

State of California – The Resources Agency

Memorandum

Date : July 10, 2020

To : Project File

From : Peter Jones

Environmental Scientist

Department of Parks and Recreation

Gold Fields District

Subject : Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration (MND)

The 30-day comment period for the above CEQA document closed at 5 p.m., June 1, 2020. Over 75 comment letters and emails were received during the comment period. Copies of the comments are provided in Attachment A and are on file at the Goldfields District. Specific analyses and responses to the comments received were considered as part of the project approval process and are provided in Attachment B. Subsequent changes to the project description and analysis listed as errata in Attachment C were also considered and are considered incorporated into the MND. A mitigation monitoring and reporting plan was prepared and adopted and is also on file at the Gold Fields District.

With completion of this analysis and consideration of comments and errata, CDPR adopts the MND and approves the project. CDPR intends to file a Notice of Determination for the referenced MND by July 15, 2020.

Attachment A. Comments Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration

Comments Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration		
Comment Letter No.	Commenter	Comment Source
<i>Public Agencies</i>		
A1	Central Valley Regional Water Quality Control Board	Letter, May 29, 2020
<i>Organizations</i>		
O1	Sierra Club, Mother Lode Chapter	Letter, May 31, 2020
O2	Protect American River Canyons	Letter, June 1, 2020
O3	Public Interest Coalition	Letter, June 1, 2020
<i>Individuals</i>		
I 1	Paul Kekoni	Email, April 28, 2020
I 2	Chris Poling	Email, April 28, 2020
I 3	Brett Powell	Email, April 29, 2020
I 4	Michael Muldoon	Email, May 3, 2020
I 5	Michael Muldoon	Email, May 3, 2020
I 6	Tom Ceccarelli	Email, May 3, 2020
I 7	Joanne Thornton	Email, May 7, 2020
I 8	Derek Slavensky	Email, May 10, 2020
I 9	Terry Davis	Email, May 15, 2020
I 10	Jon Reed	Email, May 15, 2020
I 11	Michael Maguire	Email, May 16, 2020
I 12	Britt Davis	Email, May 16, 2020
I 13	Holly Verbeck	Email, May 16, 2020
I 14	Chase Genzlinger	Email, May 16, 2020
I 15	Ted Hawkins	Email, May 16, 2020
I 16	Jeffrey Hohlbein	Email, May 17, 2020
I 17	Steven Terrell	Email, May 17, 2020
I 18	Andrew Muhlbach	Email, May 17, 2020
I 19	Mark Via	Email, May 17, 2020

Comments Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration		
Comment Letter No.	Commenter	Comment Source
I 20	Tom Venuti	Email, May 17, 2020
I 21	Steve Mervau	Email, May 18, 2020
I 22	Brian Scott	Email, May 18, 2020
I 23	Todd Kohlmeister	Email, May 20, 2020
I 24	Jim Borow	Email, May 20, 2020
I 25	Rod Glazebrook	Email, May 20, 2020
I 26	Garrett Schlegel	Email, May 20, 2020
I 27	Kris Terrell	Email, May 20, 2020
I 28	Brian Roth	Email, May 20, 2020
I 29	Chaz Halbert	Email, May 21, 2020
I 30	Daniel Chase	Email, May 21, 2020
I 31	Peter Crowell	Email, May 22, 2020
I 32	Chris Smith	Email, May 23, 2020
I 33	Kyle Bross	Email, May 26, 2020
I 34	Chris Conover	Email, May 27, 2020
I 35	Cari Simonelli	Email, May 28, 2020
I 36	Michael Allison	Email, May 28, 2020
I 37	Phil Hamilton	Email, May 28, 2020
I 38	Patrick Burke	Email, May 28, 2020
I 39	Robert Weber	Email, May 28, 2020
I 40	Scott Alessandro Rose	Email, May 28, 2020
I 41	Scott Alessandro Rose	Email, May 28, 2020
I 42	Brandt Kennedy	Email, May 28, 2020
I 43	Spencer Smith	Email, May 28, 2020
I 44	Mark Beers	Email, May 28, 2020
I 45	Raymond Groshong	Email, May 28, 2020
I 46	Kevin Murphy	Email, May 28, 2020
I 47	Stephanie Lee	Email, May 28, 2020
I 48	Mike Weber	Email, May 28, 2020

Comments Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration		
Comment Letter No.	Commenter	Comment Source
I 49	Michael Muldoon	Email, May 28, 2020
I 50	Bert Casten	Email, May 28, 2020
I 51	Dan Davis	Email, May 29, 2020
I 52	Jeff Forslind	Email, May 29, 2020
I 53	Steven Clark	Email, May 29, 2020
I 54	Paul Master	Email, May 29, 2020
I 55	Vivian Terwilliger	Email, May 29, 2020
I 56	Bert Casten	Email, May 29, 2020
I 57	David Taylor	Email, May 29, 2020
I 58	Rod Mckenzie	Email, May 30, 2020
I 59	Jeff G.*	Email, May 30, 2020
I 60	Dan McManus	Email, May 30, 2020
I 61	Alan Carlton	Email, May 31, 2020
I 62	Hines Custom Fence and Iron*	Email, May 31, 2020
I 63	Jeremy Davis	Email, June 1, 2020
I 64	Josh Gassin	Email, June 1, 2020
I 65	Patrick McPhetridge	Email, June 1, 2020
I 66	Amy Sheppard	Email, June 1, 2020
I 67	Robert Makinen	Email, June 1, 2020
I 68	Paul Clark	Email, June 1, 2020
I 69	Epifanio Carrasco	Email, June 1, 2020
I 70	Glenn Gehrke	Email, June 1, 2020
I 71	Scott Grosser	Email, June 1, 2020
I 72	James Williams	Email, June 1, 2020
*Name/full name not given		

Attachment B. Mammoth Bar Motocross Track Relocation IS/MND RESPONSE TO COMMENT

Note: All response references to sections, chapters, and figures, e.g., Section 3.11, refer to the Initial Study unless otherwise stated.

Comment Letter #A1, Central Valley Regional Water Quality Control Board

Comment #A1-1: [Note: Information summarized due to comment length.] The CVRWQCB's letter provides background on the Basin Plan and information on permits that may be required for the project including: Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Water Quality Certification, Waste Discharge Requirements, Dewatering Permit, Limited Threat General NPDES Permit, and/or NPDES Permit. The letter notes the environmental review document should evaluate potential impacts to both surface and groundwater quality.

Response to Comment #A1-1: Initial Study section 3.10 Hydrology and Water Quality assesses potential project impacts on both surface and groundwater quality, noting that implementation of the Storm Water Pollution Prevention Plan for the project, in support of a NPDES permit, would avoid adverse effects to surface and groundwater quality. The letter does not provide comment specific to the environmental analysis in the IS/MND. CDPR is consulting with the CVRWQCB and other regulatory agencies prior to construction of the project to be sure all proper permits for the work are obtained.

Comment Letter #O1, Sierra Club, Mother Lode Chapter

Comment #O1-1: First, we would like to express the Sierra Club's longstanding opposition to motorized recreation in the American River Canyon. We believe that allowing motorized vehicle use to continue at Mammoth Bar is inconsistent with responsible management of sensitive natural resources... Unfortunately, ... there has been a history of treating Mammoth Bar as a "sacrifice area," where natural resources did not have to be protected to the same degree they otherwise would have.

Response to Comment #O1-1: The comment expresses the opinion of the commenter. No basis is provided for the description of Mammoth Bar as a "sacrifice area," a description rejected by CDPR as contrary to management of the area. No comment is made on the adequacy of the Initial Study or its conclusions. No response is required.

Comment #O1-2: [E]rosion and threats to water quality from motorized recreation remain ongoing, and may even increase to some degree, given plans in the draft form to open the area to motorized recreation six days a week, rather than on alternate days, as has been the case under the interim management plan...

Response to Comment #O1-2: As stated in Section 3.11.1 (see Errata), use limits prescribed by the interim management plan will stay in effect until the Auburn SRA General Plan/Resource Management Plan (GP/RMP) is approved. Any use changes

proposed under the GP/RMP have been analyzed via the GP/RMP EIR/EIS and are not the basis for or a component of the track relocation project. The GP/RMP, including the Draft and Final EIR/EIS that have been released to the public, are the long-term management plan that will replace the 1992 Interim Resource Management Plan (IRMP) for Auburn SRA and fulfill the requirements in the 2000 Stipulation for Settlement and Dismissal for a comprehensive long-term management study and replace the interim management plan identified in the Settlement, including the motorized and non-motorized use limits identified in the Agreement. The Final EIR/EIS for the GP/RMP was released on June 26, 2020. The two lead agencies, USBR and CDPR, still need to complete their respective decision processes for the GP/RMP and EIR/EIS. The Park and Recreation is not expected to hold a hearing considering the GP/RMP until 2021; USBR may take action on the plan sooner. The relocation project is independent of and not dependent on the GP/RMP or its EIR/EIS analysis.

Comment #O1-3: Regarding the motorcycle track, it is very close to the American River, which is a source drinking water for hundreds of thousands of downstream residents. The sandy, porous, and highly erodible soils of the track are prone to contamination, which exposes the river to harmful water quality impacts. State Parks itself admits the inappropriateness of this location for motorized recreation.

Response to Comment #O1-3: The project does not propose increasing the amount, extent, or intensity of use or changing the types of uses at Mammoth Bar and would not increase any potential for contamination. As acknowledged in Comment #O1-4, the proposed project entails relocating the MX Track farther from the Middle Fork American River to reduce the potential for flooding and related erosion and potential adverse water quality impacts. This relocation reflects the project objective of minimizing the likelihood and extent of flood-related erosion rather than a determination of the appropriateness of the overall project area for motorized recreation. See also Response to Comment #O2-3 regarding erosion control and Response to Comment #O3-5 regarding flood flow analysis. No comment is made on the adequacy of the IS/MND or its conclusions. No further response is required.

Comment #O1-4: [T]he proposed relocation of the track farther from the river, where it is less likely (at least in the short-term) to be washed out again, would provide an incremental potential benefit to water quality. The track is being relocated to an already developed area, and no outside fill is being brought in. Therefore, although we usually request the preparation of a full Environmental Impact Report for a project in a sensitive area, we are not objecting to the use of a Mitigated Negative Declaration in this instance.

Response to Comment #O1-4: The comment is consistent with the use of an MND for the project. CDPR notes and appreciates the lack of objection to use of the MND. No further response is required.

Comment Letter #O2, Protect American River Canyon

Comment #O2-1: We agree the proposed relocation of the track away from the river would be an improvement on its previous riverside location, in that the new location would be less susceptible to damage from high river flows and less likely to result in

OHV pollutants being deposited in the river. Nevertheless, PARC is concerned that the reconfigured track and other features of the proposed project may have significant environmental impacts that the MND's proposed mitigation measures will fail to reduce to a less than significant level. These potential adverse impacts include, but are not limited to: negative visual and aesthetic effects, erosion and degradation of water quality, increases in ambient noise, interference with other recreational opportunities (such as rafting, kayaking, mountain biking, and hiking), and impacts on plant and animal communities.

Response to Comment #O2-1: The comment lists environmental factors potentially significantly affected by the project but does not provide information on specific effects. No further response is required.

Comment #O2-2: We also believe the MND is flawed because it only identifies and evaluates potential environmental impacts that may occur during construction of the new track and associated features. The MND fails to consider and evaluate the potential impacts from OHV use of the rebuilt track and other facilities once construction activities are completed and the area opened to public OHV use.

Response to Comment #O2-2: The completed project footprint would be within the boundaries of existing use areas (Section 2.3 and Figure 5). Existing uses would remain, although some facilities such as the trials area would be relocated (Section 2.3). The track relocation project does not propose changing the number of use days. The relocated track would not expand the OHV area and is not expected to increase the pre-storm amount, extent, type, or intensity of use of the OHV area (see, e.g., Sections 3.3.2, 3.11, and 3.16.2). The GP/RMP does propose changing the number of OHV use days, to up to 6 days per week, but this change in use is analyzed through the separate EIR/EIS for the GP/RMP. See Response to Comment #O1-2.

Comment #O2-3: However, nowhere does the MND evaluate the potential riparian or water quality impacts of OHV use of the relocated track.

Response to Comment #O2-3: The track would be relocated into an area that has been actively used for OHV recreation (trials) and parking. Other than riparian impacts occurring during construction, as discussed under Section 3.4.3, threshold b, the project would not cause new riparian impacts (see Errata). Section 3.10.2 assesses the project's potential water quality impacts, including from operations, e.g., see the analysis under threshold a: "As stated in the Geology and Soils section above, soil erosion could also occur from the ongoing use of the track once it has been relocated and reopened. Regular maintenance of the track conducted under a Stream Alteration Agreement with CDFW would minimize loose soils through watering and compaction and other erosion control measures. Finally, the ongoing use of the MX Track requires compliance with the OHMVR Division's soil conservation program and soil loss guidelines."

Comment #O2-4: The MND also fails to address and evaluate the potential impacts from increased frequency of OHV use at Mammoth Bar. State Parks and the Bureau of Reclamation are currently developing a new Resource Management Plan/General Plan ("RMP/GP") to guide future management of Auburn SRA, including OHV operations at Mammoth Bar. The draft RMP/GP includes a guideline that would allow OHV use at

Mammoth Bar to increase to six days a week (see guideline MZ 22.2 of draft ASRA General Plan/APL Resource Management Plan). Given the clear foreseeability of such increased frequency of OHV use occurring (the new RMP/GP is anticipated to be adopted at some point in 2020), the MND should address the potential impacts from such increased use.

Response to Comment #O2-4: See Response to Comment #O1-2.

Comment #O2-5: [G]iven that the construction schedule for the proposed project coincides with the summer whitewater boating season, we note that the MND fails to indicate whether access to the boating take-out at Mammoth Bar would remain open during that time, and if access would be interrupted, fails to identify any measures to mitigate that impact.

Response to Comment #O2-5: The river access would remain unaffected for most of the construction period. There might be a one- to two-week period when CDPR moves the old MX track feature material when the area might be closed to the public. Otherwise, access would remain open. Traffic control would be set up if needed.

Comment #O2-6: Given the flaws in the MND noted above, and in light of the requirement that an environmental impact report be prepared whenever there is substantial evidence that supports a fair argument that a proposed project may result in one or more significant environmental impacts (California Public Resources Code section 21080), PARC submits that an EIR must be prepared with regard to the proposed Mammoth Bar Track Relocation Project.

Response to Comment #O2-6: The project does not propose increasing the amount, extent, type, or intensity of use at Mammoth Bar (see Response to Comments #O1-2 and #O1-3). The comments have not provided substantial evidence that the project, as mitigated, may have a significant effect on the environment that cannot be mitigated or avoided. No further response is required.

Comment Letter #O3, Public Interest Coalition

Comment #O3-1: We appreciate the opportunity to comment and urge (1) a postponement of any decisions until a full CA State Parks and Recreation Commission can resume functions/meetings (to follow proper procedural policy); (2) a re-evaluation and consideration of alternatives and options; (3) and full compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

Response to Comment #O3-1: The IS/MND was noticed and circulated for public comment consistent with CEQA Guidelines sections 15072 and 15073 and available for downloading from the State Clearinghouse and CDPR websites. CDPR approval of the project does not require a hearing by the State Park and Recreation Commission or other public hearing, e.g., the project is not approval of a general plan, unit classification, or concession contract. As NEPA lead agency, the U.S. Bureau of Reclamation (USBR) prepared a separate Environmental Assessment, which was subject to separate public comment. No further response is required.

Comment #O3-2: History and evidence provide substantive proof of the well-known fact that (1) due to repeated wash outs and damage, instead of a "Relocation," the only

viable project should be one of “Restoration”; and (2) this Mammoth Bar (MB) Motocross (MX) “Relocation” proposal is in fact a new project with potential foreseeable significant impacts that require analysis and circulation of an Environmental Impact Report (EIR)—not a Mitigated Negative Declaration (MND) as proposed—to comply with CEQA as well as an Environmental Impact Statement (EIS) under NEPA.

Response to Comment #O3-2: See the MND Proposed Findings based upon incorporated mitigation that an MND is the appropriate CEQA document for the project. The comment lists generalized concerns about the project and whether an EIR is required but does not provide information on specific effects or provide substantial evidence that the project, as mitigated, may have a significant effect on the environment that cannot be mitigated or avoided. No further response is required.

Comment #O3-3: The Mammoth Bar OHV Area has been operating without proper environmental analysis which should render its authorization moot or worthless. Its original, natural state—no OHV or MX track—must be considered the true baseline and must be the starting point for any decisions about the MB MX’s future.

Response to Comment #O3-3: OHV recreation at Mammoth Bar is a long-established use that pre-dated and was recognized by the 1992 IRMP and has been operated consistently with the IRMP since (see Section 2.2). OHV recreation has been ongoing subject only to temporary interruption, e.g., the 2006 MX track repair and the 2017 storm. Most of the area where the track would be relocated to was reopened with OHV use resuming in October 2018. Only a small portion of the former track footprint has been closed since 2017. Consistent with the CEQA Guidelines and case law, the IS/MND has treated existing facilities and ongoing activities occurring at the project site as a component of the existing conditions baseline. Although use of the MX track was suspended in 2017 due to storm damage, CDPR immediately began work to assess the damage and develop a plan to restore safe recreation operations in the Mammoth Bar area. The process included addressing immediate safety concerns as well as developing and evaluating options for the MX track; conducting permitting, CEQA review, and tribal outreach; engineering design; and funding procurement. The IS/MND properly considers continued OHV recreation at recent historical use levels consistent with the IRMP as existing conditions, see, e.g., *North County Advocates v. City of Carlsbad* (2015). The IS/MND does assess the effects of relocating facilities within the OHV area where relevant. As noted in Section 3.1.2, following relocation of the track, there would be little noticeable difference in the existing environment within the OHV area from pre-storm conditions.

Comment #O3-4: That same natural setting baseline should be the starting point for restoration.

Response to Comment #O3-4: See Response to Comment #O3-3.

Comment #O3-5: [A]ll forks of the American River, but especially the Middle Fork, will be subject to unpredictable weather due to future climate disruption. To ignore the fact that record flows (high and/or low), extreme run off, wildlife migratory impacts and more are highly likely as nature rightfully takes its course, is to invite further impacts from the MB MX if it’s allowed to relocate in the MB area...

Response to Comment #O3-5: As described in Section 2.3.1, the project is designed to move the MX track uphill and farther from the American River to reduce the likelihood of future flooding and resulting erosion. Section 3.10.1 references and summarizes the 2017 flood flow analysis prepared by California Geological Survey (CGS 2017). CGS 2017 determined that most of the project site would be away from areas likely to flood, and that if flooding did occur, erosion would be minimal (see Errata).

Comment #O3-6: Moving the MX and restoring MB is the only realistic and reasonable option. Restoration costs could and should be paid by State Park's OHMVR division by utilizing the many grant resources available to them (See Attachment B).

Response to Comment #O3-6: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the IS/MND or its conclusions. No response is required. See also Response to Comment #O3-5.

Comment #O3-7: The enormity of the MB MX potential impacts must be analyzed via circulation of a full EIR as required by CEQA and a full EIS as required by NEPA.

Response to Comment #O3-7: The comments have not provided substantial evidence that the project, as mitigated, may have a significant effect on the environment that cannot be mitigated or avoided. The USBR is lead agency for NEPA and determined the Environmental Assessment was the appropriate vehicle for NEPA compliance. No further response is required.

Comment #O3-8: The MND photos clearly show that there is not enough room to relocate the track and other areas farther away from the river; thus the setback from the MF AR is completely inadequate and has the potential for hazardous run off and more erosion.

Response to Comment #O3-8: See Response to Comment #O3-5.

Comment #O3-9: The MB MX functional areas are still clearly within harm's way (high water mark) and will be damaged by water run off in severe storms from the elevation gain of the slope(s) above the track and wash-outs just as they have been as indicated in the MND.

Response to Comment #O3-9: See Response to Comment #O3-5.

Comment #O3-10: The focus should be solely on damage to the environment, specifically the watershed of the NF AR that stem from the MB MX. CEQA is meant to inform the public of impacts; however, this MB MX MND vacillates—sometimes focusing on impacts from the construction of the new relocation; other times, focusing on OHV activities. Thus, the public cannot fully grasp the true significance of the impacts and their mitigation or a relocated MB MX. An analysis needs to be circulated that focuses fully on both the relocation area impacts to the environment and any other impacts that short-term construction may create.

Response to Comment #O3-10: The comment lists generalized concerns about the IS/MND analysis but does not provide information on specific effects, provide specific discussion, or provide substantial evidence that the project, as mitigated, may have a significant effect on the environment that cannot be mitigated or avoided. The IS/MND assesses impacts from both construction and operations, as applicable. See, e.g., discussion in Section 3.3.2 and Response to Comments O2-3 and O3-5. The discussion

in Section 3.4.3 has been amended to clarify that project operations would not significantly affect special-status species or sensitive habitat (see Errata). See also Response to Comment #O2-6

Comment #O3-11: The MND dismisses the scenic vista with an unacceptable argument that the area “has been subject to ongoing OHV activities since the last 1970’s, and following relocation, there would be little noticeable difference.” First, the area has not been subject to OHV activities since the wash-out and flooding in 2017. Second, the scenic beauty of the river is present without the track usage. Currently, with no usable track, the river (except for the white plastic pipes sticking out of the washed-out banks) is still extremely scenic. Rafters may not see the track but everyone else who comes in on the road certainly will. Thus, there is potential impact to scenic resources as well as their being further damaged on the site by the relocation. The IS states, “including but not limited to...”; thus all the MB scenic resources are at risk from the relocation—the scenic highway issues not does pertain to the MB MX yet is used to omit the discussion. It’s disingenuous to state that relocation activities will take place within the existing “footprint.” With the actual loss of track area due to the wash-out, it would appear that the footprint “size” may be the same, but new ground will be broken (used/taken/impacted, etc.); but that is not covered. We submit that all potential impacts must be thoroughly analyzed via an EIR.

Response to Comment #O3-11: As noted in Response to Comment #O3-3, the Mammoth Bar OHV Area is a decades-long established use operated almost continuously other than for the 2006 track repair and the 2017 storm damage addressed by the track relocation project currently under consideration. The project would not noticeably change the views of the project area visible from the American River as the track area is screened and only visible from a limited stretch of the river or other scenic viewpoints. Although returning visitors to the OHV area would notice that use areas have shifted, the overall uses would not have changed, and all construction would have occurred in areas already disturbed either for recreation, e.g., the trials area, or recreation support, e.g., parking and access.

Comment #O3-12: The MND deals solely with speculation that there would be no change in attendance to the MX track and therefore no change in dust creation or operational emissions. If that were the case, then we could assume that the OHV operators would not wear face masks. We submit that the re-located track may, or potentially will indeed create significant dust if not emissions for sensitive receptors. These may be visitors, family members who come to watch, or OHV operators who take a break and remove masks while others race upon the track(s). We submit that air quality impacts may be significant and require analysis. Here again, the MND does not include thresholds for determining the significance of the air quality impacts from the MB activities themselves. Therefore, the MND lacks the evidentiary support for its conclusions.

Response to Comment #O3-12: See Response to Comments #O3-3 and #O1-2 and #O1-3, respectively, regarding the long-established OHV use, no increase in use, and no change to the extent, intensity, or types of use. As such, and as noted in Section 3.3.2, project operations would not change operational emissions or otherwise change operational air quality impacts.

Comment #O3-13: We submit that any changes in landscape will interfere substantially with the movement of resident and/or migratory wildlife species or with established native resident or migratory wildlife corridors. Additionally, there is a foreseeable potential that native wildlife nursery sites may also be impacted with the relocation. Dismissing the impact by stating that wildlife “could move around the project area during construction” is inadequate and may not even be true. It’s not just at time of construction but after the MB MX track is being used where the potential lost corridors can take their toll—especially with nocturnal prey animals. Barriers to wildlife movement are only one aspect of the negative impacts. It’s creating new corridors that may pose problems for wildlife and predators. None of this is addressed in the IS; it must be thoroughly analyzed in an EIR.

Response to Comment #O3-13: The comment does not explain how relocating the MX track into an area already used for recreation and public access would block wildlife movement or affect wildlife nurseries beyond the impacts already described and mitigated in the IS/MND. See, e.g., discussion in Section 3.4.3 regarding potential impacts to nesting birds and accompanying mitigation. Although the MX track would be fenced to prevent OHV access during non-operating days, fencing the approximately three-acre track itself would not prevent wildlife from moving through the overall Mammoth Bar OHV Area (see Errata). The project would not create new or block existing wildlife movement corridors. The response to Biology threshold has been revised to clarify that mitigation prescribed for nesting birds and bat nursery sites addresses potential impacts to nursery sites (see Errata).

Comment #O3-14: [W]e submit that this is a new project; as such it cannot defer analysis by claiming the impacts already take place. The MB track was once closed (after the last wash-out); at that time there were no excessive OHV noises. In fact, without the MX being used, there is no existing noise from the track. Thus, this MND has failed to analyze any of the noise that will be created or generated by the new location. This is unacceptable—it does not inform the public nor comply with CEQA. The MND provides no explanation as to why, when the MB track is inoperative, that it is relying inappropriately on previous operations. This threshold is not appropriate under CEQA. CEQA Guidelines state that a project would have a significant noise impact if it would result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. See CEQA Guidelines Appendix G. We submit that an EIR analysis is required due to potential significant noise levels with the relocation. We also submit that the MND relies on an inaccurate baseline to analyze the impacts from the MB MX project itself. CEQA requires an accurate description of the existing environment. CEQA Guidelines § 15125(a); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722. This baseline normally reflects “the existing physical conditions in the affected area, that is, the real conditions on the ground.” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted). Without an adequate baseline, the MND cannot meaningfully analyze the project’s impacts.

Response to Comment #O3-14: See Response to Comment #O3-3.

Comment #O3-15: Yet this impact section ignores the impact on CDPR Officers to patrol and respond to calls as well as CalFire’s. It again dismisses any potential impacts

by claiming reinstatement of an existing use (which actually is the track's washed-out condition with little-to-no use) is not a new use (the baseline?). We submit that this is new project. Aside from the fact that a proper CEQA analysis was not completed when the MB MX was first created, the baseline now should reflect three years of no legal or organized OHV activities. Activities at the new relocation sites need to be thoroughly analyzed along with the potential impacts from the MB MX activities—not just the construction activities.

Response to Comment #O3-15: See Response to Comment #O3-3 and Section 3.15. The project would not change the amount, type, intensity, or timing of Mammoth Bar uses and would not change the demand for emergency response as it existed prior to the flood damage.

Comment #O3-16: [T]he environmental document must use existing conditions on the ground at the time the Notice of Preparation was published as the baseline for its environmental analysis. See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013), 57 Cal.4th at 448, 459. If an agency deviates from the existing baseline conditions scenario, it must provide substantial evidence to demonstrate why an analysis of the project compared to existing conditions would be misleading. *Neighbors for Smart Rail* at 439.

Response to Comment #O3-16: See Response to Comment #O3-3.

Comment #O3-17: [N]o where in the MND is there a mention of e-bikes. Unless ASRA or the MB MX track(s) ban or prohibit them, their use and impacts must be analyzed via an EIR.

Response to Comment #O3-17: The comment notes that the IS/MND does not discuss e-bikes. The project would not change allowable uses within the Mammoth Bar OHV Area. The MX track has not and would not allow e-bikes. The comment does not provide information on specific effects or provide substantial evidence that the project, as mitigated, may have a significant effect on the environment that cannot be mitigated or avoided.

Comment Email #I1, Paul Kekoni

Comment #I1-1: Nice to hear that this project is finally in the works. I believe that input from the local MX track designers is crucial as the track design's in the past have been, well to put it mildly (Dangerous) in some aspects of design. I realize that this is a State parks project and you guys have certain guidelines to adhere to, I am a Union worker.... so I know that everything has to go up the chain in order to get approved.

Response to Comment #I1-1: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the Initial Study or its conclusions. No response is required.

Comment #I1-2: I've been riding MX since 1975...and still ride at 56 years of age. I hope that the Peewee's track is also in the works also because that needs to be addressed also.

Response to Comment #I1-2: CDPR anticipates the Kids Track would remain in its current location (see Figure 5) but may receive grooming or other maintenance.

Comment Emails #I2, Chris Poling; #I4, Michael Muldoon; and #I5, Michael Muldoon

These emails all requested the correct location for downloading and viewing the IS/MND. Since the emails do not have multiple comments requiring comment-specific responses, they are not duplicated here.

Response to Comments #I2-1, #I4-1, and #I5-1: The commenters requested clarity on how to access the IS/MND. CDPR provided the location for downloading the document.

Comment Emails #I3, Brett Powell; #I6, Tom Ceccarelli; #I8, Derek Slavensky; #I10, Jon Reed; #I11 Michael Maguire; #I12, Britt Davis; #I13, Holly Verbeck; #I14, Chase Genzlinger; #I15, Ted Hawkins; #I16, Jeffrey Hohlbein; #I17, Steven Terrell; #I18, Andrew Muhlbach; #I19, Mark Via; #I20, Tommy Venuti; #I21, Steve Mervau; #I22, Brian Scott; #I23, Todd Kohlmeister; #I24, Jim Borow; #I25, Rod Glazebrook; #I26, Garrett Schlegel; #I27, Kris Terrell; #I28, Brian Roth; #I29, Chaz Halbert; #I31, Peter Crowell; #I32, Chris Smith; #I33, Kyle Bross; #I66, Amy Sheppard; and #I67, Robert Makinen

These emails all expressed support for the project without additional comment subjects. Some emails specifically expressed support for relocating the track farther from the American River, retaining the trials area, and other proposed project components. Since the emails do not have multiple comments requiring comment-specific responses, they are not duplicated here.

Response to Comments #I3-1, #I6-1, #I8-1, #I10-1, #I11-1, #I12-1, #I13-1, #I14-1, #I15-1, #I16-1, #I17-1, #I18-1, #I19-1, #I20-1, #I21-1, #I22-1, #I23-1, #I24-1, #I25-1; #I26-1, #I27-1, #I28-1, #I29-1, #I31-1, #I32-1, #I33-1, #I66-1, and #I67-1: The comments express the opinions of the commenters. No comment is made on the adequacy of the Initial Study or its conclusions. No response is required.

Comment Email #I7, Joanne Thornton et al.

Comment #I7-1: We are very involved in the ASRA proposed plan, with hopes the final EIR/EIS will take into account all of the concerns that have been raised throughout the Park. ... Is there a way to publish this, and future projects to get to a wider audience?

Response to Comment #I7-1: The Notice of Intent to Adopt the MND was distributed more broadly than is required by CEQA, including via the OHMVR Division's email list, which includes an extensive list of agencies, organizations, and individuals. CDPR also conducted media outreach. Interested individuals may contact the OHMVR Division and ask to be placed on the list for future notifications.

Comment #I7-2: [I]t will be great to see Mammoth Bar back up and running like it used to be years ago.

Response to Comment #I7-2: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the Initial Study or its conclusions. No response is required.

Comment Email #I9, Terry Davis

Comment #I9-1: I'm wondering if you or Peter can tell me how many feet from the old track the new one would be. I've tried to find that info but have been unable to.

Response to Comment #I9-1: The track would be relocated upslope of the existing track, shifting the track roughly 400 feet at its westernmost edge. As shown in Figure 5, the southern edge of the new track would overlap the existing track's northern footprint.

Comment Email #I30, Daniel Chase

Comment #I30-1: I would like to voice my opposition to the proposed change of the Mammoth Bar track.

Response to Comment #I30-1: The comment expresses the opinion of the commenter. No comment is made on the adequacy of the Initial Study or its conclusions. No CEQA response is required. The commenter can contact Peter Jones, Environmental Scientist, via the contact information provided in the MND, for further project information.

Comment Email #I34, Chris Conover

Comment #I34-1: Is this input intended to be mainly focused on the environmental impact, or on the design of the track itself? I understand the need for both, but am interested in doing what I can to make the track as safe as it can be, while still being fun... If you are more focused on the environmental impact end of things, I would love to be able to talk/submit feedback to the people doing the design.

Response to Comment #I34-1: The comment provides input on the design of the MX track. No comment is made on the adequacy of the Initial Study or its conclusions. No response is required.

Comment Emails #I35, Cari Simonelli; #I36, Michael Allison; #I37, Phil Hamilton; #I38, Patrick Burke; #I39, Robert Webber; #I40 and #I41, Scott Rose; #I42, Brandt Kennedy; #I43, Spencer Smith; #I44, Mark Beers; #I45, Rayond Groshong; #I46, Kevin Murphy; #I47, Stephanie Lee; #I48, Mike Weber; #I50, Bert Casten; #I51, Dan Davis; #I52, Jeff Forslind; #I53, Steven Clark; #I54, Paul Master; #I55, Bob Terwilliger; #I56, Bert Casten; #I57, David Taylor; #I58, Rod McKenzie; #I59, Jeff G.; #I60, Dan McManus; #I61, Alan Carlton; #I62, Hines Custom Fence and Iron (commenter name unknown); #I63, Jeremy Davis; #I64, Josh Gassin; #I65, Patrick McPhetridge; #I68, Paul Clark; #I69, Epifanio Carrasco; #I70, Glenn Gehrke; #I71, Scott Grosser; #I72, James Williams

These emails all expressed opposition to the project based on the Trials Area being removed due to the track relocation and did not include additional comment subjects. Many of these emails noted the growth of the sport of trials and the collaborative and volunteer efforts that had gone into developing the current Trials Area at Mammoth Bar. Since the emails do not have multiple comments requiring comment-specific responses, they are not duplicated here.

Response to Comments #I35-1, #I36-1, #I37-1, #I38-1, #I39-1, #I40-1, #I41-1, #I42-1, #I43-1, #I44-1, #I45-1, #I46-1, #I47-1, #I48-1, #I50-1, #I51-1, #I52-1, #I53-1, #I54-1, #I55-1, #I56-1, #I57-1, #I58-1, #I59-1, #I60-1, #I61-1, #I62-1, #I63-1, #I64-1, #I65-1, #I68-1, #I69-1, #I70-1, #I71-1, and #I72-1: As stated in Section 2.3.1, the Trials Area

would be relocated within the Mammoth Bar OHV Area. The new Trials Area would be created either within the existing Kids Track (Photo G) or in the northeast area of the damaged track footprint as shown in Figure 5. CDPR is committed to relocating the Trials Area and has already initiated discussion with representatives of the Sacramento Pacific International Trials Society (PITS), several members of whom commented on the IS/MND. These comments were not made on the adequacy of the Initial Study or its conclusions. No further response is required.

Comment Email #I49, Michael Muldoon

Comment #I49-1: I was shocked and disappointed to learn the trials area at Mammoth Bar may be tore out. ... Such an established, valued asset should not be destroyed.

Response to Comment #I49-1: See Response to Comments #I35 et seq.

Comment #I49-2: Of all the users of Mammoth Bar, the MX track is the noisiest and dustiest. To put it smack dab in the middle of the entrance to the park doesn't make sense. ... All of these user groups would be negatively impacted.

Response to Comment #I49-2: The MX Track location has been chosen as the area best suited to support the track while minimizing risk of flood damage and allowing room for all facilities, e.g., Trials Area, Kids Track, parking, picnic tables. These facilities would all be located east of the new track, which would be watered to minimize dust emissions. The OHV area is already subject to noise and dust from OHVs on days it is open, and the track relocation project does not propose to increase the number of motorized users or change the days of operation.

Comment #I49-3: I have been told that on occasion, on a severe storm, the entire area gets flooded right up to the entrance road. So this location wouldn't completely solve the flooding issue.

Response to Comment #I49-3: See Response to Comment #O3-5.

Comment #I49-4: I am a member of Sacramento PITS (Pacific International Trials Society). ... There is an increasing need for quality trials riding areas. I don't wish for OHV funds to be used to remove this valuable asset.

Response to Comment #I49-4: See Response to Comments #I35 et seq.

Attachment C. Mammoth Bar Motocross Track Relocation IS/MND ERRATA

CHANGES TO THE INITIAL STUDY

CEQA anticipates the introduction of new information during the environmental review process. As provided in CEQA Guidelines section 15073.5, recirculation of an MND is required when the document must be substantially revised after public notice of its availability has previously been given. A substantial revision is defined as: 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Recirculation is not required where the new information added to the MND merely clarifies or amplifies or makes insignificant modifications to the MND.

CDPR staff have evaluated the comments and clarifications made to the Initial Study. These revisions do not include substantive changes in the project description, the environmental setting, or in the conclusions of the environmental analysis, or otherwise provide significant new information that would require recirculation of the MND pursuant to CEQA Guidelines section 15073.5.

ERRATA

The following changes are made to the IS/MND to provide clarification in response to public comment. Page and section references made here refer to the IS/MND document. Text removed from the IS/MND is marked with ~~strike-out~~. New text is indicated by underline.

IS Page 27, response to threshold b

Less than Significant Impact~~No Impact~~. The track relocation project would not damage scenic resources, ~~mature trees~~, rock outcroppings, or historic buildings. It may require removal of one mature live oak and willow in or adjacent to the existing trials area, which is already a disturbed area. Removing these trees would not affect scenic resources. There are no officially designated state scenic highways near or within view of the project area.

IS Page 46, response to threshold a

Less than Significant Impact with Mitigation. Given that recreation within the project area would be a continuation of long-term uses, the MX track would be relocated into an area already used for motorized recreation, and the project would not increase the duration or intensity of use, project operations would not significantly impact any candidate, sensitive, or otherwise special-status species.

Hardhead is assumed...

IS Page 46, response to threshold b

Less than Significant Impact with Mitigation. The project site is adjacent to the Middle Fork of the American River, which is a jurisdictional water. The project footprint contains eight non-tidal intermittent streams (seven erosional gullies and one

engineered drainage ditch). These intermittent streams would be permanently impacted by construction activities since they are within the old MX Track, which is proposed to be returned to grade and within the proposed new parking area. The intermittent streams are potential waters of the State and subject to RWQCB and CDFW jurisdiction. The proposed project could have indirect effects on the Middle Fork due to sediment runoff and unintentional release of contaminants from construction activities, which could result in decreased water/habitat quality. Additionally, the project footprint includes riparian habitat as defined by CDFW. The proposed project includes grading within the Top of Bank as well as removal of riparian vegetation. Therefore, the proposed project will result in impacts to riparian habitat, intermittent drainages, as well as potentially impact the Middle Fork of the American River. However, with the implementation of Mitigation Measures BIO-1A to 1C, and BIO-5A to BIO-5F, the impacts from the project, including project operations, would be less than significant.

IS Page 50, response to threshold b

The track and other facilities would be relocated into areas that have been actively used for OHV recreation (trails), circulation, and parking. Once constructed, the relocated facilities would not cause new riparian impacts.

IS Pages 51-52, response to threshold d

Less than Significant Impact with Mitigation. Project construction activities would directly impact the intermittent drainages and riparian habitat due to grading and removal of vegetation within the project footprint, as well as potentially impact the Middle Fork of the American River due to sediment runoff and unintentional release of contaminants. However, since the project site is adjacent to natural open space, terrestrial wildlife could move around the project area during construction. Additionally, the intermittent drainages are not likely to be used by aquatic wildlife since they only convey water during or briefly after rain events. Also, no work would take place below the OHWM of the Middle Fork of the American River. However, the project may still potentially impact wildlife movement within, upstream, and downstream of the project site during project construction activities. The proposed project is not expected to permanently impact existing wildlife movement corridors or create new barriers to wildlife movement as wildlife can readily move throughout the Mammoth Bar OHV Area. Fencing used around the MX track would not be a barrier to wildlife movement. Similar to the fencing used around the old track, fencing used on the new track would include openings allowing for passage of terrestrial wildlife. Even if some wildlife could not traverse the fenced track area, given the small footprint (approximately three-acre) of the track in the otherwise open area, including river frontage, rRelocation of the MX Track and parking area would maintain wildlife access across the site. As discussed under threshold a, project construction could impact nesting birds or bat nursery sites; however, with implementation of Mitigation Measures BIO-3A to 3C and BIO-4A to BIO-4B, the impacts from the project would be less than significant. Given existing uses of the project site, project operations would not significantly impact wildlife breeding sites.

Impact BIO-6: The proposed project has the potential to impact wildlife movement within, upstream, and downstream of the project area during project construction activities. However, with the implementation of Mitigation Measures BIO-2A to BIO-2E, the impacts from the project to wildlife movement would be less than significant.

IS Page 68, Section 3.10.1 Environmental Setting, Flood Flow Analysis

[insert after Table 2] CGS 2017 determined that most of the project area lies above the February 2017 high water line. This area is also well away from the cut bank erosion along the western edge of the existing MX Track area—at its closest point it is more than 100 feet from the bank. The proposed MX Track area would be partially inundated by high flow events having a low recurrence interval, but because the proposed area is broad and away from the channel braid where most of the erosional damage to the existing track occurred, water from high flow events would rise and recede with minimal erosive force.

IS Page 70, Section 3.11.1 Environmental Setting

The project is located within lands of the Auburn SRA. The OHV uses that occur at Mammoth Bar are allowable uses in the SRA. The MX Track has been operating under the direction in the 1992 Interim Resource Management Plan for Auburn SRA and the terms of a 2000 Stipulation for Settlement and Dismissal Settlement Agreement between the Sierra Club, Friends of the River, and the Environmental Law Foundation (plaintiffs) against CDPR over its operation of the Mammoth Bar OHV Area. As a part of this Agreement, an interim management plan (~~IRMP~~) period was initiated that allows the OHV track and trail facility to continue to operate Sundays, Mondays, and Thursdays, and for the period October 1 through March 31, also on Fridays. The interim management plan prescribed in the settlement agreement IRMP will would stay in effect until the completion of a “comprehensive long-term management study. CDPR and USBR consider the of Auburn SRA General Plan/Resource Management Plan (GP/RMP) to fulfill this requirement for a long-term comprehensive study once it is completed. CDPR and USBR have released the Final EIR/EIS for the Auburn SRA GP/RMP, but neither CDPR nor USBR has made a decision on the GP/RMP yet. The GP/RMP cannot go into effect until the Park and Recreation Commission certifies the EIR, USBR completes the NEPA process, and both agencies approve the plan is in the process of preparing a GP/IRMP for both the Mammoth Bar OHV facility and the larger Auburn SRA. A Task Force has been set up to help direct the study.

IS Page 77, Section 3.16.2 Environmental Setting

No Impact. (Responses a and b.) The MX track is an existing use operating under the 1992 Auburn SRA GP/IRMP. In 2016 the attendance at Mammoth Bar was just over 13,000. Relocating and reopening the track would benefit the OHV community by allowing a high-quality motocross experience in an area that has high OHV demand.

The relocated track is not considered an expansion of the use of the OHV area and is not expected to increase the pre-storm use of the OHV area. Long-term OHV use in Auburn SRA has will been assessed in the GP/IRMP recently released currently in preparation by CDPR and USBR. The GP/RMP has not yet been approved by either agency.