

APPENDIX A

Comment Letters

Federal Agency Comments



United States Department of the Interior



In Reply Refer to:
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2012-TA-0499

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

California State Parks
Off-Highway Motor Vehicle Recreation Division
Attn: Dan Canfield
c/o AECOM, attn.. Carnegie SVRA General Plan
2020 L Street, Suite 400
Sacramento, California, 95811

JUN 24 2015

Subject: Comments on the Carnegie State Vehicular Recreation Area General Plan Revision Draft Environmental Impact Report, Alameda and San Joaquin Counties, California (State Clearinghouse number: 2012052027)

Dear Mr. Canfield:

This letter is in response to the California State Parks, Off-Highway Motor Vehicle Division's Draft Environmental Impact Report for the Carnegie State Vehicular Recreation Area (SVRA) General Plan Revision (DEIR) in Alameda County and San Joaquin County, California. At issue are effects to the federally threatened California red-legged frog (*Rana draytonii*) and its critical habitat, threatened Central California Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) (Central California tiger salamander), endangered San Joaquin kit fox (*Vulpes macrotis mutica*), threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) and its critical habitat, threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and endangered large-flowered fiddleneck (*Amsinckia grandiflora*). These comments are provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

Project Description

The planning area for the General Plan Revision consists of 4,675 acres which includes the original 1,575-acre Carnegie SVRA and a proposed 3,100 acre Expansion Area. The original Carnegie SVRA was added to the California State Park system as an SVRA in 1980. State Parks acquired an additional 3,100 acres of neighboring lands (the proposed expansion area) and this area was added to the Carnegie SVRA in 1998. The stated purpose of the General Plan Revision is to establish a long-range vision for the SVRA (including the expansion area which was not included in the original general plan adopted in 1981) and provide goals and guidelines to direct future improvements, services, and programs. The plan also includes multiple improvements to park facilities related to access, education, recreation opportunities, and operations. Proposed improvements include new entrance gates; a gathering area and interpretive facility at the Tesla Coal Mine Site; more recreational opportunities (i.e., multiuse OHV routes, four-wheel-drive technical course and trail/road system); new gathering areas; parking; a training site that could include office space,

parking, or camping; additional maintenance space; a ranger station; a new interpretive facility; communication or technology support facilities; and a helicopter landing site.



F1-1
cont.

Listed Species in the Planning Area

The planning area for the General Plan Revision contains suitable habitat for all of the listed species named above and there are documented occurrences of California red-legged frogs, California tiger salamanders, San Joaquin kit fox, and Alameda whipsnake within the planning area. Numerous ponds, basins, and pools within the planning area are used by California red-legged frogs and Central California tiger salamanders for breeding and California red-legged frogs are known to occur within Corral Hollow Creek within the planning area. The planning area is also located entirely within designated critical habitat unit ALA-2 for the California red-legged frog and partially within designated critical habitat unit AWS-5A for the Alameda whipsnake.



F1-2

Comments

The Biotic Resources section of the DEIR (Section 3.3.4) does not provide adequate information to support its assertion that impacts to biological resources can be reduced to less than significant levels. Although the General Plan identifies and maps various "Visitor Experience Areas", it does not provide an adequate description of the extent or density of trails or facilities in these areas. Without basic information about the type and extent of planned facilities in these areas, it is not possible to analyze the impacts (or range of impacts) that may be associated with these designations or to determine whether the proposed mitigation measures are likely to be successful in mitigating project impacts to less than significant levels.



F1-3

Specific to federally listed species, the implementation of the proposed General Plan is likely to result in take of the federally listed species and result in the loss and/or degradation of their habitat. While the DEIR articulates that individuals of listed species may be injured or killed by OHV's or other equipment on trails or roads in the planning area and that implementation of the general plan could result in the reduction or degradation of habitat for these species, it states that general plan guidelines will avoid or minimize impacts to these species during the design phase and that appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities will be developed during consultation with wildlife agencies.



General Plan wildlife guidelines applicable to federally listed species include: avoiding siting new facilities within 150 feet of pools known or later identified to support California red-legged frogs or Central California tiger salamander, within 100 feet of elderberry shrub locations, and within 150 feet of preferred Alameda whipsnake habitat (wildlife guidelines 1.2 to 1.4); avoiding breeding habitat during placement of new facilities (wildlife guideline 1.5); and developing and implementing appropriate measures to avoid or compensate for potential direct and indirect impacts of project-specific activities in consultation with the wildlife agencies should construction activities be planned within suitable upland habitat for listed species (wildlife guideline 1.7).

F1-4

These guidelines are not adequately specific to assess their feasibility or efficacy and they defer the development of appropriate measures to project-by project consultation with the wildlife agencies. Furthermore, they appear to be insufficient to ensure that General Plan implementation will not result in significant impacts. As written, the guidelines are insufficiently protective to avoid or in



some cases even minimize impacts to listed species. For example, recent studies have shown that the majority of dispersing Central California tiger salamanders reside in burrows located between 200 and 600 meters away from their breeding ponds (Trenham and Shaffer 2005) which would be far beyond the boundary of a 100-foot buffer. The buffers in the guidelines should be revised for each species to widths that are supported by current research and literature. In addition, buffers should be added around stream channels, not just ponds/pools, as California red-legged frogs use stream corridors and riparian habitat. The guidelines should also be revised to describe how proposed buffers would be established and enforced.

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The effects to listed species resulting from development and use of OHV facilities are not restricted to the facility footprint. OHV riding in the existing facility has resulted in increased erosion which causes increased sedimentation in park ponds, basins, creeks, and culverts. The construction and use of trails within the expansion area will likely also result in erosion from disturbed hillsides. This increased sedimentation results in indirect effects to listed species by degrading aquatic habitat for California red-legged frogs and Central California tiger salamanders which are known to breed in park ponds, basins, and creeks. An analysis of these indirect effects and others (such as increased noise and vibration associated with OHV riding) should be considered in the DEIR. The DEIR should also include a description of any effects that OHV use may have on the movement of listed species through the planning area and how this could impede dispersal or result in fragmentation of habitat.

F1-5

The DEIR defers consultation with wildlife agencies. The DEIR should be revised to include a description of how incidental take of federally listed species will be authorized for activities under the General Plan. This should include a description of how take authorization would be obtained for take associated with: construction of proposed facilities, proposed operations and maintenance activities (including sediment basin or pond maintenance), and take resulting directly (e.g. vehicle strikes) and indirectly (e.g. increased sedimentation reducing amount and quality of breeding habitat) from OHV use. Currently, State Parks is operating Carnegie SVRA without authorization for take of listed species that may result from current and ongoing OHV use of the park; the General Plan should consider the current level of impacts due to authorized and unauthorized trails and articulate how authorization of ongoing and additional OHV use would be obtained.

Take of federally listed species incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species is going to be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. If a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be obtained. The Service may issue such a permit upon completion of a satisfactory conservation plan for the listed species that would be taken by the project.

F1-6

Regardless of the procedure State Parks undertakes to seek authorization for take of listed species, State Parks should address take of federally listed species in a comprehensive way that includes feasible and effective avoidance and minimization measures, management of habitat within the SVRA for listed species, and compensation for effects to listed species that cannot be avoided. The

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Mr. Canfield

Received
AECOM Sacramento

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proposed method for assessing impacts and avoiding and minimizing take of listed species take and mitigating for impacts to listed species should be consistent with the East Alameda County Conservation Strategy (EACCS). The EACCS is a multi-agency and local jurisdiction collaborative planning document for eastern Alameda County and provides information for assessing potential impacts to listed species and their habitat and as well as for determining appropriate mitigation for impacts to listed species and their habitats. The expansion area in Carnegie SVRA is located within EACCS conservation zones 9 and 10.

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The DEIR should be revised to include a description for how mitigation for impacts to federally listed species and their habitat would be accomplished. The proposed expansion area provides important habitat for numerous listed species. Given the extent of activities proposed in the General Plan and the nature of the effects of proposed activities to listed species, which will exceed facility footprints, the Service is concerned that it may be difficult to effectively mitigate the effects to listed species resulting from implementation of the General Plan. An appropriate approach to mitigate for impacts to listed species would be to preserve and manage habitat for listed species within the proposed expansion area. Preservation of habitat for listed species within the proposed expansion area could provide mitigation for effects to listed species resulting from operation of the current SVRA. Although OHV use would need to be prohibited in any area set aside for species preservation, more passive recreational uses such as hiking trails could be compatible with species preservation areas.

F1-8

Thank you for the opportunity to provide comments on the DEIR for the proposed Carnegie State Vehicular Recreation Area General Plan Revision. These comments are provided to assist you with your environmental review of the proposed project and are not intended to preclude future comments from the Service. The Service is willing to work with State Parks staff on developing appropriate avoidance, minimization, and mitigation measures for the ongoing and proposed activities at Carnegie SVRA.

F1-9

Please address any questions or concerns regarding these comments and recommendations to Stephanie Jentsch or Ryan Olah, Coast Bay Division Chief, at the letterhead address, telephone (916) 414-6600, or electronic mail at Stephanie_Jentsch@fws.gov or Ryan_Olah@fws.gov.

Sincerely,



for Eric Tattersall
Acting Assistant Field Supervisor

cc:

Dan Canfield, California Department of Parks and Recreation, OHMVR Division, Livermore, CA

Annee Ferranti, California Department of Fish and Wildlife, Napa, CA