



## The Forest of Nisene Marks State Park General Plan/Final Environmental Impact Report

### ADDENDUM

July 2005

The Forest of Nisene Marks State Park General Plan/Final Environmental Impact Report (FEIR) was approved by the State Park and Recreation Commission on August 22, 2003. The following constitutes an Addendum to the Commission-approved document. This Addendum was made necessary as a result of a stipulated court settlement on April 8, 2005, which determined that mountain biking would not be allowed in the deeded portion of the park, except on the Aptos Creek Fire Road. Although mountain biking is more restricted in the park, there is no change to the findings made in the Final EIR certified by the Commission.

The Amended General Plan/FEIR has been reprinted with the text changes and staff revisions noted in the Department's response to public comments, as certified by the Commission, as well as text revisions that reflect the court's decision pertaining to mountain biking in the deeded area of the park. The page numbers below are correlated with the July 2005 Amended General Plan/FEIR. *The page numbers noted in parentheses are provided to help locate the text as it appeared in the March 2003 Preliminary General Plan/Draft EIR document, as applicable.* The underlined text indicates new or inserted text and the strikethrough text indicates deletions.

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#### **Recreational Uses of the Park – Page 69, paragraph 1 (pg. 66, para. 2):**

The park is well used by runners, hikers, and mountain bikers year-round and these three uses clearly account for most park visits. Other park uses include picnicking, horseback riding, swimming, fishing, and passive recreation such as nature study and quiet reflection. A large portion of the park is under deed restrictions which prohibit horseback riding and limit mountain biking to the Aptos Creek Fire Road in the deeded portion of the park (above the Soquel Augmentation Line). (See Figure 2, Existing Conditions).

#### **Existing Trails – Page 70, paragraph 2 (pg. 67, para. 3):**

The park offers approximately 40 miles of multi-use and single-use trails, 30 miles of which are regularly maintained. Many trails follow the original railroad grades built between 1882 and 1922. Bicycles are restricted to paved the Aptos Creek Fire Roads and other designated trails outside the deeded area, hiking is allowed on all trails, and dogs must be leashed at all times. The most heavily used trails are described below.

#### **Patterns and Levels of Use – Page 71, paragraph 3 (pg. 68, para. 4):**

The park as a whole has a regional reputation as a mountain biking destination. By far the most common reference in the biking literature is to the 18-mile “out-and-back” Aptos Creek Fire

Road, from the park entrance to Sand Point Overlook (considered one of the best relatively easy trails in the area). ~~and to the Hinckley Basin and Buzzard Lagoon Fire Roads. Generally, paved and unpaved<sup>38</sup> park roads are open to bicycles.~~ Trails which are not designated “multi-use” are closed to bicycles. Besides the Aptos Creek Fire Roads, bicycles are allowed on four of the seven named trails below the Steel Bridge, which are in the multi-use category and outside of the deeded area.

**Deed Restrictions – Page 77, paragraph 2 (pg. 74, para. 1):**

~~These deed restrictions are a planning influence on all property above the Soquel Augmentation Line. However, the language in the deeds is subject to interpretation. Some believe that the restrictions prohibit certain uses (namely, mountain biking) while others argue that, with the exception of horseback riding, a reasonable interpretation of the language does not restrict such uses.~~

**Deed Restrictions – Page 77, paragraph 4 (pg. 74, para. 3):**

The appropriateness of multiple uses (shared use), has been reviewed in light of the ~~Department’s legal authority and the~~ conditions of the gift of the property. ~~It has been determined that, except for equestrian activity on trails, other forms of uses, including mountain biking, are not inconsistent with those conditions. In a lawsuit brought in Sacramento Superior Court, a judged ordered that “[w]ith the exception of the Aptos Creek Fire Road, biking is prohibited on the Dedicated Property because of deed restrictions imposed by the Marks Family and the use of bikes cannot be authorized on the Dedicated Property in The Forest of Nisene Marks State Park...” The Court defined “Dedicated Property” as “the four separate conveyances by grant and gift deeds from Agnes K. Marks, Herman H. Marks and Andrew P. Marks... conveying approximately 9,000 acres of property to the State of California.” The Court also clarified that “[w]ith the exception of the Aptos Creek Fire Road, the General Plan may not authorize bikes on the Dedicated Property.” ([Proposed] Stipulated Judgment, Case No. 03CS01366, April 8, 2005, page 2).~~

**Unit Vision – Page 84, paragraph 6 (pg. 82, para. 5):**

Where feasible, trails and parking for disabled access will be developed. ~~Trails will be designed to move bikes through this heavily used lower area and into other suitable areas of the park that are less frequented by foot traffic. Longer looping trails as well as fThe Aptos Creek Fire Roads~~ will accommodate ~~more~~ active forms of recreation, such as bicycling. Equestrian use will be accommodated in the lower area of the park. Access to vista points and other points of interest will be maintained. Interpretive nodes will be established at significant points of interest.

**Unit Vision – Page 85, paragraph 2 (pg. 82, para. 6):**

The upper portion of The Forest of Nisene Marks State Park will be designated as a low use area. Sensitive plant and animal communities and habitats will be protected, as well as the sense of remoteness and solitude unique to the Santa Cruz Mountains. Protection of the upper reaches of the Aptos and Hinckley watersheds will remain a priority. ~~The proposed Sand Point Trail Camp and Tthe Aptos Creek fFire Roads~~ will accommodate shared use, with the exception of

equestrians, in order to maintain connections with the Soquel Demonstration State Forest. Biological corridors will be maintained and enhanced, as will regional trail connections. Opportunity purchases of appropriate lands will enhance these regional connections, as well as reduce in-holdings and provide additional access points.

**Low Allowable Use Intensity – Page 106, paragraph 2 (pg. 102, para. 4):**

This area will be managed to preserve and protect sensitive natural resources, including plant and animal species and their supporting habitats, as well as to protect the movement of plants and animals within the park. Resource protection will be the foremost consideration for all land use and management decisions. This area would be managed with very low tolerance for resource degradation from visitor use, and management action could be taken to change visitor use patterns if such degradation occurred. Visitor experience would be primarily based on hiking, walking, or nature study characterized by light to moderate use focused on marked and maintained trails. ~~This zone also includes smaller areas that may accommodate some moderate use, where secondary activities would be considered.~~ There would be some management presence to accommodate resource protection and visitor use. This area would provide substantial opportunities for scientific study of natural processes in undisturbed conditions.

**Moderate Allowable Use Intensity – Page 107, paragraph 1 (pg. 103, para. 5):**

Moderate Allowable Use Intensity areas are land units managed for resource protection and moderate recreation ~~(these areas may include shared-use trails)~~. Ecologically sensitive areas in this category are those with native plant communities that help define the character of the unit, and that provide habitat for native wildlife, and spot locations of sensitive flora and fauna.

**Moderate Allowable Use Intensity – Page 108, paragraph 1 (pg. 104, para. 5):**

The Moderate Allowable Use Intensity enhances opportunities for visitors to enjoy more intensive recreational activities and could support a range of active recreational opportunities such as picnicking, and bicycling on the Aptos Creek Fire Road, which would contribute to the diversity of experiences. Visitors would expect moderate to high numbers of encounters with other users and crowding on certain peak days. Large groups could use portions of these areas.

**Moderate Allowable Use Intensity – Page 108 (pg. 104):**

*Activities* – The following activities would be typical in this zone:

- Hiking and walking
- Photography and nature study
- Picnicking and social gathering
- Bicycling (on the Aptos Creek Fire Road only)
- Swimming and wading
- Fishing
- Interpretive programs

**Moderate Allowable Use Intensity – Page 108 (pg. 104):**

*Facilities* – The following facilities would be allowed in this zone:

- Roads and improved trails
- Day-visitor parking
- Turnouts for parking or scenic lookouts
- ~~Bicycle trails~~
- Marked trails, ~~including bike paths~~ and interpretive trails
- Fences, boardwalks, walls, signs, and other features to direct travel appropriately around sensitive resources
- Interpretive, directional, and safety signs and exhibits
- Utilities such as well sites, utility lines, pump stations and other facilities (where screened from view)
- Bridges where necessary for access, improved circulation, safety, and/or resource protection
- Trail Camp

**High Allowable Use Intensity – Page 109, paragraph 2 (pg. 105, para. 4):**

High Allowable Use Intensity areas could be accessible by automobile, bus, and by bicycle<sup>41</sup>, with interpretive trails or other marked trails leading to beaches and scenic views.

**High Allowable Use Intensity – Page 109 (pg. 106):**

*Activities* – The following activities would be typical in this zone:

- Hiking and walking
- Jogging
- Photography and nature study
- Picnicking and social gathering
- Bicycling (restricted to the Aptos Creek Fire Road in the deeded portion of the park, above the Soquel Augmentation Line)
- Swimming and wading
- Fishing
- Interpretive programs
- Horseback riding (below the Soquel Augmentation Line only)

**Resource Protection and Low Intensity Recreation – Page 114, paragraph 4 (pg. 110, para. 3):**

Visitor experience and recreation opportunities in this area would be primarily hiking, walking or nature study characterized by light to moderate use on designated and maintained trails. ~~This zone also includes smaller areas, or corridors, that may accommodate some moderate use, where secondary activities (such as bicycling) may be considered. These secondary activities must be consistent with resource management objectives and desired visitor experiences within this low intensity use area.~~ This land management designation would provide substantial opportunities

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<sup>41</sup> Above the Soquel Augmentation Line (the deeded area) bicycling is restricted to the Aptos Creek Fire Road.

for scientific study of natural processes in undisturbed conditions. This area would have limited visitor access (due to the remoteness and topography) and would accommodate a lower number of visitors than the moderate or higher intensity recreation zones.

**Resource Protection and Moderate Intensity Recreation – Page 115, paragraph 3 (pg. 111, para. 3):**

This designation covers approximately the middle portion of the park. ~~Two~~An extensions of this zone includes the Aptos Creek Fire Road, a shared use roads that travels through the Resource Protection and Low Intensity Recreation zone and provides a connection to the northwestern and northeastern park access locations.

**Resource Protection and Moderate Intensity Recreation – Page 115, paragraph 4 (pg. 111, para. 4):**

Activities in this zone may include everything included in the low intensity recreation zone with the addition of trail camping, group activities, picnicking, and interpretive programs. The range of facilities in the moderate intensity recreation zone may consist of trails ~~(including shared-use trails)~~, roads, primitive trail camps, parking, and small structures for interpretation. The facilities compatible with low intensity recreation noted above are also appropriate in this zone. The Resource Management Goals and Guidelines and Area Goals and Guidelines for Parking and Access, Historic Features, and Trail Camps are also applicable in this zone.

**Alternatives to the Proposed Action –Overview - Page 178 (pg. 171):**

**Table 9**  
**Summary Overview of Alternatives**

NO ACTION	ALTERNATIVE A	ALTERNATIVE B (PREFERRED PLAN)	ALTERNATIVE C
Mountain Bike Use			
No change	Not allowed within designated wilderness. <u>Restricted to the Aptos Creek Fire Road above the Soquel Augmentation Line (the deeded property).</u>	To be determined by future comprehensive unit trail plan. <u>Restricted to the Aptos Creek Fire Road above the Soquel Augmentation Line (the deeded property).</u>	To be determined by future comprehensive unit trail plan. <u>Restricted to the Aptos Creek Fire Road above the Soquel Augmentation Line (the deeded property).</u>

**Alternative A – Page 179, paragraph 3 (pg. 172, para. 3):**

Alternative A would provide resource protection; however, this alternative decreases the diversity and range of recreation opportunities park-wide. ~~It does not respond to the increasing recreation demand and diversity in the region.~~

The following lists the revisions to the maps regarding bicycle use in the deeded portion of the park, as directed by the court (**See attached maps, revised 6/27/05**).

**Figure 2, Existing Conditions – Page 4 (pg. 4):**

Map - Names of existing roads were added

Map - Soquel Augmentation Line was emphasized for easier recognition

**Figure 7, Alternative A – Page 221 (pg. 215):**

Legend – Delete “(may include shared use trails)” under “Land managed for resource protection and recreation”

Legend – Change “shared use roads” to roads (shared use)

Legend – Add roads (unpaved)

**Figure 8, Preferred Plan, Alternative B – Page 223 (pg. 217):**

Legend – Delete “(may include shared use trails)” under “Land Managed for Res. Protection & Moderate Intensity Recreation”

Legend – Change “shared use roads” to roads (shared use)

Legend – Add roads (unpaved)

**Figure 9, Alternative C – Page 225 (pg. 219):**

Legend – Delete “(may include shared use trails)” under “Land Managed for Res. Protection & Moderate Intensity Recreation”

Legend – Change “shared use roads” to roads (shared use)

Legend – Add roads (unpaved)

Map – Delete text (in green area) that reads: “West Ridge Trail to be considered for shared use to provide a loop opportunity within the park,” and change the trail dotted –line distinction to coincide with the “trails” designation in the legend.

Map – Delete text (in blue area) that reads: “Consider trail for shared use,” and change the dotted-line distinction to coincide with the “trails” designation in the legend.