

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.

Comment 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
I 20	Tom Venuti	Email, May 17, 2020
I 21	Steve Mervau	Email, May 18, 2020

Comment Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration		
Comment Letter No.	Commenter	Comment Source
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
I 49	Michael Muldoon	Email, May 28, 2020

Comment Received on the Mammoth Bar Motocross Track Relocation Initial Study/Mitigated Negative Declaration		
Comment Letter No.	Commenter	Comment Source
I 50	Bert Casten	Email, May 28, 2020
I 51	Dan Davis	Email, May 29, 2020
I 52	Jeff Forslund	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		

Mammoth Bar Motocross Track Relocation Project

Summary

SCH Number	2020049061
Lead Agency	Parks and Recreation, Department of (<i>California Department of Parks and Recreation</i>)
Document Title	Mammoth Bar Motocross Track Relocation Project
Document Type	MND - Mitigated Negative Declaration
Received	4/27/2020
Present Land Use	Federal Land Used for Recreation

Document Description The proposed project involves pulling the MX Track area back from the river to an existing parking/picnic area, reducing the chances of flood damage in the future. The existing parking area, picnic tables, and trials area would be moved to the east side of the river bar. Fill from the old track would be used to build bank turns and jumps on the level portions of the relocated track. After boulders are removed from the slope of the Trials Area, fill would be used to incorporate additional turns, minimizing the need for fill placement. Because this area is adjacent to the ascending canyon flank, the track would be engineered to effectively control surface runoff from the upslope terrain. The track would be fenced to prevent access during non-operating days.

Contact Information Peter Jones
California Dept. of Parks & Recreation
7806 Folsom-Auburn Road
Folsom, CA 95630
Phone : (916) 985-5662
Peter.Jones@parks.ca.gov

Location

Cities	<input type="text" value="Auburn"/>
Counties	<input type="text" value="Placer"/>
Cross Streets	Contains all or portions of Sections 5 and 6, T 12N, R 9E; Sections 31-33, T 13N, R 9E
Total Acres	4
State Highways	Interstate 80
Waterways	Middle Fork of the American River

Notice of Completion

Review Period Start 4/27/2020
Review Period End 6/1/2020

Development Type Recreational (Off-Highway Vehicle Motocross Track Repair)

Local Action NA

Project Issues Aesthetic/Visual Air Quality Archaeologic-Historic Biological Resources Drainage/Absorption
Forest Land/Fire Hazard Geologic/Seismic Noise Recreation/Parks Soil Erosion/Compaction/Grading Vegetation
Water Quality Wetland/Riparian

Reviewing Agencies California Department of Conservation California Department of Fish and Wildlife, North Central Region 2
California Department of Forestry and Fire Protection California Department of Parks and Recreation
California Department of Transportation, District 3 California Department of Water Resources
California Highway Patrol California Native American Heritage Commission California Natural Resources Agency
California State Lands Commission Central Valley Flood Protection Board Delta Stewardship Council
Office of Historic Preservation Sierra Nevada Conservancy
State Water Resources Control Board, Division of Water Quality
California Regional Water Quality Control Board, Central Valley Sacramento Region 5

Attachments

Environmental Document _2020049061 Memo PDF 64 K FinalMammoth Bar Initial Study Appendices PDF 7764 K
summary form PDF 88 K
Updated_Mammoth Bar Track Repair CEQA doc_Signed_20200424 PDF 16569 K
Updated_Summary_Form_for_Document_Submittal_MammothBar Track_0200428 PDF 579 K

NOC NOC PDF 918 K Updated_NOC_Mammoth Bar MX Track Relocation CEQA-MND_2020 PDF 213 K
Updated_NOC_Mammoth Bar MX Track Relocation CEQA-MND_2020 - bsmith signature PDF 170 K

State Comments 2020049061_RWQCB Comment PDF 280 K

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From: Justin Le [mailto:Justin.Le@OPR.CA.GOV]

Sent: Tuesday, June 2, 2020 3:37 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: SCH Number 2020049061

The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time.

During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.

Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

Filter for the SCH# of your project **OR** your “Lead Agency”

If filtering by “Lead Agency”

Select the correct project

Only State Agency comments will be available in the “attachments” section: **bold**

and highlighted

Thank you for using CEQA Submit.



A1



Central Valley Regional Water Quality Control Board

6/1/2020

29 May 2020

Governor's Office of Planning & Research

JUN 02 2020

STATE CLEARINGHOUSE

Peter Jones
California Department of Parks & Recreation
7806 Folsom-Auburn Road
Folsom, CA 95630

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, MAMMOTH BAR MOTOCROSS TRACK RELOCATION PROJECT, SCH#2020049061, PLACER COUNTY

Pursuant to the State Clearinghouse's 27 April 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Mammoth Bar Motocross Track Relocation Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental

A1-1

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4709 or Greg.Hendricks@waterboards.ca.gov.

Greg Hendricks
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

O1

Mother Lode Chapter

909 12th Street, Suite 202
 Sacramento, CA 95814
 Tel. (916) 557-1100 ext.1080
 info@mlc.sierraclub.org
 www.sierraclub.org/mother-lode

May 31, 2020

Submitted via email: Peter.Jones@parks.ca.gov, Mike.Howard@parks.ca.gov

Peter Jones, Environmental Scientist
 CA State Parks, Gold Fields District
 7806 Folsom-Auburn Road
 Folsom, CA 95630

Mike Howard, Superintendent
 Auburn State Recreation Area
 501 El Dorado Street
 Auburn, CA 95603

Comments on the Mammoth Bar Track Relocation Mitigated Negative Declaration (MND)

Dear Peter Jones and Mike Howard,

Thank you for the opportunity to comment on the MND for the relocation of the motocross track.

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. Upstream federal land managers (BLM, USFS) have recognized this, and generally have closed the American River lands that they manage to motorized recreation.

Unfortunately, due to plans for the Auburn Dam and the reservoir that would have inundated this area on the Middle Fork of the American River, 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. Unfortunately, the Bureau of Reclamation and California State Parks appear to be continuing to turn a blind eye to resource damage there.

O1-2 Although modest improvements in management have occurred in the wake of our litigation and subsequent settlement agreement (of July 2000), erosion 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, which has been in effect for the past twenty years.

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.

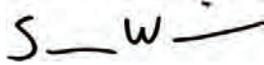
Locating an OHV track on a river bar is not an ideal location and in addition to periodic flooding, presents water quality concerns. When the track is washed away, it presents water quality and sensitive-species issues, including degrading of water quality and damage to habitat for sensitive species.
(3.3.3 Mammoth Bar Management Zone, Draft ASRA General Plan)

O1-4

We further argue that a motorcycle track should not be in the canyon at all, given the steep terrain and the sensitivity of the natural resources that are present. However, if the Bureau of Reclamation and State Parks are unwilling to take the difficult but appropriate step of removing the motocross track from the canyon entirely, the 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.

Please keep our office apprised of any developments regarding this project.

Sincerely,



Sean Wirth
Conservation Chair
Mother Lode Chapter Sierra Club

cc: Ernest A. Conant, Director of Mid-Pacific Region, U.S. Bureau of Reclamation
cc: Lisa Mangat, Director of California State Parks

O2



June 1, 2020

Peter Jones, Environmental Scientist
CA State Parks, Gold Fields District
7806 Folsom-Auburn Road
Folsom, CA 95630

Re: Mammoth Bar Motocross Track Relocation Project
Initial Study/Mitigated Negative Declaration

Dear Mr. Jones:

The following comments on the Mammoth Bar Motocross Track relocation project IS/MND ("MND") are submitted on behalf of Protect American River Canyons ("PARC"), which for nearly 50 years has worked to promote and protect the natural, cultural and recreational resources of the North and Middle Forks of the American River and their canyons.

PARC has long been of the view that motorized off-highway vehicle ("OHV") recreation does not belong in the pristine, ecologically rich American River canyons that comprise the Auburn State Recreation Area ("Auburn SRA"). In 1998, together with Friends of the River and the Sierra Club-Placer Group, we submitted extensive comments detailing our concerns with the environmental damage caused by the then-existing operation as well as by the proposed expansion of the OHV recreation area at Mammoth Bar. We also questioned the justification for continuing to operate an OHV area that owed its very existence to the erroneous assumption that the resource damage inherent in its operation was acceptable because it would soon be under hundreds of feet of water once Auburn Dam was built. (See

P.O. Box 9312 • Auburn, CA 95604 • www.parc-auburn.org

Protect American River Canyons is dedicated to the protection and conservation of the natural, recreational, cultural, and historical resources of the North and Middle Forks of the American River and its canyons for all to care for and enjoy.

attached September 10, 1998 comment letter from attorney Tara L. Mueller of the Environmental Law Foundation.)

As noted at page 3 of the subject MND, in 2000 the Sierra Club, Friends of the River, and Environmental Law Foundation filed a lawsuit asserting that the Mammoth Bar OHV Area was being operated in violation of a number of state and federal environmental laws, and also challenging the planned expansion of the OHV Area. As part of the settlement of that lawsuit, it was agreed that no expansion would occur, and that OHV use at Mammoth Bar would be reduced by only permitting OHV use on essentially an alternate day basis, giving non-OHV recreationalists the ability to enjoy the canyon at Mammoth Bar on other days without having to contend with the noise and dust inherent in OHV use. State Parks' management of Mammoth Bar has consistently followed the terms of the lawsuit settlement agreement to the present day, with the current schedule allowing OHV use three days a week from April 1 through September 30, and four days a week October 1 through March 31.

O2-1 As the subject MND also notes at page 3, the Mammoth Bar Motocross Track washed out during high river flows in 2006, and after being rebuilt, washed out again in 2017. 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.

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.

O2-3 For example, Impact Bio-5 (pages 50-51) recognizes that the proposed project would impact riparian habitat, eight intermittent drainages, and potentially the Middle Fork of the American River, and identifies a number of mitigation measures that it is asserted would reduce those impacts to a less than significant level during construction activities. However, nowhere does the MND evaluate the potential riparian or water quality impacts of **OHV use** of the relocated track.

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. (It should be noted that if the proposed track relocation project is ultimately implemented, PARC is strongly opposed to any deviation from the current schedule that would permit more frequent OHV days of use. Non-OHV recreation and visitation to Mammoth Bar have increased in recent years, consistent with the overall surge in visitation to Auburn SRA that has also occurred. We believe that as long as the OHV Area remains in operation at Mammoth Bar, it is important to continue non-OHV days and to maintain the balance between OHV and non-OHV use.)

O2-5 Finally, given 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.

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.

Sincerely,

A handwritten signature in black ink that reads "Tim Woodall". The signature is written in a cursive style with a large, sweeping initial "T".

Tim Woodall

Board President

Attachment: 9/10/98 Environmental Law Foundation letter

ENVIRONMENTAL LAW FOUNDATION
1736 Franklin Street, 8th Floor, Oakland, California 94612 • 510/208-4555

Comments on

**Operations and Proposed Expansion of
Mammoth Bar Off-Highway Vehicle Recreation Area,
Middle Fork of the American River
Auburn State Recreation Area, California**

on behalf of

**Friends of the River
Sierra Club - Placer Group
Protect American River Canyons**

by

**Tara L. Mueller
Associate Attorney
ENVIRONMENTAL LAW FOUNDATION**

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On behalf of Friends of the River (FOR), the Sierra Club-Placer Group, and Protect American River Canyons, we submit the following general comments on the current operations and proposed expansion of the off-highway vehicle recreation area (OHVRA) at Mammoth Bar on the Middle Fork of the American River. This area is owned by the U.S. Bureau of Reclamation ("the Bureau") but managed by the California Department Parks and Recreation ("the Department") pursuant to a cooperative agreement between the two agencies.

The Department has acknowledged, both in public meetings and in writing, that it (and the Bureau) are subject to all applicable requirements of state and federal law, including the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), both the federal and state Endangered Species Act (ESA), and laws governing streambed alteration and dredge and fill activities. Yet, the Department and the Bureau do not appear to be in compliance with such laws.

In general, the operation and incremental expansion of the Mammoth Bar OHVRA raises serious questions regarding numerous state and federal environmental laws, plans and policies. We discuss these legal concerns below. Given these seriously legal issues, the proposed expansion cannot proceed until the area is brought into compliance with applicable laws and policies. However, if the Department and the Bureau choose to continue with the expansion planning process, the process can only proceed consistent with state and federal law, as outlined below.

Please note that these comments are not exhaustive and are preliminary only. We are likely to raise additional issues and provide additional input if and when the Mammoth Bar planning process proceeds.

STATE LEGAL ISSUES

A. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. Current Operations at the Mammoth Bar OHVRA Appear to Have Been Conducted in Violation of CEQA.

a. CEQA applies to the current operations at Mammoth Bar.

Since grant monies became available in fiscal year 1992-93 through the OHV Trust Fund,¹ the Department and the Bureau have constructed two moto-cross tracks, a jumping track, a 270-space parking lot, several miles of new trails, and other amenities such as a ridgetop ramada at the

¹ The OHV Trust Fund is funded through an off-highway vehicle license fee and gas tax. (Veh. Code § 38225.) Fifty percent of the monies in the fund are available for appropriation for local assistance grants and fifty percent are available to support the Division of Off Highway Motor Vehicle Recreation in the Department of Parks and Recreation (acting alone or in concert with agencies of the United States pursuant to a cooperative agreement, as is the case here). (Pub. Res. Code §§ 5090.55, 5090.61.) The revenues available to support the Division may be used for implementing the Division's OHV program and for the planning, acquisition, development, construction, maintenance, administration, operation and conservation of lands in the OHV system. (Pub. Res. Code § 5090.61(b).)

Mammoth Bar OHVRA. Because the Department views the Mammoth Bar OHVRA as an "interim use" that will be flooded by the proposed Auburn Dam at some point in the future, the Department apparently eluded all CEQA review of these projects. As the Department has stated in its grant applications for OHV trust funds, "[s]ince it was perceived that the OHV area would be inundated within the near future, the resulting resource damage seemed acceptable at the time [the OHV area was established]."² OHV use has been allowed in the Mammoth Bar area on this basis for approximately the last *twenty-five* years.

Furthermore, even if the OHV area could appropriately be deemed an "interim use" after twenty-five years of operation and no foreseeable end in sight, there is no exemption from CEQA for "interim uses" in any case. The Department therefore has been violating that statute by operating and significantly expanding the Mammoth Bar OHVRA without undertaking any CEQA review.

CEQA review is required for all discretionary projects carried out or approved by a public agency. (Cal. Pub. Res. Code § 21080(a).) A "project" is an activity that will result in a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065.) "Project" includes: (1) an activity directly undertaken by a public agency; (2) an activity undertaken by a person that is supported in whole or in part by contracts, grants, loans, or other forms of assistance from a public agency; or (3) issuance to a person of a permit, lease, license, certificate or other entitlement by a public agency. (*Id.*; 14 Cal. Code Regs. § 15378(a)(3).) The activities undertaken by the Department at the Mammoth Bar OHVRA clearly qualify as "projects" subject to CEQA: they are either activities directly undertaken by the Department or funded by the Department that have resulted in direct and indirect physical changes to the environment.

Moreover, even if CEQA itself were not enough, the Off-Highway Motor Vehicle Recreation Act (hereafter "OHMVRA" - *see* Sec. B below) expressly states that grants for the "planning, acquisition, development, construction, maintenance, administration, operation, and conservation of trails, trailheads, areas, and other facilities for off-highway motor vehicles" must be made in compliance with CEQA. (Cal. Pub. Res. Code § 5090.50; *see also* § 5090.32(e).) The OHMVRA also clearly commands that "every applicant for a grant [in this case, the Department] shall comply with CEQA." (Pub. Res. Code § 5090.50.)

Neither CEQA nor the OHVMRA contain any statutory or categorical exemption from CEQA for applications to OHV activities.³ Therefore, the Department was required to prepare an initial study for each of these activities and determine whether to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR).

² See, e.g., Mammoth Bar OHV Grant application, 2/25/94.

³ Given the potentially devastating environmental effects of OHV use, the Department cannot reasonably rely on the "catch-all" categorical CEQA exemption. This requires a determination, supported by substantial evidence, that there is *no possibility* that the activity in question may have a significant environmental effect. (14 Cal. Code Regs. § 15061.) Such determination cannot be made here.

b. The Department cannot rely on prior, plan-level documents for CEQA compliance.

The Department acknowledges that it is subject to CEQA.⁴ The Department also admits that OHV activities have "produced substantial resource damage in the Mammoth Bar area."⁵ Yet, despite repeated requests from several organizations and individuals (including FOR), the Department has not produced *any* CEQA documentation for any of the previous activities undertaken at the Mammoth Bar OHVRA with OHV trust funds — not even a notice of exemption.⁶

Instead, the Department has attempted to justify its lack of CEQA analysis by claiming that the activities were conducted under the auspices of the Auburn State Recreation Area Interim Resource Management Plan (IRMP), an alleged "NEPA document," and the Auburn Reservoir Project—Folsom Lake State Recreation Area General Plan (AFGP), which is purported to be a "CEQA environmental impact report level document." (*Ibid.*) This statement is both factually and legally incorrect.

First, as a factual matter, neither the IRMP or the AFGP can be deemed the equivalent of an environmental impact statement (EIS) under NEPA or an EIR under CEQA. Neither document is labeled as an environmental review document, nor do these documents include any independent environmental analysis of the environmental effects of these plan-level documents. Absent such consideration, including analysis of alternatives and mitigation measures, the IRMP and AFGP cannot be deemed to be the equivalents of an EIS and EIR under NEPA and CEQA. Nor is the Department entitled under CEQA to rely on such plan level documents without conducting any independent environmental review under CEQA, because its regulatory program has not been certified as a "functional equivalent" program under CEQA. (Cal. Pub. Res. Code § 21080.5; 14 Cal. Code Regs. § 15251.)

Second, as a legal matter, even if the IRMP and AFGP could appropriately be deemed the "functional equivalent" of an EIS and EIR under NEPA and CEQA, this does not exempt the Department from further CEQA compliance when implementing future activities under the IRMP and AFGP. Under CEQA, even if a program-level EIR is prepared on a general plan or other similar document, specific projects proceeding under the plan are not automatically exempted from CEQA review. Rather, subsequent environmental review is streamlined and can be "tiered off" of the program-level document. The lead agency must still prepare an initial study for each specific project to determine whether the project may have new environmental effects or may require new mitigation measures that are not analyzed or included in the program level EIR. (Cal. Pub. Res. Code §

⁴ Letter from CDPR (Bruce Kranz) to FOR (Casey), 11/21/96: "...both CEQA and NEPA must be complied with when an 'action' is to be undertaken in the area."

⁵ Mammoth Bar OHV grant application, 2/3/95.

⁶ See, e.g., letter from acting CDPR Director Patricia Megason to California State Senator John Burton, 4/23/98.

21094(c); 14 Cal. Code Regs. § 15168(c).) If so, the lead agency must prepare a subsequent project-specific EIR. (Cal. Pub. Res. Code § 21094(a).) Subsequent environmental review may then incorporate *relevant* portions of the program EIR by reference, but must still analyze the project-specific environmental effects that were not analyzed in detail in the program EIR. (14 Cal. Code Regs. § 15168(d); Cal. Pub. Res. Code § 21094(a), (e).) Furthermore, if a program EIR is vastly out of date (as the AFGP would be if it were a program EIR), it may be inappropriate to rely on any aspect of the prior document.

For these reasons, the Department cannot lawfully rely on the IRMP and AFGP as its CEQA documentation for any past or future improvements or expansion activities at the Mammoth Bar OHVRA.

c. The Department's construction activities at Mammoth Bar constitute improper "piecemealing" of the project description under CEQA.

Finally, the Department's incremental expansion, construction and reconstruction activities at the Mammoth Bar OHVRA constitute improper "piecemealing" of the Department's overall improvement and expansion plans for the area. As the California Supreme Court has stated in the landmark case of Bozung v. Local Agency Formation Comm'n, 13 Cal. 3d 263, 284 (1975), CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences."

This is precisely what the Department is doing by, for example, constructing a 270-vehicle parking lot which, the Department has indicated, will determine the "carrying capacity" for the entire OHVRA, constructing several miles of new trails, and other similar activities which implement the Department's expansion plans on an incremental basis. This is directly contrary to CEQA and denies the public any opportunity to review and comment upon the overall project. It also unlawfully commits the Department to a course of action (expansion) prior to public review and comment, and prior to a formal agency decision whether and in what manner to proceed with such expansion.

2. CEQA Also Applies to the Proposed Expansion of the Mammoth Bar OHVRA.

The Department is currently considering three potential expansion alternatives. Within those alternatives is the possibility of approximately doubling the size of the Mammoth Bar OHVRA by constructing anywhere from 1.4-to-7.35 new miles of trails and other facilities, and by increasing the acreage of the area by up to 1561 acres.

a. **CEQA requires the Department to prepare an EIR on the proposed expansion of the Mammoth Bar OHVRA.**

(1) **Legal standard for preparation of an EIR.**

An EIR is required whenever there is substantial evidence to support a fair argument that a significant environmental impact *may* occur. (Cal. Pub. Res. Code § 21080(c)(1); 14 Cal. Code Regs. §§ 15064(g)(1), 15070(a); Friends of B Street v. City of Hayward, 106 Cal. App. 3d 988, 1000-1003 (1980).)

The Department's approval of a plan to expand the Mammoth Bar OHVRA is clearly a "project" under CEQA, for the same reasons described in Section A.1.2 above. Therefore, the pertinent inquiry is whether this project may have a significant effect on the environment. (Cal. Pub. Res. Code § 21100.) If so, the Department must prepare an EIR on the project. (*Id.*) A project meets the significance threshold for preparation of an EIR if there is substantial evidence to support a *fair argument* that the project *may* have a significant environmental effect. (Gentry v. City of Murrieta, 36 Cal. App. 4th 1359, 1399-1400 (1995); Cal. Pub. Res. Code §§ 21080(d), 21100(a); 14 Cal. Code Regs. §§ 15063(b)(1), 15064(a)(1).) Stated another way, the lead agency may prepare a negative declaration or mitigated negative declaration *only* if there is *no* substantial evidence that the project, as proposed or revised, may have a significant environmental effect. (Cal. Pub. Res. Code § 21080(c); 14 Cal. Code Regs. §§ 15063(b)(2), 15070.)

A "significant environmental effect" is defined as a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, [and] fauna." (14 Cal. Code Regs. § 15382; Cal. Pub. Res. Code § 21068.) In evaluating the significance of a project's environmental effects, the lead agency must consider both direct, as well as reasonably foreseeable indirect, physical changes in the environment which may be caused by the proposed project. (14 Cal. Code Regs. § 15064(d); Bozung, 13 Cal. 3d at 281-283.)

In some cases, however, the lead agency *must* treat an environmental effect as potentially significant and prepare an EIR. Such "mandatory findings of significance" are triggered in cases where a project has the potential to: (1) substantially degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare, threatened or endangered species;⁷ (6) eliminate important examples of California history or prehistory; or (7) cause significant cumulative impacts. (14 Cal. Code Regs. § 15065.)

⁷ Importantly, threatened and endangered species are defined to include not just species listed under the state and federal ESAs, but those that are *de facto* threatened and endangered. (14 Cal. Code Regs. § 15380.)

(2) The proposed expansion will have significant environmental effects requiring preparation of an EIR.

Here, the proposed expansion triggers a number of CEQA's mandatory findings of significance - particularly the findings regarding endangered species and historic resources. For example, the Department's OHV trust fund grant application dated February 25, 1994 indicates that bald eagles have been sighted at Mammoth Bar. In addition, the American River Wild and Scenic River eligibility study states that the American River canyons support a unique and significant array of listed, proposed and candidate animal species and species of special concern, including the peregrine falcon, bald eagle, red-legged frog, foothill yellow-legged frog, western pond turtle, and golden eagle.⁸

An *Auburn Journal* article states that areas in the Mammoth Bar OHVRA have had to be fenced off to protect rare, threatened and endangered species and historic resources.⁹ Finally, the Department's Mammoth Bar OHVRA Newsletter indicates that the U.S. Fish and Wildlife Service (USFWS) and the Department's Resource Management Division have "provided the planning team with a list of sensitive flora and fauna that may be present in or may be affected by projects in the proposed planning area."¹⁰ Other evidence indicates the presence of potentially significant archeological, cultural and historic resources in the area.¹¹

Moreover, even absent the mandatory findings of significance, there is substantial evidence to indicate that the proposed expansion will have a potentially significant environmental effect. The project will adversely impact an area that has been determined to be "eligible" for designation as a federal Wild and Scenic River (WSR) and for designation as a National Recreation Area (NRA).¹² Both the WSR and NRA studies state that the area has "outstanding" characteristics and resource values, including fish, wildlife, ecological, scenic, geologic, cultural, and recreational values. For example, the American River WSR eligibility study concludes that the wildlife habitat in the Middle Fork is "of exceptionally high quality and diversity," and that the Middle Fork possesses both ecosystem diversity and unique biological communities.¹³

⁸ U.S. Bureau of Reclamation, "Final Report of the American River Water Resources Investigation—Technical Team's Inventory and Recommendation for Wild and Scenic Eligibility..." 1993; *see also* IRMP, p. 61.

⁹ *Auburn Journal*, "Park It In Here," 2/20/94.

¹⁰ CDPR, "Mammoth Bar OHVRA Management Plan," Newsletter # 1, no date.

¹¹ *Ibid.*; *see also* "American River National Recreation Area Feasibility Study," U.S. Bureau of Land Management, September 1990; IRMP, p. 94.

¹² Bureau of Reclamation, *op cit.*; *see also* "American River NRA Feasibility Study."

¹³ Memo from Susan Hoffman, Chief, Division of Planning and Technical Services, Bureau of Reclamation, to Interagency Study Team re "Determination of Wild and Scenic Eligibility of Segments of the American River," 2/1/93; *see also* Bureau of Reclamation, *op cit.*

In addition, in 1996, the USFWS noted that the American River canyons, including the Middle Fork, are critical wildlife corridors that represent "the best remnants of the low elevation canyon ecosystems which once flowed unimpounded through the western Sierra Nevada foothills."¹⁴ Such habitats are "the most important, most at-risk, and highest priority habitats in California for the conservation of neotropical migratory birds."¹⁵

Other potentially adverse environmental impacts include, but are not limited to: negative visual and aesthetic effects, erosion and degradation of water quality, increase in ambient noise, interference with other recreational opportunities (such as rafting, kayaking, and hiking), and public safety issues.¹⁶ Finally, the project is likely to have significant cumulative impacts on the immediate environment and the surrounding region.¹⁷

The Department admits that OHV use can have a deleterious impact on the environment.¹⁸ The IRMP likewise acknowledges that the existing OHV area has caused "uncorrected erosion and other resource damage," impacts that are likely to increase with expansion of the area.¹⁹

In sum, not only does the proposed expansion trigger the mandatory findings of significance in CEQA Guidelines § 15065, but there is clearly substantial evidence in the record to support a fair argument that the project may have a significant environmental effect. Therefore, the Department is legally required to prepare an EIR.

b. Scope of the EIR.

The primary purposes of an EIR are to: (1) ensure that government officials intelligently take account of the environmental consequences of their decisions; and (2) demonstrate to the public that the government decision-makers have adequately considered those consequences. (Laurel Heights Improvement Assn. v. U.C. Regents, 47 Cal. 3d 376, 392 (1988); Bozung, 13 Cal. 3d at 283; 14 Cal. Code Regs. § 15003(d).) An EIR identifies the significant effects of a project on the environment, identifies alternatives to the project, and indicates the manner in which those significant effects can

¹⁴ U.S. Army Corps of Engineers, Supplemental Information Report, "American River Watershed Project," Vol. 5, App. J, March 1996.

¹⁵ *Ibid.*

¹⁶ See CEQA Guidelines, App. G; see also Sierra Club comments to CDPR dated Feb. 10, 1998.

¹⁷ These significant effects cannot be avoided by characterizing the proposed expansion as "re-establishment" of a pre-existing use, since the pre-existing use was unauthorized under state and federal law. Even if legally authorized, this is irrelevant for purposes of CEQA analysis, since such use still will cause environmental damage, thereby triggering CEQA requirements.

¹⁸ Letter to Sierra Club (Terry Davis) from CDPR (Stuart Hong), 2/25/98.

¹⁹ IRMP, pp. 84, 88; see also pp. 130, 143, 153.

be avoided or mitigated. (Cal. Pub. Res. Code § 21002.1(a).) CEQA directs that lead agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen or avoid the project's significant environmental effects. (Cal. Pub. Res. Code § 21002.)

(1) The EIR must analyze a reasonable range of alternatives.

The core of an EIR is the discussion of alternatives. (*Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 564 (1990); *see also County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 183, 203 (1977) ("[a] major function of an EIR is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed".)) The alternatives section of the EIR must evaluate the "comparative merits" of a reasonable range of alternatives to the project *or to the location of the project*. (14 Cal. Code Regs. § 15126(d); *Goleta*, 52 Cal. 3d at 566 (holding that EIR must analyze alternative sites).) The alternatives selected for analysis must focus only on those that would avoid or substantially reduce the project's significant environmental effects, *even if these alternatives would impede to some degree the attainment of project objectives or would be more costly*. (14 Cal. Code Regs. § 15126(d)(1) and (5).)

The three alternatives presently under consideration all involve varying degrees of expansion of the existing OHVRA. Under the above standards, however, the alternatives analysis should include closure of the OHV area and relocation to an alternative, less environmentally damaging site. The EIR should include a regional analysis of appropriate alternative sites. Although the Department has indicated that it has eliminated any alternative sites from consideration, it is clearly not permitted to do so prior to commencement of the CEQA review process. Alternatives may only be omitted from further consideration during the CEQA process if they are determined to be infeasible. This determination must be explained and justified in the EIR and supported by substantial evidence. The Department has not demonstrated that closure of the area and reestablishment elsewhere is infeasible.

The analysis must also consider other less environmentally damaging alternatives such as reducing current operations at the Mammoth Bar site by eliminating new trail development and closing existing trails with significant erosion problems.

(2) Other EIR requirements.

The EIR also must include an adequate project description, sufficient baseline information regarding the existing physical setting, a thorough evaluation of the project's environmental effects (including cumulative effects), and mitigation measures for each significant effect identified in the EIR.

(a) The EIR must include a complete and accurate project description.

CEQA requires an EIR to include a complete and accurate project description. The project description must include: (1) the precise location and boundaries of the proposed project depicted on a detailed map, preferably topographic; (2) a statement of the project's objectives; (3) a general

description of the project's technical, economic, and environmental characteristics; and (4) a statement regarding the intended uses of the EIR. (14 Cal. Code Regs. § 15124.) An inaccurate, misleading, or curtailed project description prevents the public and the decision making agency from adequately evaluating this project's environmental effects. (See County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 192-193 (1977) (an "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient" environmental analysis).)

To date, we have seen no complete and detailed description of the proposed project. The Department must develop a specific project description which includes the precise location of new trails and other facilities, as shown on a topographic map, and a statement of the project's objectives.

(b) The EIR must adequately describe the environmental setting.

CEQA requires an EIR to describe the environmental setting in the vicinity of the project, from both a local and regional perspective.²⁰ The description must place special emphasis on resources that are rare or unique to the region that would be affected by the project. (14 Cal. Code Regs. § 15125(a).) The discussion of the environmental setting must also include a discussion of any inconsistencies between the project and applicable local or regional plans. (14 Cal. Code Regs. § 15125(b).) The environmental setting must be described in sufficient detail to allow the reader to understand how the project will affect the environment. (San Joaquin Raptor/Wildlife Rescue Assn. v. County of Stanislaus, 27 Cal. App. 4th 713 (1994).)

Here, the EIR must precisely describe the Mammoth Bar OHVRA and surrounding Middle Fork canyon environment, including a description of important species of flora and fauna, habitat types, cultural, historic and scenic resources, and other unique aspects of the canyon environment. The existing environment must be described from both a local and a regional perspective (upstream and downstream). The EIR must also discuss the project's consistency with the AFGP, IRMP and other applicable laws, plans and policies.

(c) The EIR must include a complete analysis of the project's environmental effects.

CEQA requires an EIR to clearly identify and describe the potentially significant direct and indirect environmental effects²¹ of the project, considering both short term and long term effects.

²⁰ "Environment" is defined as the physical conditions which exist in the area that will be affected by the project, including land, air, water, minerals, flora, fauna, noise, and objects of aesthetic or historical significance. (Cal. Pub. Res. Code § 21060.5; 14 Cal. Code Regs. § 15360.)

²¹ A significant environmental effect is defined as a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects historic or aesthetic significance." (14 Cal. Code Regs. § 15382; see also Cal. Pub. Res. Code § 21068.)

The discussion must include:

the relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution [and] concentration, human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, scenic quality, and public services. (14 Cal. Code Regs. § 15126(a).)

CEQA also requires an EIR to analyze the cumulative impacts of the project under consideration, when added to other closely related past, present and reasonably foreseeable future projects. (14 Cal. Code Regs. § 15130.) "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (14 Cal. Code Regs. § 15355.) Cumulative impacts may result from "individually minor but collectively significant actions taking place over a period of time." (*Id.*)

The EIR must analyze the following potentially significant impacts of the proposed OHVRA expansion: visual quality and aesthetics, wildlife and vegetation (particularly impacts on endemic and sensitive species, habitat connectivity and corridors), water quality (erosion, sedimentation, discharges of oil and grease), noise (especially impacts to other recreational users of the American River canyon), air quality (particularly cumulative impacts on particulate and ozone emissions in the Sacramento Valley region, a non-attainment area), traffic, recreation and public safety.²²

- (d) The EIR must include mitigation measures for each significant effect identified, as well as a mitigation monitoring program.**

CEQA requires an EIR to include specific mitigation measures to avoid or minimize *each* significant impact identified, including the impacts of alternatives. (14 Cal. Code Regs. § 15126(c).) In addition, prior to approving the project, the Department must adopt a mitigation monitoring and reporting program pursuant to Pub. Res. Code § 21081.6.

B. OFF-HIGHWAY MOTOR VEHICLE RECREATION ACT (OHMVRA).

1. The OHMVRA Applies to the Mammoth Bar OHVRA.

The OHMVRA (Cal. Pub. Res. Code § 5090.01 *et seq.*) governs all off-highway vehicle recreation areas which receive grant monies from the Division of Off-Highway Motor Vehicle Recreation in the Department (hereafter "the Division").

The OHMVRA applies to the Mammoth Bar OHVRA because it applies to all state vehicular recreation areas and trails within the state park system. (Cal. Pub. Res. Code §§ 5090.08, 5090.09.) This system consists of areas and trails that are "established primarily to provide facilities and recreational opportunities for the purposes of operating off-highway motor vehicles." (Cal. Pub.

²² See Sierra Club comments re. Mammoth Bar, 2/10/98

Res. Code § 5090.40.) The Mammoth Bar OHVRA was established by the Department solely for the purposes of providing facilities and recreational opportunities for OHV enthusiasts. The Mammoth Bar OHVRA therefore falls within the definition of a state vehicular recreation area that is within the state park system.

Even if Mammoth Bar cannot be considered an "official" state vehicular recreation area, the OHMVRA still applies to the Mammoth Bar area because the act governs all areas managed pursuant to cooperative agreements between agencies of the state and the United States "for any joint undertaking of any function that the [D]ivision is authorized by [the Act] to perform." (Cal. Pub. Res. Code § 5090.55(a).) The Department has entered into such a cooperative agreement with the Bureau for management of the Mammoth Bar area.²³ The act expressly states that "[a]ll new acquisitions, development projects, and cooperative agreements shall be subject to the uniform application of soil, wildlife and habitat protection standards required at state vehicular recreation areas." (Cal. Pub. Res. Code § 5090.55(c).)

2. The Mammoth Bar OHVRA Is In Violation of the OHMVRA.

The Mammoth Bar OHVRA is not currently in compliance with the OHMVRA, and is therefore may not be eligible to receive any further grant funds from the Division for future expansion unless and until it is brought into compliance with this statute.

a. The Mammoth Bar OHVRA is not in compliance with the OHMVRA's soil loss and habitat protection requirements.

The OHMVRA requires the Department to adopt a generic soil loss standard by January 1, 1991, which is at least sufficient to allow rehabilitation of OHV areas and trails. The Department adopted such standard in a document entitled "Soil Conservation Guidelines/Standards for Off-Highway Vehicle Recreation Management." In addition, by July 1, 1989, the Department was to have inventoried wildlife populations and their habitats in each OHV area and prepared a wildlife habitat protection program "to sustain a viable species composition specific to each area." (Cal. Pub. Res. Code § 5090.35(b).) The OHMVRA prohibits the Division from funding trail construction projects unless such projects are in compliance with the soil loss standards and wildlife protection program adopted by the Department pursuant to Pub. Res. Code § 5090.35(b). (Cal. Pub. Res. Code § 5090.35(f).)

The Department must annually monitor each area's compliance with the soil loss standards and habitat protection program. (Cal. Pub. Res. Code § 5090.35(c).) If the soil loss standards and habitat protection program requirements are not being met in a given area, the Department must direct the Division to close the area or any portion funded by the OHV Trust Fund, to repair the area and prevent accelerated erosion.

²³ See USBR Contract Nos. 14-06-200-3193A (Amendatory), Dec. 27, 1966 and 14-06-200-8523A, Jan. 17, 1977.

In short, the area must remain closed (either temporarily or permanently) until the soil loss standards and habitat protection program requirements can be met. (Cal. Pub. Res. Code § 5090.35(d), (e).)

It is unclear whether the Mammoth Bar OHVRA is in compliance with the soil loss standards adopted by the Department. These standards require the Department to do, among other things, the following: 1.) assess the conditions of exiting roads and trails and repair those in need of maintenance; 2.) conduct soil and vegetation survey; 3.) assess site erosion potential; 4.) determine whether site runoff meets applicable runoff standards; 5.) perform a revegetation assessment for each OHV Trust Fund project.

Further, the Department must adopt and comply with an erosion control and habitat management plan, riparian protection guidelines, sediment and runoff control measures, and a maintenance and monitoring plan for each OHV trust fund project. Finally, such project must comply with specific and detailed design guidelines. The Department should demonstrate that it is in compliance with each of these standards and requirements.

In addition, the Department has failed to adopt a habitat protection program for the Mammoth Bar OHVRA, as required by Pub. Res. Code § 5090.35(b). It therefore cannot be determined whether the Mammoth Bar area is in compliance with the OHMVRA's requirement that each area maintain a viable species composition. For this reason, it is not legal or appropriate for the Department to receive any further OHV trust fund monies for expansion of the area until the Department adopts a habitat protection program and determines whether the Mammoth Bar area is in compliance with the program. If the Mammoth Bar area is not in compliance, as we suspect it will not be, the area should be closed and rehabilitated, either temporarily or permanently. (*See also* discussion below.)

b. The Mammoth Bar OHVRA is in violation of OHMVRA conditions on use of OHV Trust Funds.

The OHMVRA prohibits the disbursement and expenditure of OHV Trust Fund monies for development or construction of a new trail, trailhead, area or other OHV facility unless all of the following conditions are met:

- (1) the recipient of the funds (in this case, the Department and the Bureau) has completed wildlife habitat and soil surveys and has prepared a wildlife habitat protection program to sustain a viable species composition for the project area;
- (2) the recipient agrees to monitor the conditions of the soils and wildlife in the project area each year in order to determine whether the soil loss standard . . . and the wildlife habitat protection programs are being met; and

- (3) the recipient agrees that, whenever the soil loss standard . . . and wildlife habitat protection programs are not being met in any project area, the recipient will temporarily close and repair . . . that area . . . until [these requirements] are capable of being met. (Pub. Res. Code § 5090.53(b).)

The Department has not complied with any of the above conditions for receipt of grant funds in the past, and it has not indicated willingness to comply with such requirements in the future.²⁴

The Department therefore is not eligible to receive any additional OHV Trust Fund monies for trail construction or other activity to operate or expand the OHV area until it can demonstrate its ability and willingness to meet the legal criteria for receipt of such funds.

C. CALIFORNIA ENDANGERED SPECIES ACT (CESA).

1. CESA Consultation Requirements.

CESA requires each state agency to consult with the Department of Fish and Game (DFG) to insure that any project it proposes to authorize, fund or carry out is not likely to jeopardize the continued existence of any species listed as endangered or threatened under CESA. (Cal. Fish and Game Code § 2090(a).) Consultation is triggered whenever a state agency: (1) is a lead agency under CEQA;²⁵ and (2) proposes to authorize, fund or carry out a project that may jeopardize the continued existence of a state listed species or adversely modify or destroy its essential habitat.²⁶ (Cal. Fish and Game Code § 2090(a); Cal. Pub. Res. Code § 21104.2.)

At the conclusion of the consultation process, the DFG must issue a written finding, based on the best available scientific information, as to whether the proposed project is likely to: (1) jeopardize a listed species' continued existence; (2) result in destruction or adverse modification of habitat "essential to [a listed species]' continued existence"; or (3) result in an incidental taking of a member or members of a listed species. (Cal. Fish and Game Code § 2090(b).) If a jeopardy finding is issued, the finding must specify those "reasonable and prudent alternatives," consistent with conserving the species, that would prevent the adverse impact to the species or its essential habitat. (Cal. Fish and Game Code § 2091.) In any case where a finding concludes that an incidental taking of a listed species will occur, the opinion also must include "reasonable and prudent measures" that would minimize the adverse effects of the taking. (*Id.*)

²⁴ See letter from CDPR's Megason to Senator Burton, 4/23/98.

²⁵ A lead agency is an agency that has the principal responsibility for carrying out or approving a "project" that may have a significant environmental effect. (Cal. Pub. Res. Code § 21067.)

²⁶ A state agency "project" is the same under CESA as under CEQA. (Cal. Fish and Game Code § 2064; Cal. Pub. Res. Code § 21065.)

2. The Department Must Consult With the DFG Regarding the Proposed Expansion.

Since the Department is a state lead agency under CEQA for purposes of the proposed expansion, the Department must consult with DFG on the impacts of the proposed expansion on state listed species, which include bald eagle, peregrine falcon and a number of state listed plant species.²⁷ Protocol surveys must be conducted for these and other listed species which may be present in the area of the proposed expansion. The DFG then must issue a biological opinion based on this information.

In addition, the lists of sensitive flora and fauna developed by the USFWS and the Department must be made available for public review through the CEQA process. The Department also has indicated that a comprehensive analysis of known wildlife, including rare and endangered species will be conducted. This must be incorporated into the CEQA analysis and CESA consultation and made available to the public for review.

D. FISH AND GAME CODE § 1601: STREAMBED ALTERATION

1. Legal Standards and Requirements.

Section 1601 of the California Fish and Game Code prohibits any state agency from undertaking a construction project, without first submitting construction plans to the DFG, if the project will: (1) divert, obstruct or change the natural flow, or the bed, channel or bank of any designated river, stream or lake which contains an existing fish or wildlife resource; (2) use any material from any designated streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing pavement, where it can pass into any designated river, stream or lake.²⁸ (Cal. Fish and Game Code § 1601(a).)

Within thirty days of receipt notification from a state agency, the Department must determine whether an existing fish or wildlife resource²⁹ *may* be substantially adversely affected by the proposed activity. If so, it must notify the state agency of the existence of the fish and wildlife resource and provide a "specific and detailed" description of such resource. (*Id.*) The DFG also must propose "reasonable modifications in the proposed construction that will allow for the protection and continuance of the fish or wildlife resource." (*Id.*) The DFG may conduct an on site investigation of the proposed construction prior to developing mitigation measures. (*Id.*)

²⁷ The Department also has violated CESA in the past by failing to consult with DFG on the prior activities at Mammoth Bar.

²⁸ The DFG has designated nearly every natural stream, river and lake in the state of California as subject to section 1601 of the Fish and Game Code.

²⁹ The Fish and Game Code defines "fish" broadly to include "wild fish, mollusks, crustaceans, invertebrates, or amphibians" and any part, spawn or ova thereof. (Cal. Fish and Game Code § 45.)

A state agency *may not commence operations* on a construction project until: (1) the DFG has found that the project will not substantially adversely affect an existing fish or wildlife resource, or (2) the DFG's mitigation proposals have been incorporated into the project. (Cal. Fish and Game Code § 1601(c).)

2. The Existing Activities Are In Violation of, and the Proposed Expansion Is Subject to, the Requirements of Section 1601.

The Department admits that activities at Mammoth Bar OHVRA must comply with the requirements of Fish and Game Code § 1601.³⁰ The moto-cross track was unlawfully constructed and reconstructed within the high water mark of the river, within the DFG's section 1601 jurisdiction. An article in the *Auburn Journal* indicates that this track caused 300 tons of sediment, sand and gravel to be washed downstream *in one storm event* alone.³¹

Further, several tons of sand and gravel, presumably from the Middle Fork channel, were used to construct the facility's new parking lot, likewise in violation of section 1601. Finally, the Department's applications for OHV trust funds and the IRMP both acknowledge there is a serious sedimentation problem with ongoing operations of the Mammoth Bar OHVRA.³² The expansion will only exacerbate this problem. Therefore, the Department must notify the DFG of the proposed expansion and obtain a section 1601 streambed alteration agreement for this project.

E. THE DEPARTMENT HAS IGNORED ITS PUBLIC TRUST RESPONSIBILITIES.

Both the existing OHVRA and proposed expansion are inconsistent with the Department's duties under the state's Public Trust Doctrine. Under California law, each state agency has a public trust responsibility to protect the state's navigable waterways, and land lying between the high and low water marks of these waters, for purposes of fish and wildlife preservation, fishing, recreation, and aesthetic enjoyment, among other things. (*City of Berkeley v. Superior Court*, 26 Cal. 3d 515, 521 (1980); *National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 434 (1983); *Marks v. Whitney*, 6 Cal. 3d 251, 259 (1971).)

In the landmark case of *National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 441 (1983), the California Supreme Court explained this public trust doctrine as follows:

the public trust is more than an affirmation of state power to use public property for public purposes. It is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands . . .

³⁰ letter from CDPR's Kranz to FOR's Casey, 11/21/96.

³¹ *Auburn Journal*, "A Beaten Path: Storms Change Face of Vehicle Park, Recreation Areas," 1/16/95.

³² See IRMP, pp. 84, 88, 130.

(*Id.* at 441.) This duty carries with it the "implied power to do everything necessary to the execution and administration of the trust." (People v. California Fish Co., 166 Cal. 576, 597 (1913).)

There are several key aspects of this public trust duty. First, the "dominant theme" and "core" of this duty is the state's obligation "to exercise continued supervision over the trust". (National Audubon, 33 Cal. 3d at 426, 437; Harbor Hut, 148 Cal. App. 3d at 1154.) Second, the state must act to "prevent parties from using the trust in a harmful manner", and to "protect public trust resources whenever feasible." (National Audubon, 33 Cal. 3d at 437, 446.)

Third, as trustee, the state has a responsibility to "bear in mind" its duty as trustee and consider the effect of its actions upon the public trust. (*Id.* at 447.) Thus, the state has "an affirmative duty to take the public trust into account" in all of its decision making. (*Id.* at 446.) Even if a project is "practically necessary" to further an important public interest, the state nevertheless must consider the effects of its action and to preserve the public trust as "far as consistent" with the public interest. (*Id.* at 447.)

In addition, California common law has established a parallel public trust duty to protect the state's fish and wildlife resources. For over one hundred years, California courts have held that title to the fish and wildlife resources of the state are held in trust by the state of California for the benefit of the people. (*See, e.g., Ex Parte Maier*, 103 Cal. 476, 483 (1894) ("[t]he wild game within [the] state belongs to the people in their collective, sovereign capacity" and "is not the subject of private ownership"); Arroyo v. State, 40 Cal. Rptr. 2d 627, 630-31 (1995) ("California courts deem wild animals to be owned by the people of the state").) In maintaining this public trust interest, "[t]he state has the duty to preserve and protect wildlife." (Betchart v. California State Dept. of Fish and Game, 158 Cal. App. 3d 1104, 1106 (1984).)

The Mammoth Bar OHVRA is inconsistent with the state's duty to protect and maintain the public trust interest in streams and fish and wildlife for the benefit of *all* the people of the state. Instead, the state is allowing one interest group, OHV enthusiasts, to use these commonly held resources for their own benefit, to the detriment of other users.

F. THE MAMMOTH BAR OHVRA IS INCONSISTENT WITH THE AUBURN RESERVOIR PROJECT—FOLSOM LAKE STATE RECREATION AREA GENERAL PLAN (AFGP).

The existing OHVRA and the proposed expansion are inconsistent with the AFGP in several significant respects. The AFGP establishes land use policies for the Auburn and Folsom Lake State Recreation Areas. Most importantly, the AFGP generally *prohibits* use of OHV's except for official purposes for protection of human life and park resources.³³

³³ California Department of Parks and Recreation, "Auburn Reservoir Project/Folsom Lake State Recreation Area General Plan," (November 1988), p. 61.

The AFGP does acknowledge the existing OHV use at Mammoth Bar, but states that this area will be closed and another, much smaller OHV area established in the Hidden Canyon area (50 parking spaces).³⁴

However, even if OHV use were permitted at Mammoth Bar, the Mammoth Bar OHVRA would be patently inconsistent with the AFGP. The plan declares that the Department will "pursue a program of scenic management that will aim to *maintain or enhance* scenic quality."³⁵ Newly proposed roads, parking areas and other developments must be "carefully studied." The plan also states that existing features which degrade visual quality will be *ameliorated or eliminated*.³⁶ The AFGP further requires the Department to "control and/or eliminate degrading features and intrusions on the environment," including "obnoxious or incongruent noises" and "poorly located roads and trails."³⁷ Finally, the AFGP directs the Department to monitor developed areas for adverse impacts on natural and cultural resources. If adverse impacts are found, the Department must modify allowable use intensities and/or take other necessary steps to arrest and repair resource damage.³⁸

Instead of maintaining or enhancing the extraordinary scenic value of the Middle Fork canyon by phasing out the OHVRA, as required by the AFGP, the Department is proposing to *expand* the area and to build new trails, roads and other facilities, *without* careful study and analysis. Worse, the Department has already constructed a new parking lot, jumping track, trails and other amenities which degrade the unique environment and scenic value of the Middle Fork canyon, in derogation of numerous general plan goals and policies. Further, the OHVRA clearly results in obnoxious and incongruent noises, poorly located roads and trails, severe erosion problems, and other adverse environmental impacts, which therefore must be controlled or phased out, *not* expanded, under the AFGP.

The AFGP also requires the Department to prevent "destructive or unnatural erosion" and to restore and revegetate denuded areas. Important natural areas must be protected for the public's enjoyment. The Department must "determine the extent and status of" any populations of rare and endangered species and take steps "*as necessary to protect and enhance* their populations." The Department must also protect and manage other, non-endangered wildlife populations for public enjoyment.³⁹

³⁴ Auburn/Folsom general plan, pp. 102-103.

³⁵ Auburn/Folsom general plan, p. 56.

³⁶ *Ibid.*

³⁷ Auburn/Folsom general plan, p. 60.

³⁸ Auburn/Folsom general plan., p. 62.

³⁹ Auburn/Folsom general plan, p. 57.

Again, both the existing OHVRA and proposed expansion contravene these policies. The OHVRA has resulted, and will continue to result, in severe erosion and destruction of native vegetation. The Department has failed to adequately restore and revegetate these areas. The Department has also failed to determine the extent and status of rare, endangered and other sensitive species, and failed to take adequate steps to protect and enhance these species. The OHVRA likely has had and will continue to have adverse effects on rare, endangered and other sensitive species that reside in the area.

FEDERAL LEGAL ISSUES

A. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

1. The Bureau Must Prepare an EIS on the Proposed Expansion.

NEPA requires federal agencies to prepare an environmental impact statement (EIS) for every "major federal action" that may significantly affect the quality of the human environment.⁴⁰ (42 U.S.C. § 4332(2)(C).) Major federal actions are those with effects that *may* be major and which are *potentially* subject to federal responsibility and control. (40 C.F.R. § 1508.18.) Major federal actions include adoption of federal policies, plans, programs, and approval of specific projects, such as construction or management activities located in a particular geographic area. (*Id.*, § 1508.18(b).)

The Bureau owns the land on which the Mammoth Bar OHVRA is located, and it has signed a cooperative agreement with the Department to manage the area. Pursuant to this agreement, the Bureau has jointly submitted requests for OHV grant funding to the Division to implement specific OHVRA expansion and improvement projects, including the latest proposed expansion. As explained in section I.A above, the proposed expansion is likely to have major environmental impacts, including impacts on human relationships to the environment, particularly those of other recreational users. Therefore, because this proposal is subject to federal oversight and control and may have major environmental effects, it qualifies as a "major federal action" subject to NEPA.

Further, because the proposal may significantly affect the environment, the Bureau must prepare an EIS. Under NEPA regulations, the determination of significance must be made considering a range of factors focusing on the context and intensity of the action. These factors include the unique characteristics of the area in question, and whether: (1) the effects of the action are likely to be highly controversial; (2) the effects of the action involve unique or unknown risks; (3) the action may establish a precedent; (4) the action may result in cumulative impacts; (5) the action may cause the loss or destruction of significant cultural or historical resources; (6) the action may adversely affect species listed under the federal ESA; and (7) the action threatens to violate a federal, state or local law. (40 C.F.R. § 1508.27.)

The proposed expansion meets all of the above criteria for significance. The Mammoth Bar

⁴⁰ "Human environment" is defined broadly under NEPA to include the natural and physical environment and the relationship of people to that environment. (40 C.F.R. § 1508.14.)

OHVRA is located in a highly unique area that is of national significance in terms of its scenic, recreational, cultural, wildlife and other values. As previously mentioned, the Middle Fork of the American River is eligible for designation as a Wild and Scenic River and a National Recreation Area. In addition, the proposed expansion is highly controversial, may establish a negative precedent for location of OHV areas in the State of California, may result in significant cumulative impacts on the American River Canyon, and may affect significant cultural and historical resources and threatened and endangered species, and may be in violation of several federal, state and local laws and policies..

Given these circumstances, it is clearly *not* appropriate for the Bureau to rely on a categorical exclusion, finding of no significant impact (FONSI), or mitigated FONSI in this case. Therefore, the Bureau must prepare an EIS on the proposed expansion. The environmental documentation for the project should be a joint EIS/EIR prepared in conjunction with the Department, which satisfies both the requirements of both NEPA and CEQA.

2. Scope of the EIS.

The primary purpose of an EIS is "to serve as an action-forcing device to insure that the policies and goals of [NEPA] are infused into the ongoing programs and actions of the Federal Government." (40 C.F.R. § 1502.1.) An EIS must "provide a full and fair discussion of significant environmental impacts and inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." (*Id.*)

An EIS includes several mandatory components. First, it must include a statement of the project's purpose and need. (40 C.F.R. § 1502.13.) The Bureau has thus far failed to justify the purpose of and need for the proposed expansion of Mammoth Bar. The Bureau asserts that expansion is necessary due to increased demand for OHV areas; yet nowhere is this alleged "demand" documented, nor has the Bureau demonstrated that the increased demand, if it exists, cannot be accommodated elsewhere.

Second, the EIS must "rigorously explore and objectively evaluate" the comparative merits of a reasonable range of alternatives. (40 C.F.R. § 1502.14.) The alternatives analysis is the "heart" of the EIS. (*Id.*) The EIS must also discuss the reasons for eliminating any alternatives from detailed study, and must devote "substantial treatment" to those alternatives that are discussed in detail. (*Id.*, § 1502.14(b).) The range of alternatives must include those that are not within the Bureau's jurisdiction - in this case, alternative sites for the Mammoth Bar OHVRA — as well as a "no action" alternative. (*Id.*, § 1502.14(c)-(d).) Here, the no action alternative is no expansion of the existing OHVRA. Finally, the EIS must include mitigation measures for each alternative. (*Id.*, § 1502.14(f).)

Third, the EIS must describe the environment that would be affected by, and the impacts of, the various alternatives, including the proposed action. (40 C.F.R. §§ 1502.15, 1502.16.)

The impact analysis must include a discussion of any unavoidable adverse impacts, the relationship between short term uses of the environment and maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources that would occur if the proposal is implemented. The impact analysis must include a discussion of direct, indirect and cumulative effects of, and mitigation measures for, the proposed action and any alternatives.⁴¹ Finally, the analysis must discuss possible conflicts between the proposed action and the objectives of federal, regional, state and local plans and policies, including the AFGP and the IRMP. (40 C.F.R. § 1502.16.) The EIS/EIR must meet all of these requirements in order to pass muster under NEPA.

B. BUREAU OF RECLAMATION REGULATIONS AND POLICIES

1. The Mammoth Bar OHVRA Violates 43 C.F.R. Part 420

Pursuant to Executive Order Nos. 11644 and 11989⁴² (May 24, 1977), the Bureau has adopted regulations governing use of OHVs on reclamation lands.⁴³ (43 C.F.R. Part 420.) These regulations contain strict limitations on OHV use in order to "protect the land resources" and "ensure that any permitted use will not result in a significant adverse environmental impact or cause irreversible damage to existing ecological balances." (43 C.F.R. § 420.1.)

In general, reclamation lands are *closed* to OHV use, unless a specific trail or area has been opened in accordance with the requirements of the regulations. (43 C.F.R. § 420.2.) Before any area may be opened to OHV use, the regional director of the Bureau must promulgate area-specific regulations consistent with the criteria in the general regulations. (43 C.F.R. § 420.21(b).) The regional director also must periodically inspect designated areas and trails to determine the conditions resulting from OHV use. If such use will cause or is causing "considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historical resources," the director must "immediately close" such areas. The area may not be reopened until the director determines that "the adverse effects have been eliminated and measures have been implemented to prevent future recurrence." (43 C.F.R. § 420.21(c).)

OHV areas and trails must be located to minimize damage to soil, watershed, vegetation, and other resources and to minimize harassment of wildlife and significant disruption of wildlife habitats. (43 C.F.R. § 420.22(a).)

⁴¹ Direct effects are those which are caused by the action and which occur at the same time and place. Indirect effects are reasonably foreseeable effect which are caused by the action but which occur at a later time or are further removed in distance. (40 C.F.R. § 1508.8.) Cumulative effects are the impacts on the environment that result from the incremental impact of the action when added to other past, present and reasonably foreseeable future federal and non-federal actions. (40 C.F.R. § 1508.7.)

⁴² dated Feb. 8, 1972 and May 24, 1977 respectively.

⁴³ "Reclamation lands" are lands within the custody or control of the Bureau. (43 C.F.R. § 420.5(c).)

OHV areas may *not* be located in areas "possessing unique natural, wildlife, historic, cultural, archeological, or recreational values" unless these values will not be adversely affected. (43 C.F.R. § 420.22(b).) Importantly, reclamation lands being managed by state entities (as is the case here) *must be administered consistent with the above requirements and all other applicable federal laws and regulations.* (43 C.F.R. § 420.25(a)(2).)

The Mammoth Bar OHVRA does not appear to be in compliance with these regulations and therefore may be operating unlawfully. First, it does not appear that the director of the Bureau has promulgated regulations specific to the Mammoth Bar area. Second, there is evidence to indicate that the Mammoth Bar area has caused considerable damage to the surrounding area, including soil, vegetation, wildlife, wildlife habitat, and potential cultural or historical resources. Third, the trails have not been located to minimize damage to such resources. Fourth, and most importantly, the Mammoth Bar OHVRA actually is located in an area in which OHV use is *prohibited* under the regulations. As previously discussed, the Middle Fork of the American River has been found to have unique and outstanding natural, wildlife, historic, cultural and recreational values.

These issues not only raise serious questions about any expansion of OHV activities, but they also call into question the existing OHV use.

2. **The Mammoth Bar OHVRA Is Inconsistent With the Auburn State Recreation Area Interim Resource Management Plan (IRMP).**

The proposed expansion of the Mammoth Bar OHVRA also is inconsistent with the IRMP, which is a joint federal-state resource management plan adopted for the area. The IRMP establishes several planning goals and management guidelines for the Auburn State Recreation Area, which includes the Mammoth Bar OHVRA.

First, the IRMP establishes an overall planning goal of minimizing environmental damage caused by recreational use and development and restoring areas damaged by such use wherever possible.⁴⁴ The proposed expansion is clearly inconsistent with this overall goal of the IRMP. Indeed, the IRMP repeatedly acknowledges the significant resource damage and erosion problems caused by the *existing* OHV area.⁴⁵ The expansion obviously will significantly exacerbate this problem.

Second, the IRMP's overall management guideline provides that "any land use proposal made prior to completion of Auburn Dam" must meet one of the following four criteria: (1) be directly associated with construction of Auburn Dam; (2) be for purposes of fish and wildlife mitigation or enhancement; (3) provide for cultural or historic preservation or mitigation; or (4) provide for safe public use and recreational opportunities. The proposed expansion meets none of the above criteria, and in fact is contrary to these criteria.

⁴⁴ IRMP, p. 92.

⁴⁵ See, e.g., IRMP pp. 84, 88, 130, 143, 153.

Third, the IRMP establishes several specific management guidelines for each area of potential impact. Guidelines relevant to the Mammoth Bar OHVRA include, but are not limited to:

- 1) Trails in conflict with key wildlife habitat areas, or areas at risk of degrading water quality subject to erosion, should be rerouted or closed.
- 2) The viewshed is to be maintained. Development should be located outside of scenic areas, adjacent to existing structures, or along the edges of scenic areas where vistas will be less interrupted. Development should not be allowed on ridgelines.
- 3) Newly proposed roads, parking areas, and other developments should be evaluated to determine their effects on scenic quality. *Proposals that would have an adverse impact on the viewshed should be revised or rejected.*
- 4) Before any facility is constructed, it should comply with [NEPA] and other environmental protection laws. Each project should be evaluated for NEPA and National Historic Preservation Act compliance on a case-by-case basis.
- 5) Rare and endangered plants and animals and their habitats should be protected and managed for their perpetuation in accordance with state law.
- 6) Prior to any deleterious activity, the affected area must be surveyed by a qualified resource ecologist . . . during the appropriate season.
- 7) Riparian . . . areas should be managed for their long term preservation and enhancement.
- 8) Management of soils should prevent destructive or unnatural erosion.⁴⁶

The proposed expansion is fundamentally inconsistent with these resource management guidelines. The Bureau and the Department are not managing this scenic viewshed and critical wildlife area in a manner that will ensure its long term protection and minimize and mitigate existing resource damage. Instead, the Bureau and the Department are proposing to significantly *increase* the already extensive resource damage and impacts to the viewshed that the IRMP admits has resulted from ongoing operation of the Mammoth Bar OHVRA. Moreover, the agencies are trying to cut corners on required procedures by, for example, not preparing a NEPA analysis of the proposed expansion and failing to conduct protocol wildlife and vegetation surveys of the expansion area.

Nor is the existing OHVRA in compliance with the management guidelines established by the IRMP. Among other things, contrary to the IRMP, the Bureau and the Department have, failed to: (1) close trails that conflict with wildlife use and that present erosion problems; (2) protect rare and endangered species that may be impacted by the OHV area; (3) manage the Mammoth Bar

⁴⁶ IRMP, pp. 108-110.

riparian corridor for its long term preservation and protection, rather than for OHV use; and (4) manage soils to prevent erosion. The agencies even have constructed, without prior environmental analysis and public review required by the IRMP, environmentally damaging projects that are clearly inconsistent with the IRMP, such as a 270-space parking lot and a ramada on top of the ridge.

3. Resource Management Plan for the Mammoth Bar Area of the Auburn State Recreation Area (MBRMP)

Although apparently never finalized, this document was intended to be a "tier" to the IRMP. It includes OHV resource management objectives, short term resource management actions, erosion control priorities, and resource damage monitoring requirements. The goals of the IRMP provide the basis for the MBRMP (see above). The MBRMP's stated overall goal for the Mammoth Bar area is to "provide for the perpetuation of the cultural and natural resources of the Mammoth Bar area unimpaired for future generations by providing . . . facilities designed to minimize and limit the extent of damaging uses."

New OHV trails must avoid all sensitive natural and cultural features, including rare plants and animals and their habitats, wetlands, springs and seeps, meadows and grasslands, riparian areas, steep slopes and erodible soils. Areas with historic OHV use that may affect sensitive resources, and areas where historic riding has caused unacceptable erosion and vegetation damage, must be closed. OHV use must be limited to designated areas.

As with the IRMP, both the existing operations and proposed expansion are inconsistent with the MBRMP. Trails have not avoided sensitive natural and cultural features, and trails that have caused damage to these resources have not been closed. Nor has OHV use effectively been limited to designated areas as required by the plan. The proposed expansion will likely amplify these problems.

C. THE MAMMOTH BAR OHVRA IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF SECTIONS 404 AND 401 OF THE CLEAN WATER ACT.

Clean Water Act (CWA) section 404 (33 U.S.C. § 1344), prohibits the discharge of dredged or fill material into any "navigable waters," without a permit issued by the Army Corps of Engineers (Army Corps). Navigable waters are defined by the CWA as the "waters of the United States," and includes waterways such as the Middle Fork of the American River. (33 U.S.C. § 1362; 40 C.F.R. § 230.3(s)(3).) "Discharge of dredged or fill material" includes the placement of *any* material into the waters of the United States which has been dredged or excavated from such waters, or which is used primarily for replacing an aquatic area with dry land or changing the bottom elevation of a water body. (33 C.F.R. §§ 323.2(c), (d), (e).) "Dredged or fill material" includes rock, sand, dirt, or other construction material. (*Id.*, § 323.2(e), (f).)

The Bureau's and the Department's construction of the jumping track within the high water mark of the Middle Fork was a discharge of dredged or fill material into waters of the United States.

Accordingly, the Bureau and the Department were required to obtain a permit pursuant to Section 404 of the Clean Water Act and have acted in violation of that statute. Further, if the proposed expansion would involve discharge of any dredged or fill material into or near the river bed or channel, a Section 404 permit will be required.

In determining whether or not to permit a discharge, the Corps must apply the Environmental Protection Agency's (EPA's) section 404(b)(1) guidelines and conduct a so-called "public interest" review. The 404(b)(1) guidelines prohibit the Corps from permitting a discharge if: (1) there is a practicable alternative that would have a less adverse environmental impact; (2) the discharge would cause or contribute to significant degradation of the waters of the United States; or (3) the discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem. (40 C.F.R. §§ 230.10, 230.12(a)(3).)

The public interest review process requires the Corps to evaluate the direct and cumulative impacts of the proposed discharge and the intended use of waters of the United States on the public interest and weigh these against expected benefits of the proposal. As part of this process, the Corps must consider "[a]ll factors relevant to the proposal" including effects on conservation, economics, aesthetics, general environmental concerns, wetlands, fish and wildlife values, land use, flood hazards, shoreline erosion and accretion, recreation, water supply and conservation, and water quality, among other factors. (33 C.F.R. § 320.4(a).) The Corps must deny a Section 404 permit application if it determines that the discharge would be contrary to the public interest.

Besides adding a layer of environmental protection to otherwise environmentally destructive activities, a Section 404 permit also triggers the requirements of Section 401 of the CWA. (33 U.S.C. § 1341(a)(1).) Section 401 requires any applicant for a federal permit (e.g. a section 404 permit) to provide the permitting agency (e.g. the Corps) with a certification from the state (in this case, the Central Valley Regional Water Quality Control Board) that any proposed discharge will comply with the applicable requirements of the CWA and state law. The state may impose conditions of approval on the water quality certification to ensure that the discharge will meet all applicable federal and state water quality standards. (PUD No. 1 v. Jefferson County, 114 S. Ct. 1900 (1994).) No federal license or permit may be granted unless the required certification has been obtained or waived. (33 U.S.C. § 1341(2)(1).)

D. FEDERAL ENDANGERED SPECIES ACT.

1. The Bureau Must Consult With the USFWS Regarding the Proposed Expansion Pursuant to Section 7 of the ESA.

Under Section 7(a)(2) of the ESA, all federal agencies have a duty to insure that any federal agency action they authorize, fund or otherwise carry out does not jeopardize the continued existence of any listed species or adversely modify or destroy designated critical habitat. (16 U.S.C. § 1536(a)(2).) Federal "agency actions" include, but are not limited to: (1) actions to conserve listed species and their habitats; (2) issuance of regulations; (3) granting of licenses, permits, easements, contracts, and leases; and (4) actions that directly or indirectly cause changes to air, land or water.

(50 C.F.R. § 402.02.) The Bureau's involvement in the proposed expansion as a co-lead agency constitutes a federal agency action subject to Section 7. In addition, if the proposed expansion requires a dredge and fill permit from the U.S. Army Corps pursuant to Section 404 of the Clean Water Act, the corps' issuance of the permit is also a federal agency action subject to Section 7 of the ESA.

If a federal agency proposes to carry out an action that may adversely affect listed species or critical habitat, it must formally consult with the USFWS regarding the impact of this action on listed species and designated critical habitat (if any). In this case, the Bureau and potentially the Army Corps must consult with the USFWS regarding the impacts of the proposed expansion, and dredge and fill permit, respectively, on federally listed species including bald eagle, peregrine falcon and red legged frog. During the consultation process, the federal agency action cannot make an "irreversible and irretrievable commitment of resources" that would foreclose the agency's ability to implement "reasonable and prudent alternatives."⁴⁷ (16 U.S.C. § 1536(d).) In other words, the action agency cannot go forward with the project until consultation is completed.

During formal consultation, the USFWS must, among other things: (1) review all relevant information concerning the listed species and critical habitat; (2) evaluate the current status of the species and critical habitat; and (3) analyze the direct, indirect and cumulative effects of the action on the species and critical habitat. (50 C.F.R. § 402.14(g).) Within 45 days after the conclusion of formal consultation, the USFWS must issue a biological opinion as to whether the proposed agency action could jeopardize any listed species or adversely modify or destroy designated critical habitat. (16 U.S.C. § 1536(b)(3)(A).) The biological opinion must be based on the best available scientific information, and describe how the proposed agency action will affect the listed species, including an analysis of direct, indirect and cumulative effects. (16 U.S.C. § 1536(a)(2).)

If the USFWS issues a jeopardy opinion, it must include reasonable and prudent alternatives that would avoid jeopardy. (16 U.S.C. § 1536(b)(3)(A).) If the action will result in a "take" of any listed species (see below), the biological opinion must also include an "incidental take statement." The incidental take statement authorizes the federal agency to take certain members of the species, provided such taking will not jeopardize the species and the agency implements "reasonable and prudent measures" to minimize the adverse impacts of the taking. (16 U.S.C. § 1536(b)(4).)

2. The Department Must Obtain an Incidental Take Permit for the Proposed Expansion Pursuant to Section 10 of the ESA.

Alternatively, assuming for the sake of argument that the Bureau's involvement in the proposed expansion is *not* a federal agency action subject to Section 7 consultation requirement, and no Section 404 permit is required from the Army Corps, the Department is still subject to the ESA. The ESA prohibits any "person," *which includes any state agency*, from "taking" a federally listed

⁴⁷ Reasonable and prudent alternatives are those that: (1) can be implemented in a manner consistent with the purposes of the proposed agency action; (2) are within the agency's legal authority and jurisdiction to implement; (3) are economically and technologically feasible; and (4) would not jeopardize the species or adversely modify or destroy critical habitat. (50 C.F.R. § 402.02.)

species, unless the person obtains a "incidental take permit" from the USFWS. (16 U.S.C. §§ 1532(13), 1538(a)(1)(B), 1539(a)(1).) "Take" is defined under the federal ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (16 U.S.C. § 1532(19).) "Harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." (50 C.F.R. § 17.3.) This definition of "harm" was upheld by the U.S. Supreme Court. (Sweet Home Chapter of Communities v. Babbitt, 115 S. Ct. 2407 (1995).)

The ongoing activities and proposed expansion at Mammoth Bar OHVA have the potential to "take" federally listed species in violation of the ESA, either directly through crushing by OHVs, or indirectly through habitat modification from trail and facility construction, maintenance and use, erosion and sedimentation, and other impacts. Federally listed species which are present or may be present in the project area include bald eagle, peregrine falcon and red-legged frog and possibly others. Accordingly, the Department may need to obtain an incidental take permit from the USFWS.

E. WILD AND SCENIC RIVERS ACT (WSRA) CONSIDERATIONS.

In January 1993, the Bureau determined that three segments of the North and Middle Forks of the American River are eligible for designation as a "wild and scenic river" under the WSRA. This eligibility determination includes 23 miles of the Middle Fork from Oxbow Dam to the confluence of the North Fork of the American River. The area where the Mammoth Bar OHVRA is located has been determined eligible for "scenic" designation. The chief of the Division of Planning and Technical Services for the Bureau further determined that, within one-quarter mile of the river, these eligible segments will be managed to protect all outstandingly remarkable values, including fish, wildlife, ecological, scenic, cultural and recreational, until the determination is made whether these river segments are suitable for inclusion within the wild and scenic river system.⁴⁸

The Bureau study noted the Middle Fork's outstandingly remarkable values, all of which could be impacted by existing or expanded OHV activities:

<u>Recreation:</u>	Western States Trail and whitewater rafting;
<u>Scenic:</u>	Land and water forms, due to the deep and steep canyon walls. Rugged terrain;
<u>Wildlife:</u>	Candidate species for both federal and state endangered or threatened listings;
<u>Fish:</u>	Rainbow trout and habitat;
<u>Ecological/ other values:</u>	Unique biological communities, including ecosystem diversity and butterflies.

⁴⁸ Susan Hoffman, chief, Division of Planning and Technical Services, Bureau of Reclamation, memo to Interagency Study Team re *Determination of Wild and Scenic Eligibility of Segments of the American River*, Feb. 1, 1993; see also Bureau of Reclamation, American River Water Resources Investigation, Technical Team's Inventory and Recommendation for Wild and Scenic River Eligibility and Preliminary Classification, North and Middle Forks American River, Jan. 7, 1993.

Both the proposed expansion and current OHV activities have the potential to adversely impact the outstanding values that made this river segment eligible for national designation. User conflicts in and around Mammoth Bar harm the "recreation" values, especially with motorized recreation degrading the outdoor experience for other users with engine noise, dust, etc. "Scenic" values, already harmed by some of the incremental work done for the OHV area, would be impacted further by the addition of new trails.

"Wildlife" degradation would include fragmentation and disruptions within previously unspoiled habitat corridors (e.g., new trails upstream of the current OHV area) and motorized recreation impacts to listed and candidate threatened and endangered species. Degradation of water quality and fish habitat from Mammoth Bar erosion threatens the "fishery" values of the Middle Fork American. And finally, OHV activities (current and expanded) have had or could have impacts to the unique biological communities (butterflies populations, for example) and to the river's ecosystem biodiversity in general.

1. Non-degradation - Section 10A, WSRA

Clearly, any expansion of the Mammoth Bar OHVRA is highly likely to adversely affect the outstanding values in this eligible segment of the Middle Fork, particularly given that the soil type at Mammoth Bar is considered highly erodible (as documented by the U.S. Soil Conservation Service and in the Corps' American River Watershed Investigation EIS). The proposed expansion would extend OHV use one and one-half miles upstream to Poverty Bar.

This area is currently a primitive, near wilderness region. Since one of the criteria for a "scenic" classification is "no substantial evidence of human activity," the enlarged OHV area plainly could jeopardize a suitability determination for this region of the Middle Fork.⁴⁹

Expansion of the Mammoth Bar OHVRA is also contrary to the WSRA "non-degradation clause" (Sec. 10A),⁵⁰ and the interim management direction in response to the Interagency Wild and Scenic Rivers study. In recognition of the eligible status of the Middle Fork American River, and as noted above, the Bureau stated that "...all outstandingly remarkable values identified within these segments and within one-quarter mile of the river will be protected as required under the WSRA." We urge the Bureau to consider this in its planning.

⁴⁹ The Department's previous assertion that the OHV activities at Mammoth Bar are not "mutually exclusive" from protection of the "outstandingly remarkable values" on the Middle Fork defies common sense and appears to indicate an inappropriate bias in favor of OHV expansion, to the detriment of other values that deserve equal if not greater consideration. (*see e.g.*, letter from CDPR's Kranz to FOR's Casey, 11/21/96).

⁵⁰ The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287); *see also* "Final Revised Guidelines for Eligibility, Classification and Management of River Areas," (Federal Register/ Vol. 47, No. 173, Sept 2, 1982) p. 39458.

CONCLUSION.

In sum, as these comments demonstrate, the existing OHV area at Mammoth Bar is in violation of numerous state and federal environmental laws, including CEQA, Fish and Game Code § 1601, Clean Water Act § 404, the OHVRMA, Bureau of Reclamation regulations, as well as the AFGP and IRMP.

In light of this, the proposed expansion may not proceed until the area is brought into compliance with these laws, or is closed and relocated elsewhere. If the Department and the Bureau insist on proceeding with the proposed expansion, they must prepare a joint EIS/EIR, undergo state and federal agency consultation under CESA and the ESA, and obtain Section 1601 and Section 404 permits.



sent via email to Peter.Jones@parks.ca.gov

June 1, 2020

CA Dept of Parks and Rec (CDPR)
Off-highway Motor Vehicle Recreation (OHMVR) Division
c/o Attn: Peter Jones, Environmental Scientist
CA State Parks, Gold Fields District
7806 Folsom-Auburn Road
Folsom, CA 95630

Ladies and Gentlemen:

Re: **Mammoth Bar Project—Motocross Track Relocation—Public 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).

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. Both the CDPR and its OHMVR Division must take responsibility for informing the public of potential impacts and conduct proper enviro analyses before any decisions or approvals are made.

I. “Restoration” as Legally Required and/or Most Responsible Alternative—rather than either “Repair” or “Relocation.”

The original Mammoth Bar OHV proposed project was never meant to be permanent. In archived and more recent documents, and even in this project’s current Initial Study (IS) MND, the term “interim” is used often in reference to creation of the MB MX area.^{1,2} After researching the Auburn Dam proposal problems, because the MBMX location was approved only as a temporary or interim project, it should have been shut down long ago, especially since (1) construction of the Auburn Dam was never

¹ ASRA Prelim Gen Plan and APL Draft Res Mngmt Plan, Exec Summary, pg 15: “In the 1960’s and 70’s, Reclamation acquired APL to support construction, operation, and maintenance of the Auburn Dam and Reservoir.... ASRA was designated a State Recreation Area in 1979.... A series of complications put construction of the dam on hold for an indefinite period.”
https://www.parks.ca.gov/pages/21299/files/ASRA_APL_GeneralPlan_RegionalManagementPlan_reduced.pdf

² Mammoth Bar Motocross Track Relocation Project, Initial Study/Mitigated Negative Declaration, April 2020, Chpt 2, 2.2, pg 3 (pdf p 15): Mammoth Bar OHV area was established by USBR and CDPR as an interim use area within Auburn SRA in 1997.
https://www.parks.ca.gov/pages/980/files/Mammoth%20Bar%20Track%20Repair%20CEQA%20doc_Signed_20200424.pdf

finalized in part due to earthquake concerns; (2) funding was never fully authorized; and (3) water rights were legally pulled by California's Water Board.³ Thus, from the very beginning, a proposed horrific and controversial dam project that would bury an amazing array of natural, historical, and pre-historical resources was manipulated to justify the MB MX area. Since allowing the MB MX in an area that under normal circumstances would never have been approved, its subsequent construction proceeded based on little or outdated research, faulty assumptions, and unjustified speculation.

Proposed back in the 1950's,⁴ Congress authorized the Auburn-Folsom South Unit as part of an ambitious Central Valley project that included Auburn Dam around 1965. In the 1990's, based on naiveté and/or speculation, state and federal agencies succumbed to pressure and wrongfully concluded that Mammoth Bar (MB) would be underwater due to completion of the Auburn Dam.⁵ That, in turn, was the fundamental justification for allowing the MB OHV project with significant destructive impacts along the banks of a pristine, iconic, scenic stretch of the American River watershed. However, multiple documents consistently called the MB area as "interim." (see Attachment A)

OHV, motocross, quadrunners, ATV, and other non-street legal vehicular enthusiasts jumped at the normally-not-allowed opportunity to ride roughshod at an iconic river's edge—creating impacts that were and are reprehensible and indefensible under CEQA or NEPA. Because the public agencies that are mandated to protect natural resources apparently did not fully grasp the lengthy, complex process involved with any dam approval, let alone a controversial one, they abandoned any semblance of following precautionary principles and treated the MB MX area as a "sacrifice" or "throw away" area that they prematurely believed would be underwater. With that incorrect approach, critically important environmental studies were never undertaken or dismissed as unnecessary, and the MB OHV Area never obtained required authorization based on full impact analysis.

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.

OHV activities are NOT water dependent. They need not proximity to water or especially to iconic scenic watersheds. The time is now ripe and appropriate for both the CDPR and its OHMVR Division to right the wrong of that disastrous premature, incorrect speculative assessment decades ago that has desecrated the Mammoth Bar area for decades. Currently, federal and state agency officials, along with environmental organizations believe the Auburn Dam is unlikely to ever be constructed. This means Mammoth Bar OHV MX activities need to be halted, and restoration of one of the most important natural resource areas of the American River watershed must begin. Any further attempts to "Relocate" a similar MX may be considered for other, less sensitive areas.

³ On December 2, 2008, the California State Water Resources Control Board, which has the authority to allocate water and protect water quality in California, revoked federal water rights to the American River at Auburn.

<https://www.usbr.gov/history/ProjectHistories/Central%20Valley%20Project-Auburn%20Dam%20D2.pdf>

⁴ https://en.wikipedia.org/wiki/Auburn_Dam

⁵ Ibid.

As a model for agency responsibility, the U.S. Bureau of Reclamation (BOR) stepped up when it was determined that the Auburn Dam was probably never going to be built. It rightfully proceeded with restoration of the American River by building a steel-plated gate to close off the diversion tunnel that was drilled through part of a steep canyon slope to the river. This greatly-appreciated BOR restoration returned the American River to its natural course. The BOR's good-faith action was widely celebrated by the public and was a much larger project than that of restoring the banks of the North Fork of the American River (NF AR) where MB's MX tracks have wreaked havoc and environmental destruction.

Restoration has been mentioned both in ASRA's General Plan updates/revisions as well as OHV regulations for grant opportunities. (See Attachment A)

O3-4 Had impacts from a MB MX been proposed without a proposed dam, the baseline would have been its pristine watershed setting with all its magnificent natural resources in tact, and no MX track or track of any type would have been allowed. It's time to "right the wrong": That same natural setting baseline should be the starting point for restoration.

O3-5 It's important to note that all 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, or in any other sensitive areas of the American River Watershed.

O3-6 As proposed, this MX relocation is an attempt to approve an MND for an unjustifiable project to supposedly avoid damages and subsequent "repair" costs, which most likely will occur repeatedly in that MB area. Previous repairs have been due to the MB MX being "the wrong project in the wrong place." 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).

II. As proposed, the "Relocation" project requires analysis and circulation of a full EIR.

O3-7 Should the recommendation that "Restoration" not be considered and adopted, as urged above, then focus turns to the fact that this MB MX MND is completely inadequate and does not comply with CEQA requirements due to the significant impacts that are reasonably foreseeable both to the iconic Middle Fork of the American River (MF AR) as well as surrounding sensitive resources located in the watershed. The California Environmental Quality Act (CEQA) is very clear with regard to thresholds that require the preparation of an Environmental Impact Report (EIR) instead of a Mitigated Negative Declaration (MND). 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.

O3-8 The determination and effort being made to squeeze the MB MX functional areas and parking back into a small space at an iconic river's bend is noted. However, it's reminiscent of what a well-known singer said when her dress ripped just before receiving her CMA award, "... [that's what I get] for putting 50 pounds of mud in a 5 pound bag." 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.

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.

O3-10

The MND describes the relocation project as “reducing the chances of flood damage in the future.” 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.

3.1 Aesthetics

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.

3.3 Air Quality

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.

3.4 Biological Resources

d. 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.

O3-13

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.

3.3 Noise

Again, we 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.

O3-14

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.

3.15 Public Services

Throughout discussions of OHV use areas, including ASRA, proper law enforcement has been mentioned numerous times. 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?).

O3-15

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.

O3-16 To provide the “most accurate picture” of the MB MX project’s impacts, the 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.

O3-17 Last, no 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.

Thank you for considering our views,



Marilyn Jasper, Chair

cc Drew Lessard, BOR Area Manager

Attachments A and B

Attachment A

Excerpts from “ASRA General Plan/APL Resource Management Plan,” July 2019
https://www.parks.ca.gov/pages/21299/files/ASRA_APL_GeneralPlan_RegionalManagementPlan_reduced.pdf

[Excerpts begin from page ES-1 (pdf p 15), bold added]

Executive Summary

California State Parks (CSP) and the U.S. Bureau of Reclamation (Reclamation) prepared this joint General Plan (GP) and Resource Management Plan (RMP) to guide the long-term management of Auburn State Recreation Area (ASRA) and Auburn Project Lands (APL). **In the 1960’s and 70’s, Reclamation acquired APL to support construction, operation, and maintenance of the Auburn Dam and Reservoir** consistent with Public Law 89-161. ASRA was designated a State Recreation Area in **1979**, covering nearly all of APL, except for 105 acres that are managed by other agencies. ASRA is managed by CSP consistent with a Managing Partner Agreement with Reclamation.

CSP prepared a GP for the management of Auburn Reservoir **after construction of the dam** (CSP 1979). A series of complications put **construction of the dam on hold for an indefinite period**. Reclamation prepared an Interim RMP in 1992, in coordination with CSP, that **provided guidance for the management of the area until the dam was constructed** (Reclamation 1992). This GP/RMP replaces the 1979 GP and the 1992 Interim RMP. It provides a longterm and comprehensive framework for the management of ASRA/APL in its current condition, consistent with the missions of CSP and Reclamation.

If in the future, funding for the Auburn Dam is authorized, and all required state and federal approvals for the Dam are obtained, the federally-authorized dam and reservoir **could be constructed**. In the event that construction is resumed, CSP and Reclamation would develop a new or revised GP/RMP to reflect a long-term and comprehensive recreation and resource management plan that includes the dam and reservoir.

Declaration of Purpose

The purpose statement describes the unique role that ASRA/APL plays in meeting the CSP and Reclamation missions. The declaration of purpose for ASRA/APL is as follows:

.... The purpose of Auburn State Recreation Area is to preserve and make available to the people for their enjoyment and inspiration the outstanding recreational, scenic, natural, and cultural values of the North and Middle Forks of the American River, Lake Clementine, the steep river canyons, and associated upland areas, while recognizing that Congress may determine that an Auburn Dam and Reservoir may be constructed at some time in the future. The area's rugged and varied terrain provides for a wide variety of water-related and upland, backcountry and close-in outdoor recreation with outstanding opportunities for appreciation of the recreation area and relaxation for visitors of all abilities. The area's natural values include riparian corridors, oak woodlands, conifer forests, chaparral and grasslands; habitat for sensitive species including ringtails, peregrine falcons, foothill yellow-legged frogs, yellowbreasted chat, willow flycatchers and Sierra Nevada red fox; and unique geologic formations. Cultural resources within the area include Native American sites; paleontological resources; and important historic sites and artifacts associated with ranching, mining, water conveyance and transportation.

Issues and Analysis (Excerpts begin from pg 3-21 [pdf pg 158] bold added)

3.3.3 Mammoth Bar Management Zone [pdf pgs 158-159]

Management of Off-Highway Vehicle (OHV) and Other Uses at Mammoth Bar

Issue: Addressing OHV use and facilities consistent with other visitor uses and resource goals.

The Mammoth Bar OHV area has been used by OHV recreationists for decades. The OHV area is part of ASRA/APL and is managed by CSP staff. **It is not a designated State Vehicle Recreation Area (SVRA)**, which is a formal CSP unit designation for CSP park units funded by CSP's Off-Highway Motor Vehicle Recreation (OHMVR) Division and managed for OHV recreation. In addition, Reclamation policies under CFR 43 Part 420, Off-Road Vehicle Use, only allow OHV use on Reclamation lands managed by non-Federal entities in designated areas so long as the management is consistent with CFR 43 Part 420 and applicable non-Federal laws and regulations. **(recognizing that Mammoth Bar is an exception that was originally intended for interim use until inundation by the Auburn Dam)**, which could constrain approaches that maintain OHV use. CFR 43 Part 420 allows opening or closing of OHV use on Reclamation-owned lands if the Reclamation Regional Director has approved the designation of the use. change. However since OHV use at Mammoth Bar was pre-existing before CFR 43 Part 420 went into effect in 1974 no further designation is required by Reclamation.

The Plan (Excerpts from pg 4-81 [pdf pg 245] bold added)

The Mammoth Bar Management Zone includes 1,170 acres of federal land along the north side of the Middle Fork of the American River. The management zone includes the Mammoth Bar OHV tracks and trails and is the only portion of ASRA/APL

designated for OHV recreation. The management intent of this zone is to maintain and expand opportunities for both motorized and non-motorized recreation while protecting sensitive resources. The management zone includes two activity nodes: Staging Area and Castle Rock. Facilities and improvements in this area will maintain, improve, and relocate opportunities for high-quality upland and water-dependent recreation including OHV use, non-motorized trail use, camping, picnicking, and river access. Table 4.4- 6 shows the size and land use designation of each activity node in the management zone. Figure 4.4-6 shows the location of the management zone along with existing and proposed facilities.

Comment: “Protecting sensitive resources is an oxymoron when referencing OHV activities.”

Comment: As stated, OHV activities are not water-dependent—no need to be near a water course.

Activity Node	Acres	Land Use Designation
Staging Area Activity Node (6A)	47	OHV - High
Castle Rock Activity Node (6B)	89	OHV - High
Management Zone Outside of Activity Nodes	1,034	OHV - Medium

GOAL MZ 22: Provide high-quality and regionally important OHV recreation opportunities compatible with resource capacities in the Mammoth Bar Management Zone.

Comment: An iconic scenic watershed is incompatible with OHV activities.

Guideline MZ 22.1: Repair, re-construct, re-route, close, or add trails to improve trail sustainability and recreation opportunities.

Guideline MZ 22.2: Allow OHV use up to six days per week.

Guideline MZ 22.3: To reduce the risk of future flood damage, reconfigure the OHV track, parking area, staging area, helicopter pad, and trials biking area, within the existing footprint of disturbance, in order to shift the track further from the river.

Comment: Better yet, move the track at least a mile or two from any flowing waterway.

Guideline MZ 22.4: If the OHV track is damaged by flood events in the future, reassess the suitability of the track in this location. The Plan 4-82 ASRA General Plan/APL Resource Management Plan

Comment: This is key. It HAS already been damaged by flood events and proven it is not suitable for its location at MB

Guideline MZ 22.5: Evaluate the feasibility of relocating the OHV tracks and staging area to the Castle Rock Activity Node with vehicle access from Foresthill Road. The evaluation should consider potential noise effects and other environmental impacts and implement mitigation measures, as necessary to reduce substantial adverse or significant effects. If the OHV tracks are relocated, restore riparian habitat along the river and consider opportunities for nonmotorized recreation near the previous site of the tracks.

Comment: That would be perfect—thank you!

Guideline MZ 22.6: Add picnic sites and a viewing area adjacent to the youth OHV track.

GOAL MZ 23: Provide a variety of non-motorized recreational opportunities in the Mammoth Bar Management Zone.

Comment: There is no obligation to provide any such activities in a sensitive area.

Guideline MZ 23.1: If the OHV tracks are relocated to an upland location or otherwise eliminated, reconfigure the existing disturbed area in the Staging Area Activity Node to provide other recreation facilities including up to 50 developed campsites, up to 50 day-use parking spaces, 10 shade ramadas, 20 picnic sites, restrooms, and improved river access.

Comment: This may work, but would need further discussion.

Guideline MZ 23.2: Maintain a boating take out and beach play area in the Staging Area Activity Node.

Guideline MZ 23.3: Maintain and renovate existing dayuse facilities to better serve both OHV and non-OHV uses.

Guideline MZ 23.4: Provide technical mountain biking trails and other active recreation opportunities.

Attachment B

<http://ohv.parks.ca.gov/pages/1140/files/2019-Regulations.pdf>

CALIFORNIA STATE PARKS

Off-Highway Motor Vehicle Recreation Division

GRANTS AND COOPERATIVE AGREEMENTS PROGRAM REGULATIONS

Chapter 15. Off-Highway Motor Vehicle Recreation Grants and Cooperative Agreements Program Regulations

(Rev. 1/19) (Excerpts, pg 22 [pdf pg 26] bold added)

4970.02. Program Purpose. The purpose of the Grants program is to provide for well managed OHV Recreation by providing financial assistance to eligible agencies and organizations that develop, maintain, operate, expand, support, or contribute to well managed, high-quality, OHV Recreation areas, roads, and trails, and to responsibly maintain the wildlife, soils, and habitat of Project Areas in a manner that will sustain long-term OHV Recreation in accordance with the legislative provisions and intent of the Act commencing at PRC Section 5090.01.

4970.11. Restoration. (p 27 [pdf pg 30] bold added)

(a) Purpose

(1) To Restore or Repair habitat damaged by either legal or illegal off-highway motor vehicle use.

(2) The goal of the Restoration Program is to aid the return of natural resource systems to their natural state when:

(A) Unauthorized motor vehicle use has damaged an area off limits to OHV Recreation;

(B) It is determined that areas shall be closed because soil or HMP standards cannot be achieved while sustaining OHV use;

(C) Areas formerly used by motor vehicles for OHV Recreation have not been designated and authorized for OHV use or;

(D) Natural resource systems in areas affected by ongoing OHV Recreation require restoration to sustain viable plant and wildlife species populations or other systems such as watersheds.

(b) Available Funding

Twenty-five percent (25%) of the funds appropriated by the Legislature for the Grants program shall be expended for Projects within the Restoration category.

....

(e) Examples of Deliverables

Restoration Deliverables include, but are not limited to the following:

(4) Restoration Projects that generally improve and restore the function of natural resource systems damaged by recreational motorized activities,

I 1

From: Paul Kekoni <kekonikleensweep@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Tuesday, April 28, 2020 2:19:38 PM

I 1-1 | 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.

I 1-2 | 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.

Thanks for your time and hope things start up soon.
Paul Kekoni, North Auburn, Ca

I 2

From: Poling, Chris <cpoling@sierracollege.edu>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Tuesday, April 28, 2020 2:27:55 PM

Attachments: Outlook-I52so5ky.png

I 2-1 | Hello, can you help me find: California Department of Parks and Recreation Mammoth Bar motocross track repair project details available for review and comment The Initial Study and Mitigated Negative Declaration can be viewed and downloaded from the California State Parks website at www.parks.ca.gov.

Thanks for your assistance!
Chris Poling
Technical Support Video Production
Distance Learning LR-135
cpoling@sierracollege.edu (916) 660-7256

I 3

From: Brett Powell <yzbrett@live.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Wednesday, April 29, 2020 9:17:16 AM

Dear Mr . Jones,

I 3-1 Thank you for your involvement in this project to redesign and reopen the MX track at Mammoth Bar. As a past user of the old track including my children I am glad to see this riding opportunity return to the community. This should help relieve some pressure in other local riding areas as well.

Sincerely,

Brett Powell

I 4

From: Michael Muldoon <m.muldoon@att.net>
To: Jones, Peter@Parks
Subject: Mammoth Bar MX track project
Date: Sunday, May 3, 2020 9:29:53 AM

I 4-1 Hi, I would like to review "The Initial Study/Mitigated Negative Declaration" for the Mammoth Bar project, but haven't been able to find it on the generic link provided. Can you assist me in finding it?

Thank you,
Mike Muldoon

I 5

From: Michael Muldoon <m.muldoon@att.net>
Sent: Sunday, May 3, 2020 9:30 AM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth Bar MX track project

I 5-1 Hi, I would like to review "The Initial Study/Mitigated Negative Declaration" for the Mammoth Bar project, but haven't been able to find it on the generic link provided. Can you assist me in finding it?

Thank you,

Mike Muldoon

I 6

From: Ktm Ceccarelli <ktmceccarelli@gmail.com>
To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Sunday, May 3, 2020 1:03:09 PM

I 6-1 Hello all. First I would like to say I am very happy to see that the mammoth bar project is moving forward. Its been very frustrating for us Placer County OHV riders not having mammoth bar available to us in the way of good trails and the motocross track. I can not emphasize enough how this is the only OHV park in the whole County of Placer.

I look forward to helping and supporting all activities at the bar. I want to thank all involved for not giving up on us on this long draw out fight at Mammoth bar, it is very important to the OHV community in this area kids and family alike. Thank you again and looking forward to doing a rip on the track in the near future.

Sincerely,

Tom Ceccarelli

I 7

From: Joanne Thornton <joannethornton5@gmail.com>

Sent: Thursday, May 7, 2020 1:28 PM

To: PeterJones@parks.ca.gov

Cc: Howard, Mike@Parks <Mike.Howard@parks.ca.gov>; De Wall, Jason@Parks <Jason.DeWall@parks.ca.gov>

Subject: Mammoth Bar Project Comment

Hi Peter, as long time Divide Area residents, we are very pleased that Mammoth Bar is getting revitalized.

I 7-1 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. As Mike Howard can tell you, several of us, 1 total, including BOR, State Parks, Congressman McClintock's office, and Senator Jim Nielsen's ffile visited Mammoth Bar on our last tour of the area.

Mike Howard explained what the plans were for that area. Our only concern is that we just happened to get Lori Parlin's (our District 4 Supervisor for El Dorado County) newsletter and she had this project on the list.

Is there a way to publish this, and future projects to get to a wider audience?

I 7-2 But again, it will be great to see Mammoth Bar back up and running like it used to be years ago.

Thank you for your hard work on this!

Joanne Thornton

joannethornton5@gmail.com

Sandy Ollen

sandyollen@cox.net

Divide Area Residents

I 8

From: Derek Slavensky <dslavy@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth bar project

Date: Sunday, May 10, 2020 3:16:34 PM

Hello,

I 8-1 I would like to formally write to advocate the Motocross track relocation at Mammoth Bar. My family and I have been going to Mammoth Bar for decades, and there generations of families. We love the trails, structures, and track and have always treated the property with respect.

Please bring back the MX track and reopen trails at Mammoth Bar. I would be happy to answer any questions and be in support of the property and our state parks allowing OHV Vehicles.

Thank you for your time,

Derek Slavensky

4318 Lakebreeze Dr, Rocklin, CA 95677

916-801-5288

I 9

From: Terry Davis <tmdavis317@gmail.com>

To: Howard, Mike@Parks; Jones, Peter@Parks

Subject: A track relocation question

Date: Friday, May 15, 2020 10:26:09 AM

Mike,

I 9-1 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.

Thanks,

Terry

--

Terry Davis

530 210-3600

I 10

From: Jon Reed <jmreed56@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Friday, May 15, 2020 9:46:58 AM

Peter,

I 10-1 I am writing to voice my support for the project to rebuild the Mammoth Bar Motocross track. The track has a long, rich history in the area and many people, myself included, have mourned it's loss in recent years. Motocross is a great family sport and the Mammoth Bar location is perfect for family outings. I have family members who have ridden tracks at Mammoth Bar for over 40 years; I've ridden the tracks for over 20 years, and I now have a 3 year old son that I hope will have the pleasure of growing up riding motocross there as well.

Thank you,

Jon Reed

10144 Quail Hill Dr.

Newcastle, CA 95658

I 11

From: Michael Maguire <travelingmike50@icloud.com>

To: Jones, Peter@Parks

Subject: Mammoth bar track

Date: Saturday, May 16, 2020 9:34:02 PM

Hi Mr. Jones,

I 11-1 Please go ahead with track re-building at Mammoth Bar. Myself and my 3 kids walked down to area a couple of weeks ago. We all started riding dirt bikes this year. We live in Foresthill and feel this would be a great recreational opportunity for the area. We also ride horses and mountain bike the local trails. I had previously ridden the track the year it was washed out. Now that my children are riding we are excited to get a track back in the area.

Thank You,

Michael Maguire 510-685-9083

I 12

From: disspose <disspose@aol.com>
To: Jones, Peter@Parks
Subject: Mommoth bar project
Date: Saturday, May 16, 2020 9:53:11 PM

Hello Mr. Jones,

I 12-1 | Motocross has given me the courage and motivation to become the successful person I am today. It would be a shame if it no longer existed. It's a very positive outlet for youngsters. After all, not all kids are bat and ball kids. Moreover, the skills acquired during this sport directly effect the mind, body, and soul. Not to mention the life long mechanical skills will give youth something tangible for adulting. Bottom line, Motocross is a life changing sport that develops the type of people we need and want in California - Hard working Americans!
Please consider helping us keep this great facility as-is. After all, people are part of the environment as well.

Thank you for your time and consideration!
Britt Davis
USAF

I 13

From: Holly Verbeck <yourteam@heychef.com>
To: Jones, Peter@Parks
Subject: In support of: Mammoth Bar Project
Date: Saturday, May 16, 2020 5:36:51 PM

Dear Peter Jones:

I 13-1 | My family and I are in support of the lead agency, Cal Dept of Parks and Rec undertaking the project of relocating the Mammoth Bar Motocross Track Relocation Project. I am a new motocross rider. I am a middle-aged woman with very little tolerance for risk or injury and I want badly to have safe, dedicated places to ride with clubs, like Original Standard, dedicated to my development and awareness as a rider. A track that let's us do this and minimizes the impact to surrounding areas is essential. For decades before I started riding I've been an avid hiker, camper, river bar visitor and general recreation enthusiast. I feel strongly that dedicated, appropriate space for motocross protects and preserves our natural environment. Please approve the Mammoth Bar Project.

Thank you for submitting my comments for the review period.
Holly Verbeck
holly@heychef.com
530-414-3496

Simple but binding legal language: If this isn't your email, please let us know – and don't use or share it.

I 14

From: chase genzlinger <chasegenzlinger@hotmail.com>
To: Jones, Peter@Parks
Subject: Mammoth bar project
Date: Saturday, May 16, 2020 10:39:51 PM

I 14-1 Good evenings. Writing you as a plea to help keep mammoth bar mx open. I have been riding there since I was 5 years old. The motocross track has a lot of memories for me and my family. I have been anxiously waiting to ride there again and if opened again mammoth bar will have my full support. I kindly ask you to keep it going.

Best regards.
-Chase Genzlinger

I 15

From: Ted Hawkins <tedhawk67@gmail.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar Project
Date: Saturday, May 16, 2020 6:50:54 PM

Dear Mr. Jones,

I 15-1 I would like to say how happy I am to see Mammoth Bar moving forward. I have ridden there for over 20 years and have made life long friends over that time. The park means the world to me and many of my friends as it has been a place to meet, ride, and get away from the stress of our lives. Please help to push this project forward. Myself and many of my friends will help however we can.

Thank you sir,

Ted Hawkins

--

Thank you,

Ted

Benchmark Strength & Conditioning

You cannot dream yourself into a character; you must hammer and forge

yourself one.

Henry David Thoreau

I 16

From: Jeffrey Hohlbein <jhohlbein@me.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar Project
Date: Sunday, May 17, 2020 8:55:17 AM

Me. Jones,

I 16-1 Please allow this email to serve as a written public comment for the Mammoth Bar OHV Project to relocate the motocross track. I, along with many of my friends, support the relocation and installation of the proposed motocross track. I've ridden motorcycles since I was 5 years old. My son began when he was 4. Motorcycle riding provides our family quality time together and time well spent away from electronic screens. It is a healthy pursuit and does not harm the environment. We live in Auburn and currently must travel about an hour to the closest places to ride motorcycles. We miss the Mammoth Bar OHV area, which we used to visit on a weekly basis. Please use the resources to re-open this park to OHV. It is good for the community and families like ours.

Thank you for your time.
Best regards,
Jeffrey Hohlbein
Auburn, CA
Sent from my iPhone

I 17

From: Steven Terrell <stevo1@live.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar Project
Date: Sunday, May 17, 2020 6:16:43 PM

I 17-1 My names is Steven Terrell and I wanted to share my thoughts on how important rebuilding the Mammoth Bar track is to this area. My family and I have been riding down there for 25+ years. It's a great place to ride and a great place for the younger generations to safely enjoy dirt bike riding. We live in auburn. The motorcycle scene in this area is huge! There are very few places locally to ride legally so this place is extremely important to this area. The variety of terrain down there make it a unique and awesome place to ride. Something for everyone ya know. Please make the right choice and rebuild this place for the greater good of our local dirt bike scene. I look forward to teaching my 2 little kids to ride and being able to it locally would be perfect. I'm willing to volunteer for any help needed down there. Thanks for your time and please rebuilt Mammoth bar.

Thanks again.

I 18

From: Andrew D. Muhlbach <muhlbach@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Sunday, May 17, 2020 4:07:50 PM

Dear Mr. Jones,

I 18-1 I write to comment in support of the Mammoth Bar Motocross Track Relocation Project. The project will restore opportunities for responsible OHV recreation on public lands in an area that has long been in use by the OHV community. Given its relative proximity, Mammoth Bar provides a unique setting for family-friendly OHV recreation, especially for parents of young children for whom longer drives to more remote OHV parks are a burden.

By moving the track out of the flood plain, the project presents an opportunity to also enhance the sustainability and reduce the ecological impacts of OHV recreation at the site. This project represents responsible and prudent stewardship of our public lands, I strongly support it.

Sincerely,

Andrew Muhlbach

2002 12th Ave, San Francisco, CA 94116

I 19

From: mark via <peruviancypress@hotmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Sunday, May 17, 2020 9:46:33 AM

Dear Peter,

I 19-1 It has been brought to my attention that there are people who are trying to take away the OHV location Mammoth Bar. This area is used by my family and friends lovingly for decades. The location is a prime destination that is perfectly positioned for people from Sacramento, Auburn, Newcastle, Loomis, Roseville, Cool, Truckee, Grass Valley, and Nevada City to take advantage of our public outdoor spaces. The motorcycle, side by side, and quads are fixtures in our American society. Us outdoor enthusiasts appreciate your efforts to keep our country free as it was designed to be for the people, all the people.

Thank you for your consideration.

Sincerely,

Mark Via

I 20

From: Tom Venuti <tvenuti@frontiernet.net>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Sunday, May 17, 2020 11:08:41 AM

Mr. Peter Jones

Environmental Scientist

CA State Parks, Gold Fields District

7806 Folsom-Auburn Road, Folsom CA 95630

Dear Mr. Jones,

I 20-1 I am an avid off-road vehicle enthusiast who lives in Sacramento. I have been riding my off-road motorcycle at Mammoth Bar for a number of years until it closed several years ago. I understand the Sierra Club's concern regarding the river again causing flood damage to the park; however, the California Department of Parks and Recreation has done an exceptional job in mitigating the chance of flood damage by moving the entire motocross track up from and to the east of the river bar. In addition, the strategic placement of boulders would minimized the need for fill replacement and effectively control surface runoff from upsloping terrain. I support the revised motocross track at Mammoth Bar. Please keep this motocross track open.

Thank you for all you have done.

Tommy Venuti,

8240 Cliffe Way

Sacramento., CA 9528

Sent from Mail for Windows 10

I 21

From: steve mervau <stevemervau@gmail.com>

To: Jones, Peter@Parks

Subject: MX TRACK

Date: Monday, May 18, 2020 1:59:07 PM

Hello Mr. Jones,

I 21-1 Motocross has given me the courage and motivation to become the successful person I am today. Ill never forget the memories on that starting gate @ Hollister. Some of my first races were there on that soil 30 years ago. It would be a shame if it no longer existed. It's a very positive outlet for youngsters. After all, not all kids are bat and ball kids. Moreover, the skills acquired during this sport directly effect

the mind, body, and soul. Not to mention the life long mechanical skills will give youth something tangible for adulting. Bottom line, Motocross is a life changing sport that develops the type of people we need and want in California - Hard working Americans!

Please consider helping us keep this great facility as-is. After all, people are part of the environment as well. Thank you for your time and consideration!

Steve M Mervau II
530.695.7556

I 22

From: Brian Scott <bs5938@outlook.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Monday, May 18, 2020 4:12:38 PM

Hello Mr. Jones.

I 22-1 I am sending you this notice on behalf of the Mammoth Bar Project. I have been riding at Mammoth Bar for over 20 years. I view the Mammoth Bar trails and Motocross Track as a key recreational opportunity in the Auburn State Recreation Area. As it specifically relates to the Motocross Track, it is such a unique setting in the State Parks. It enables the entire family good, clean, affordable recreation in a beautiful location. For \$50 per year I can buy an annual pass and ride the track as often as I would like on the days it is open. Compare that to \$30 per rider at private tracks and you can clearly see the value here.

Therefore I am lending my complete support to the rebuilding and reopening of the track at Mammoth Bar. As I understand, the track will be move further into the parking lot to avoid washouts in the future. This sounds like a great plan that should keep this situation from arising again.

Please feel free to contact me with any questions.

Regards,

Brian Scott

Rocklin, California

Bs5938@outlook.com

916-804-9341 cell

I 23

From: Todd <tropicaltodd@comcast.net>
To: Jones, Peter@Parks
Subject: Fwd: Mammoth Bar Project
Date: Wednesday, May 20, 2020 4:10:54 PM
Subject: Mammoth Bar Project

Dear Mr. Peter Jones,

I 23-1 Please accept this note for your consideration. I am in support of the Mammoth Bar Motocross Relocation Project. I have read the project description and agree this work is needed in order to reestablish a highly desired Motocross Track back to the Mammoth Bar OHV facility and secure it from possible future River flood damage. I have a Facebook page "Mammoth Bar MX" with 572 followers in support of this project.

Sincerely,

Todd Kohlmeister
19227 Siskin ct.
Penn valley, ca 95946
530-575-0127
Sent from my iPad

I 24

From: jim borow <cbgooser@hotmail.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar track relocation
Date: Wednesday, May 20, 2020 2:11:03 PM

Hello Peter,

I 24-1 This letter is on behalf of all members of M.B.R.A.(Mammoth Bar Riders Assoc.) For 22 yrs.we have worked closely with the State Ohv. to build a very good working relationship with state parks. We totally support the move of racetrack.

After some devastating floods washing many parts of track away it a good time to get back from river and keep what soil we have. Environmentally it's a sounds move to avoid any more erosian. We believe it's a positive plan and should many more years of fun for the Gov family. Jim Borow, President of MBRA /A Political Action Committee

Sent from Outlook Mobile

I 25

From: rod glazebrook <rodglazbrk@hotmail.com>
To: Jones, Peter@Parks

Subject: Mammoth Bar

Date: Wednesday, May 20, 2020 9:40:00 AM

Good Morning,

I 25-1 I am in favor of getting the MX track back up and running. I would also like to see the closed trails re-opened and or re-routed as need be. I would like to see the trials course moved over by the kids track. As Vice President of the Nevada County Woods Riders I understand the work involved to make this happen. We have over 500 hours of volunteer time already this year with the Forest Service at Burlington Ridge and in Forest Hill at Sugar Pine as well. We would be willing to help out with projects at Mammoth if needed to make this all happen. Mammoth is a beautiful little OHV park and is a critical resource to our area.

Sincerely,
Rod Glazebrook
916-847-6078

I 26

From: Garrett Schlegel <garrett.e.schlegel@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar OHV MX Track

Date: Wednesday, May 20, 2020 9:13:38 PM

Mr. Jones,

I 26-1 I am writing to pledge my support for rebuilding the MX Track at Mammoth Bar OHV. I have been riding there for 15+ years and would hate to see such an iconic track be no longer. Please feel free to reach out if you should need anything.

Garrett Schlegel
916-997-9265
4201 Macey Dr, Sacramento, CA 95841

I 27

From: KRIS TERRELL <terrell@ssctv.net>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Wednesday, May 20, 2020 10:31:48 AM

I 27-1 Please....I just want you to know that my family loves the Mammoth bar trail riding! Please don't change it and take it away. We love having Mammoth bar in our backyard for track and trail riding! Thanks for helping us!!

I 28

From: Brian Roth <slipdog@sbcglobal.net>

To: Jones, Peter@Parks; PeterJones@parks.ca.gov

Subject: Mammoth Bar Project

Date: Wednesday, May 20, 2020 9:31:18 PM

Dear Mr. Jones,

I 28-1 I'm writing to let you how important it is to my family and the entire motorcycling community that we keep the Motocross track at the Mammoth Bar OHV facility open and available to the public. I raced there for the first time back in 1983 and now have twin 8yr olds that are just learning to ride dirtbikes themselves. Being a current Placer County resident, the convenience of having a motocross track so close to me to teach my children the fundamentals of the sport would be invaluable. I hope this letter finds you well and look forward to many years of motorcycling at Mammoth Bar.

Sincerely,

Brian Roth

Roth Racing

3755 Old Auburn Rd.

Roseville, Ca. 95661

916.544.9098

www.Rothracingmx.com

I 29

From: Chaz Halbert <c.halbert222@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Thursday, May 21, 2020 10:44:24 AM

Good morning,

I 29-1 I am emailing you and the California Parks Department to state my support of the Mammoth Bar Project. This park and the MX track have been a great staple to the Auburn Recreation Area for 25 years and has personally served as a place of many of my greatest childhood memories. The track always provided a safe place to go to practice and have fun with the whole family. I have been attending this park since the mid-'90s and have seen all the changes it has gone through from large flood years. This project will certainly resolve those problems permanently, and restore what is a great track in the area.

Thank you for your continuous work to keep these great parks open and operating.

Regards,

Chaz Halbert

Project Manager - Phoenix Builders, Inc.

Head Coach - Wildcats High School MTB Team

(916) 320-9011

I 30

From: daniel chase <danielchase@gmail.com>

To: Jones, Peter@Parks

Subject: Mammoth Bar Project

Date: Thursday, May 21, 2020 6:58:32 PM

Mr. Jones,

I 30-1 | I would like to voice my opposition to the proposed change of the Mammoth Bar track.

Thank you,
Daniel Chase
Grass Valley, CA

I 31

From: Peter Crowell <pc.loans@yahoo.com>

To: Jones, Peter@Parks

Subject: FW: Mammoth Bar

Date: Friday, May 22, 2020 8:05:33 AM

Hello Peter,

I 31-1 | Thank you for the opportunity to express my thoughts on the Mammoth Bar MX track and offroad area. I have been and avid MX rider for over 50 years and used to go quite regularly Mammoth Bar after work to ride the trails and the track. It's was a great place for newer riders and kids to learn the sport in an area that was beautiful, fun and economical for families. I would LOVE to see the changes suggested so that the track is not wiped out if (when) it floods again. I hope those who enjoy trials riding will be accommodated as well.

Thank you,
Peter Crowell
1104 Dartmouth Ave.
Roseville, Ca. 95678
916-223-2937

I 32

From: Chris Smith <csmith@westernwaterfeatures.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar motocross track
Date: Saturday, May 23, 2020 5:58:49 AM

Dear Mr. Peter Jones,

I 32-1 Please accept this note for your consideration. I am in support of the Mammoth Bar Motocross Relocation Project. I have read the project description and agree this work is needed in order to reestablish a highly desired Motocross Track back to the Mammoth Bar OHV facility and protect it from future flood damage. I have dozens, if not hundreds, of friends and acquaintances that agree with my feelings.

Sincerely,
Chris Smith
916.417.5805 mobile
csmith@westernwaterfeatures.com

I 33

From: Kyle Kyle <kbross68@hotmail.com>
To: Jones, Peter@Parks
Subject: Mammoth Bar Project
Date: Tuesday, May 26, 2020 10:06:52 AM

I 33-1 Hello Peter, I am currently 37 and have been Riding the Mammoth Bar track since I was 17. It was a great place to learn how to ride track and was used on a regular basis by myself along with many friends as a fun safe place to ride. We have all been eagerly waiting for this new track in the new location so we can go back to our Sunday morning rituals of riding with many great friends. There are not allot of tracks like this around, the closest I could think of would be the Prairie City Practice track but the prep is usually pretty bad and it's nothing like this track was with all the loamy sand. I am thankful Jim Borrow has been extremely proactive with getting the word out on this project and trying to keep things moving along for all of us. I fully support moving forward with this new track location and design and hope others can see it's importance to the community. I appreciate all the hard work and dedication many of you have had towards this project and hope it can move forward swiftly.

Thanks,

Kyle Bross

1841 Whispering wind dr

Placerville, Ca 95667

530-391-6436

I 34

From: Chris Conover [mailto:cconover@gmail.com]
Sent: Wednesday, May 27, 2020 10:59 AM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth Bar OHV MX track input

Hi Peter,

I 34-1 I saw the notice on the updates to the MX track at the Mammoth bar OHV area. 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.

At a high level, hopefully we have collectively learned the dangers of bowl turns on downhill corners (that lead to the death of the rider there who launched off the 180 left at the downstream end of the old track). Beyond that, having jumps with multiple landing options, and emphasis on lower impact uphill step-up jumps, but no step-downs, and given your unique location, ideally an uphill corner / shoulder jump that would help riders learn bike control (bike going sideways) without the danger of landing sideways - if the landing is banked to the lean of the bike. Turning up and over a knuckle is a low impact way of learning bike deflection in the air, so that when this otherwise potentially situation occurs on a normal jump, a rider could have developed the confidence and skill to correct for it.

A couple other dangers I have seen from other OHV tracks - Prairie City, you launch straight into the setting sun, completely blinded without any way to see the landing or a potentially downed rider, and separately - Porterville (via a YouTube video) of the dangers of lanes being too close. A rider lost control in a whoop section, crossed over into the oncoming lane and people had to try really hard to not hit him. And finally, the absence of any hard material for marking the track boundary. Enzo Maeda of Enzo suspension was paralyzed after hitting a tractor tire on the inside of a corner. I think the industry now understands that flexible plastic track markers (and low berms) are the safer way to go there.

The short short version is that I would like to ride there with my family, on a track that allows progression of skill, and not just an all-or-nothing "motocross is dangerous" perspective. I was grateful for the old track, but as I remember it from years ago, it had a gap jump, and also a long square table top where you could bounce off the landing lip and then drop 8 feet into the baseline grade, when a longer sloped landing would have been better, or multiple landing options.

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.

Thanks for your time.

Sincerely,

Chris Conover
916 806 6609

I 35

From: Blah Blah [mailto:carisimonelli@gmail.com]

Sent: Thursday, May 28, 2020 10:28 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 35-1 I am opposed to the Mammoth Bar MX track Relocation Project. The trials area should not be removed. Trials is substantially growing in popularity & therefore has an increasing need for trials areas. There isn't a replacement trials area in this proposal.

Thank You,

Cari Simonelli

Sacramento PITS member

916-365-6736

I 36

From: Michael allison [<mailto:Michael.allison@live.com>]

Sent: Thursday, May 28, 2020 11:51 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 36-1 I am opposed to the Mammoth Bar MX track relocation project. The Trials area should not be removed. As more areas are restricted for a motorcycle sport growing in participants, this seems ill timed. I would hope you can reconsider this action and preserve an outlet for riders who enjoy the sport - thank you.

Best,

Michael Allison

Sent from my iPhone

I 37

From: Phil Hamilton [<mailto:pbhamilton@att.net>]

Sent: Thursday, May 28, 2020 2:28 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth bar project

Dear Mr. Jones,

I 37-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed. I would consider this project if included a new trials area. OHV riders should not have to fight for land.

Regards,

Phil Hamilton

I 38

From: Patrick Burke [<mailto:trickpatb@gmail.com>]
Sent: Thursday, May 28, 2020 1:30 PM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth Bar OHV - Trials Area

Dear Mr. Jones,

I 38-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." The trials area is an established, valued resource that has been in use since the early 90's. Many of the riders who frequent the park would not approve of using OHV fees to tear out an existing resource. There is no definitive, specified replacement trials area in the proposal. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users. The sport of trials in our region is increasing. Turnout at events has doubled in the last 2 years. There is increasing need for quality trials areas.

Thanks, Patrick Burke

I 39

From: Robert Weber [<mailto:weber0011@comcast.net>]
Sent: Thursday, May 28, 2020 5:43 PM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth Bar Project

"Dear Mr. Jones,

I 39-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." I am a member of the area Trials Club and value the riding at Mammoth Bar. The trials area is an established, valued resource that has been in use since the early 90's. I do not approve of using OHV fees to tear out an existing resource. The trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport. The picnic area and gazebo was built, and paid for, by Sacramento PITS. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users.

The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas. I live in Novato and the hour and a half ride is well worth it. Hope there is a plan to continue the trials riding there.

Thank You,

Robert Weber

415 793 9042

I 40

From: Prof. Rose [<mailto:scottalessandro1223@gmail.com>]

Sent: Thursday, May 28, 2020 3:10 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 40-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." The trials area is an established, valued resource that has been in use since the early 90's. You do not approve of using OHV fees to tear out an existing resource. The trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport. The picnic area and gazebo was built, and paid for, by Sacramento PITS. There is no definitive, specified replacement trials area in the proposal. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users. The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas.

I come from Monterey, CA to ride there.

--

Sincerely,

Scott Alessandro Rose, MA

Film and Italian Instructor

Professional Videographer and Video Editor

I 41

From: Scott Rose [<mailto:scottrosemilan@gmail.com>]

Sent: Thursday, May 28, 2020 3:10 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 41-1 Dear Mr. Jones, I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." The trials area is an established, valued resource that has been in use since the early 90's. You do not approve of using OHV fees to tear out an existing resource. The trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport. The picnic area and gazebo was built, and paid for, by Sacramento PITS. There is no definitive, specified replacement trials area in the proposal. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users. The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas.

I come from Monterey, CA to ride there.

I 42

From: Brandt Kennedy [<mailto:brandt@k2eng.net>]

Sent: Thursday, May 28, 2020 10:51 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 42-1 I'm writing to express my opposition to the proposed Mammoth Bar MX track relocation project as it will require the removal of the trials area. The trials area is an existing resource in use for over 20 years. Other trials areas within the trail system were removed without input in the past. The sport of trials is growing in Northern CA and NV making this area more valuable. I hope you take these concerns into consideration.

Regards,

Brandt Kennedy

PITS Member

Brandt Kennedy P.E.

Principal

860 Maestro Dr. Suite A

Reno, NV 89511

Ph: 775-355-0505 ext. 102

Website: www.K2eng.net

I 43

From: Spencer Smith Smith's Golf Cars inc. [<mailto:spencer@smithsgolfcars.com>]

Sent: Thursday, May 28, 2020 11:01 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: mammoth bar project

Dear Mr. Jones,

I 43-1 I am opposed to the removal of the trials section at mammoth bar. I can understand the urgency for moving the mx track since that is what a lot of people are interested in but the trials riders already have a VERY limited list of options to engage in the sport that thousands of people in northern California are passionate about. The trials section was constructed with a large assistance from the trials community including the gazebo and picnic area that was built and paid for %100 by trials riders that ALL ohv riders and families have enjoyed for years. The trials family includes anybody and everybody that enjoys the sport regardless of skill level. There is zero doubt in my mind if volunteer work needed to be done out there riders would show up in droves to help out.

Thank you,

--

Spencer Smith

Smith's Golf Cars inc.

5680 State farm DR

Rohnert Park CA 94928

(707)584-5488 phone

(707)584-5595 fax

I 44

From: mark beers [mailto:beers_mark@hotmail.com]

Sent: Thursday, May 28, 2020 12:18 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 44-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." If you would like to add more content to your message, here a few points to consider:

The trials area is an established, valued resource that has been in use since the early 90's.

You do not approve of using OHV fees to tear out an existing resource.

The trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport.

The picnic area and gazebo was built, and paid for, by Sacramento PITS.

There is no definitive, specified replacement trials area in the proposal.

In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users.

The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas.

If you come from out of the area to ride there, i.e. the Bay Area, as I know some of you do, make sure you mention that in your message.

Sincerely,

Mark Beers

I 45

From: Raymond Groshong [<mailto:r.groshong@hotmail.com>]

Sent: Thursday, May 28, 2020 11:15 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Trials area

Dear Sir,

I 45-1 I would like to ask that you take a moment and realize that the removal/without any consideration for the extended and needed use of the trials area provided at Mammoth Bar riding area. The trials riding enthusiasm has more than doubled in this area of California in the past few years alone and we see an ever-increasing need for a legitimate practice area.

We hope that there has been forethought in this matter as Trials riders are an essential part of the sport and support the local economies in many ways.

Again, thank you for your consideration in this important matter.

Best

Raymond Groshong

17 Terrace Ave.

San Anselmo, CA. 94960

415 559 9573

I 46

From: KEVIN MURPHY [<mailto:greaterlove1@verizon.net>]

Sent: Thursday, May 28, 2020 7:53 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Trials Area

Dear Mr. Jones,

I 46-1 I am opposed to the Mammoth Bar MX track relocation project. The Trials Area should not be removed."

The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it impossible to recreate the quality experience that is already there.

I DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which I am a member. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. And, it would be impossible to recreate what currently exists (see above).

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I travel from the Bay Area to use this facility and feel that any disruption to the existing facility is unacceptable.

As a former California OHV Commissioner I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

Thank you for your consideration,

Kevin Murphy

Former California State OHV

Recreation Commissioner 2014-2020

Morgan Hill, CA

I 47

From: Stephanie Lee [<mailto:leesappl@sbcglobal.net>]

Sent: Thursday, May 28, 2020 2:46 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Mr.Jones,

I 47-1 | Myself and my family are opposed to the relocation project. We don't want the Trials Area removed. This area was built with the assistance of my club (Sacramento PITS) as was the gazebo and picnic area. We don't see a replacement Trials area in the new proposal. Our Club is growing rapidly, the participants in our Events need quality Trials areas. Please reconsider this project.

Thank you for your anticipated cooperation in this matter.

Stephanie Lee, OHV Enthusiast/User

Daly City, CA 94015

I 48

From: Mike Weber [<mailto:mikeweber250@yahoo.com>]

Sent: Thursday, May 28, 2020 7:21 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Trials area

Hi Mr Jones.

I 48-1 | I ride trials with my wife. I have two boys that grew up riding trials at the location. I hope we can preserve the area for trials. Our riding is unique and not typical to trail riding or track

riding designed for motocross style motorcycles. The trials area is a great place to practice at all levels . . . kids, families, and skilled riders. I hope we can keep the park available to all riding and not eliminating the trials community. Sincerely Mike Weber

Sent from my iPad

I 49

From: Michael Muldoon [<mailto:m.muldoon@att.net>]

Sent: Thursday, May 28, 2020 10:05 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar MX track project

Dear Mr. Jones,

I 49-1 I was shocked and disappointed to learn the trials area at Mammoth Bar may be tore out. In it's own right, it's a master piece for those of us that ride trials. To create such resource took countless hours. The boulders have to placed a certain way with regards to size, shape, surface, angles, spacing etc. The fact that it sits on a slope makes it perfect. The area is well regarded among trials riders. It is safely well suited to riders of all levels. I ride there regularly, and I have friends who drive from the South Bay, North Bay and even Monterey area to ride there, because it is a quality, unique riding resource. Such an established, valued asset should not be destroyed.

I 49-2 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. Spending much time there, I have observed the traffic flows in that area. there are many non OHV'er that come and go. Also, lot's of mountain bikers who ride the MTB trail system eventually end up coming though right where the trials area is. Usually there is someone who drives there and parks to shuttle them up, or sometimes they ride back up to the road. Sometimes people come and park, and go for a walk. All of these user groups would be negatively impacted.

I 49-3 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.

I 49-4 I am a member of Sacramento PITS (Pacific International Trials Society). In the early 1990's, our club, in the spirit of collaboration and volunteerism, joined forces to help develop the Trials area. We also built and paid for the picnic and gazebo area there. Our club promotes sportsmanship, and responsible use of public and private lands. We are the lowest impact motorized user group. The bikes are super quiet. Since we go super slow, we don't kick up dust and tear things up nearly as much as regular dirt bikes. Serious injury is very rare due to the low speed.

There used to be several designated trials areas out in the hills at the park, adjacent to trails. They were marked with signs "Trials Area". We would maintain these areas. In the early

2000's, these areas were banned, signs removed, without any notice or input. We can't lose our current area as well. Trials is becoming more popular again. In the last 2 years, the participation for our Northern California events has doubled. 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.

Respectfully,

Mike Muldoon

(408) 693-9328

I 50

From: BERT CASTEN [<mailto:bertcasten@aol.com>]
Sent: Thursday, May 28, 2020 11:12 AM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Please do not loose trials area

Hi Peter,

I 50-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed." The trials area is an established, valued resource that has been in use since the early 90's. I do not approve of using OHV fees to tear out an existing resource. This trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport. The picnic area and gazebo was built, and paid for, by Sacramento PITS.

There is no definitive, specified replacement trials area in the proposal. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users. The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas.

Please let us ride what we helped build.

Thanks

Bert Casten

Sent from my iPhone

I 51

From: Dan Davis [<mailto:danbetaevo250@gmail.com>]

Sent: Friday, May 29, 2020 11:07 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Motocross Relocation Project

Dear Mr. Jones

I 51-1 I oppose moving the Trials area at Mammoth Bar. I have been Riding there for over 30 yrs. I live in Santa Rosa so it's quite a drive. I am a life time member of A.M.A. and belong to Sacramento P.I.T.S. Trials club. I rode there when it was called Murders Gulch then you could ride the whole Park. Now we only have a small area to ride. I am 79 years old and still enjoy riding every weekend. I may not be able to ride a lot longer. But there is more eager new riders that would love to ride Trials at Mammoth Bar. (Thanks for listening) Dan Davis

Sent from my iPhone

I 52

From: Jeff Forslund [<mailto:staytunedauto@comcast.net>]

Sent: Friday, May 29, 2020 2:49 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Please save the trails riding area

I 52-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed."

The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it impossible to recreate the quality experience that is already there.

I DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which I am a member. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. And, it would be impossible to recreate what currently exists (see above).

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I travel from the Bay Area to use this facility and feel that any disruption to the existing facility is unacceptable.

I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

Thank you for your consideration

Sincerely Jeff Forslind

707-328-6555

I 53

From: Steven Clark [<mailto:clark1044@sbcglobal.net>]

Sent: Friday, May 29, 2020 5:26 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 53-1 We are opposed to the Mammoth Bar MX track location project. The trials area is an established, valued resource that has been in use since the early 90's! The sport of trials is increasing in our region, turn out at our Events has increased 42%.

We travel long distances to ride our trials motorcycles, Trials riding is our passion and we do not want the Trials section to be removed. Please Do not remove, thank you for your consideration, Steve and Lynette Clark Murphy's Ca.

Sent from my iPhone

I 54

From: Paul Master [<mailto:ecopmaster@gmail.com>]

Sent: Friday, May 29, 2020 2:46 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 54-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed.

The trials area is an established, valued resource that has been in use since the early 90's.

I do not approve of using OHV fees to tear out an existing resource. The trials area was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport. The picnic area and gazebo was built, and paid for, by Sacramento PITS.

There is no definitive, specified replacement trials area in the proposal. In the early 2000's, the trials areas that were out in the trail system were taken away, without any consideration to the users.

The sport of trials in our region is increasing. Turnout at Sacramento PITS events has doubled in the last 2 years, with many new competitors including women and kids. There is increasing need for quality trials areas. The trials area is used by trials riders from all over Northern California.

Thank you for your consideration.

Paul Master

Trials rider for 20 years, Sacramento PITS member for 17 years

California resident for 62 years

I 55

From: Vivian Terwilliger [<mailto:bobandviv@att.net>]

Sent: Friday, May 29, 2020 8:49 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth bar MX track relocation

I 55-1 From what I understand on the motocross track relocation project is that the trials area is going to be removed and not replaced. Why not relocate the trials area to say behind the maintenance buildings, which at one time was a trials bike area.

If the trials area is not relocated, I am not in favor of the MX track relocation project.

Bob Terwilliger

Sacramento PITS member

Sent from my iPad

I 56

From: BERT CASTEN [<mailto:bertcasten@aol.com>]

Sent: Friday, May 29, 2020 1:32 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth bar

I 56-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed."

The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it impossible to recreate the quality experience that is already there.

I DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which I am a member. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. And, it would be impossible to recreate what currently exists (see above).

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I travel from the Bay Area to use this facility and feel that any disruption to the existing facility is unacceptable.

I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

Thank you for your consideration,

Kevin Murphy

Morgan Hill, CA

Thanks,

Mike Muldoon [\(408\) 693-9328](tel:4086939328)

I 57

From: Dave T [<mailto:chukarhunter@rocketmail.com>]

Sent: Friday, May 29, 2020 3:02 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 57-1 We are a family of four motorcycle riders, and we are opposed to the Mammoth Bar MX track relocation project. The trials area should be retained!

The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it impossible to recreate the quality experience that is already there.

WE DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which we are members. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. And, it would be impossible to recreate what currently exists (see above).

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

Thank you for your consideration,

David Taylor

I 58

From: Rod Mckenzie [<mailto:rjmckenzie199@gmail.com>]

Sent: Saturday, May 30, 2020 9:13 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 58-1 Removal of the trials area is not fair. As the sport increases in popularity and the contributions from the Sacramento Pits, I can't understand the removal of one of the few trials areas we have. I only know of two.

Please find an alternative to this removal.

I 59

From: Jeff G. [<mailto:jeffrg10@gmail.com>]

Sent: Saturday, May 30, 2020 10:34 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Trials area Mammoth Bar OHV

Dear Sir,

I 59-1 Please consider maintaining a trials riding area at the park. It is very important to myself and many others. I wish not to see this park become basically a moto-cross track only facility.

Thank you.

Sent from [Mail](#) for Windows 10

I 60

From: Dan McManus [<mailto:dan.mcmanus5@gmail.com>]

Sent: Saturday, May 30, 2020 7:15 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 60-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed.

The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it extremely difficult to recreate the quality experience that is already there.

I DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which I am a member. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. It would be very very challenging to recreate what currently exists.

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

As a Placer County resident, I see the existing Trials area to be a valued local resource.

Thank you for your consideration,

Dan McManus

916-846-2059

I 61

From: Alan Carlton [<mailto:carltonal@yahoo.com>]
Sent: Sunday, May 31, 2020 12:09 PM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth Bar

I 61-1 | There should be no ORV park on or near the river; it would cause irreparable damage. And any proposal should require and EIR.

Alan Carlton

Attorney at Law

Alan Carlton

408 Sunset Rd.

Alameda CA 94501

(510) 759-5387

I 62

From: Hines Custom Fence and Iron [<mailto:hinesiron@gmail.com>]
Sent: Sunday, May 31, 2020 7:25 AM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth bar

I 62-1 | Good morning, I am not on board with moving the trials area. I am opposed to the mx track relocation plan.

I 63

From: J D [<mailto:rdmbstdd@yahoo.com>]
Sent: Monday, June 1, 2020 3:26 PM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth bar OHV

Dear Mr Jones,

I 63-1 I am opposed to the current Mammoth Bar MX track relocation project. The trials area should not be removed.

Relocation is an option but removal of the trials area is not a workable solution for Mammoth bar. Already the trials areas located within the trails system have been removed over the years leaving only this parking lot area. Now it's proposed to use OHV user fees to actually remove the remaining existing recreation areas? Some of the facilities at Mammoth Bar were built with assistance by our local SactoPITS trials club. So simply remove the area would be a disservice to the previous efforts of the local club and to future users. We have been seeing an uptick in local users, more people are attending the local competitions, and now more than ever we need access to riding areas to keep land use conflicts at bay.

I appreciate the work that has gone into the rebuild project already. I just hadn't realized it came at the expense of the trials area.

Thank you

Jeremy Davis

Auburn, CA

I 64

From: josh gassin [<mailto:gassin14@hotmail.com>]
Sent: Monday, June 1, 2020 4:47 PM
To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>
Subject: Mammoth bar project

I 64-1 I'm opposed to the mammoth bar project due to that it would ruin the trials area. however I would be happy with relocating the track, and leaving the trials area. and would be even happier if you built a new trials area wherever the next track goes. thank you for reading this message, and sorry for getting it in last minute.

Sincerely,

Josh Gassin

I 65

From: Patrick McPhetridge [<mailto:patrickmcphetridge@yahoo.com>]

Sent: Monday, June 1, 2020 4:30 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 65-1 As a member of the Sacramento PITS, a local trials riding club, I would implore you to consider the impacts of what the trials area means to a lot of us in the trials community. My family has been using the Mammoth Bar OHV area for quite some time. I have ridden there since my youth as well as my children and grandchildren. Although trials riding has only been part of our riding experiences since 2006, we have now exclusively switched over to trials and the Mammoth Bar trials area is a local venue for us that we enjoy riding at.

While I don't think the relocation of the MX track is intended to eliminate the trials area completely, rather just relocate to an alternate area, I would still hope that the trials riding community, such as the Sacramento PITS, would have input and perhaps be able to assist in decision making when it comes to the size, scope and location of the area. We have quite a few members within our club that are willing and capable of volunteering our efforts to make sure if the area is relocated, it is possibly even an improvement of what currently exists.

Ultimately we in the trials riding community would like to keep the trials area open and serviceable as-is at Mammoth Bar, but understand that improvements to the MX track are needed, we would just ask that we be part of the effort of re-location and re-building if it becomes absolutely necessary.

I have also included a handful of pictures of my family enjoying riding trials at Mammoth Bar.

Sincerely,

Pat McPhetridge

Rocklin, CA

916-824-6562

I 66

From: amy sheppard [<mailto:asheppard89@hotmail.com>]

Sent: Monday, June 1, 2020 4:21 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Peter Jones,

I 66-1 I am writing to extend my families feelings of relocating and rebuilding the mammoth bar track. We hope to see this happen, because we have spent many hours enjoying the track in the last couple decades, and now our 2 sons have just learned to ride their 50cc mini bikes, and they hope to enjoy many hours out there riding as a family.

Thank you for reading my letter,

Sincerely Amy Sheppard.

Sent from my iPhone

I 67

From: amy sheppard [<mailto:asheppard89@hotmail.com>]

Sent: Monday, June 1, 2020 4:14 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Peter Jones,

I 67-1 My family and live in auburn and we are in favor of the rebuilding and relocating of the Mammoth bar OHV Motorcross track. We have enjoyed riding on this track for many years before it washed away. My son won a 2 race series that was held there in 1997 on his 50cc mini bike. Now i take my grandsons there to ride, and we look forward to the long awaited rebuilding of the new track, so my family and i can all enjoy it as much as my son and i use to enjoy the old, safe track back in the day.

Thank you for your time in reading this letter.

Sincerely,

Robert Makinen

Sent from my iPhone

I 68

From: Paul Clark [<mailto:southogden@gmail.com>]

Sent: Monday, June 1, 2020 3:44 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 68-1 Please dont move the trials rocks at mammoth bar. I love the moto track as well and want to see it rebuilt but there must be a way to serve all the different users there. Our members have put their hard work and alot of money into improving mammoth bar over the years. Please move forward in finding a solution that works for ALL the riders and their families.

Sincerely,

Paul Clark

Sacramento PITS member.

I 69

From: Epifanio Carrasco [<mailto:epifanio.carrasco@outlook.com>]

Sent: Monday, June 1, 2020 7:41 AM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

I 69-1 The Trials Area at Mammoth Bar is an established, valued resource that has been in use since the early 1990's. Moving it to a different location would make it impossible to recreate the quality experience that is already there.

I DO NOT approve of using OHV fees to tear out an existing OHV resource.

This Trials Area was built with the assistance of the Sacramento PITS Trials Club, of which I am a member. It was created in the spirit of collaboration and volunteerism for the good of the sport and to provide a quality recreation experience for the people of California.

The picnic area and gazebo were built, and paid for, by the Sacramento PITS Trials Club.

There is no definitive, specified replacement trials area in the proposal. And, it would be impossible to recreate what currently exists (see above).

In the early 2000's, the Trials Areas that were in the trail system were removed, without any consideration, or replacement to the users.

The sport of Trials is increasing. Turnout at our events has doubled in the last 2 years. There is an increased need for a quality Trials facility in this area, and the State of California.

I'm coming from Marysville and this is a great location for me.

I feel that the sport of Trials is a very low impact form of off-highway vehicle recreation. For this reason it should be embraced, and supported, by the State Parks system. I hope that you feel the same.

Thanks,

Epifanio Carrasco

Sent from [Mail](#) for Windows 10

I 70

From: Glenn Gehrke [<mailto:glenn.gehrke@rockettllc.com>]

Sent: Monday, June 1, 2020 5:32 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Mammoth Bar Project

Dear Mr. Jones,

I 70-1 I am opposed to the Mammoth Bar MX track relocation project. The trials area should not be removed.

The trials area is an established, valued resource that has been in use since the early 90's. It was built with the assistance of Sacramento PITS, in the spirit of collaboration and volunteerism for the good of the sport.

The picnic area and gazebo was built, and paid for, by Sacramento PITS.

The way the proposal is currently written, there is no definitive, specified replacement trials area.

In the early 2000's, the trials areas that were in the trail system were taken away, without any consideration to the users.

The sport of trials in our region is increasing. Turnout at our events has doubled in the last 2 years. There is increasing need for quality trials areas. We come from the Santa Cruz area to ride trials. It is becoming more difficult for PITS to find good places to hold events.

Considering that trials is a relatively low environmental impact sport compared to most, we believe it is important to increase, rather than decrease, available places to ride trials in Northern California.

Thank you for your consideration.

Glenn Gehrke

PITS Member

Sent from my iPhone

I 71

From: Scott Grosser [<mailto:onedirtydeed@hotmail.com>]

Sent: Monday, June 1, 2020 3:26 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: Trials area at Mammoth Bar OHV

To whom it may concern,

I 71-1 I am writing to you in support of keeping the trials area open at Mammoth Bar OHV Park. Please keep the area open.

Thank you,

Scott Grosser

(916)205-3350

I 72

From: James Williams [<mailto:jwilli1@dslextreme.com>]

Sent: Monday, June 1, 2020 12:16 PM

To: Jones, Peter@Parks <Peter.Jones@parks.ca.gov>

Subject: trials riding area

Mr Jones

I 72-1 I am a trials rider and use the trials area at mammoth bar for years worked on it my self as a volunteer. I think some of it was paid for by the Sacramento PITS trials club. I watched an international Trials event at Mammoth bar many years ago, my first exposure. Much of the area that was open to trials was closed without input, now it looks like your closing it again without opening more area for trials. I CAN'T support the new track location,without a new location and equal facility s because your are taking away my money and labor I put in, THAT is THEFT! I hope you are able to make a plan that accommodates all users

Thank You

Jim Williams

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 are included in their entirety above and 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 are included in their entirety above and 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 are included in their entirety above and 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 (trials), 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 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.