the prior planning effort, but are using information from our current ongoing consultation with Native American Tribes, including the commenter, to inform our planning and environmental

review processes. We are currently actively working with NvyT on the Cultural Inventory for the Carnegie SVRA. We take consultation all of our planning processes seriously.

- T1-2 State Parks strives to engage in meaningful consultation in a manner that is respectful of all parties. Consultation has a meaningful impact on projects and management of parks and is valued by State Parks. State Parks will continue to consult on the projects in the future.
- T1-3 State Parks provided all reports, maps, and site records for the Carnegie SVRA to the commenter through OneDrive on March 22, 2024. State Parks continues to provide all cultural and project information updates to Chairperson Perez on a monthly basis, as applicable, and as new information becomes available.
- T1-4 The Carnegie General Plan revision covers the entire SVRA. State Parks staff are working to assess, maintain, and restore resource management areas in the SVRA to address resource management and aesthetic issues. Trails are closed and rotated as needed to rehabilitate soil and/or vegetation. State Parks will continue to assess the impacts of future uses on the ongoing operations of the SVRA and the General Plan includes numerous goals and guidelines to avoid and reduce any impacts on sensitive resources. For example, goals in the Section 4.2 **Land Use Management** of the General Plan and **Section 4.4.4 Operations Facilities**, **Section 4.4.5 Roads and Trails Management Plan** and **Section 4.4-6 Parkwide Goals and Guidelines** provide for a balance of uses that will allow State Parks to assess impacts from ongoing maintenance for the operation of the entire SVRA.
- T1-5 State Parks is actively rehabilitating and implementing a trails-only based management model at the Carnegie SVRA through the Resource Management Areas (RMA's) program. This process often leads to a less dense trail network and also includes frequent inspections and strict enforcement of trails-only policies. We are also reducing OHV use around sensitive Tribal areas as noted in the comment letter through the use of gates, trail closures, and trail reroutes. This management process is approximately 50 percent complete and State Parks looks forward to continuing to work with our stakeholders as we implement the remaining portion of the program.
- T1-6 Please see response to comment T1-5.
- T1-7 There is no OHV use allowed in Corral Hollow Creek. Users looking to cross Corral Hollow Creek can only do so at designated crossings. The General Plan calls for reopening Lower Waterfall Canyon to non-motorized trail use only, which is discussed on page 4-7 of the General Plan. A cultural resources survey of the Waterfall Canyon area is part of the 2024 Cultural Resources Inventory project currently underway. This inventory includes involvement from NvyT.
- State Parks is considering the rehabilitation of existing trails in the southeast corner of the SVRA for non-motorized use, such as hiking and mountain biking (see Figure 4-1 in the General Plan). Details about the trails and their allowed recreational uses will be provided in a SVRA Roads and Trails Management

Plan that is called for in the General Plan. The alignment of trails will take into consideration potential viewpoints; areas for picnic tables, benches, and interpretive signage; terrain and drainages, and the presence and protection of sensitive resources.

T1-8

The commenter notes that the land can only support so much activity and that State Parks should be able to protect Native American, historic, and natural resources. State Parks fully agrees with this comment. State Parks follows all laws, guidelines, and best management practices for land management. State Parks employs Environmental Scientists, Archaeologists, and Historians to review all current and proposed projects to ensure that resource protection is incorporated into projects and that sensitive resources are adequately protected. The General Plan covers the entirety of the existing Carnegie SVRA. A separate planning process is currently underway for the Alameda Tesla Property.