

## **APPENDIX B**

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OHMVR Commission Hearing Transcript (February 5, 2016)



CALIFORNIA STATE PARKS  
THE NATURAL RESOURCES AGENCY  
OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION

**OHMVR COMMISSION**

**REGULAR MEETING**

February 5, 2016

**AGENDA BUSINESS ITEM VI(A) EXCERPT**

9:13 a.m. to 2:56 p.m.

Held at

Tracy City Hall  
City Council Chambers  
333 Civic Center Plaza  
Tracy, California

Reported by CHERYL L. KYLE, CSR No. 7014

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IN ATTENDANCE

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**OHMVR COMMISSIONERS PRESENT:**

Ted Cabral, Chair  
Eric Lueder, Vice-Chair  
Erin Hafkenschiel  
Tom Lemmon  
Kevin Murphy  
Edward Patrovsky  
Paul Slavik

**OHMVR COMMISSIONER ABSENT:**

Teresa Villegas

**OHV DIVISION ADMINISTRATIVE STAFF:**

Christopher Conlin, Deputy Director  
Maria Mowrey, Administrative Chief  
Kathryn Tobias, Legal Counsel  
Vicki Perez, The Clerk  
Deborah Burgeson, Specialist (Audiovisual)

**OTHER OHV DIVISION STAFF AND REGISTERED VISITORS**

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(Agenda Items I through V held by Commission are not  
included within this transcript.)  
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**AGENDA ITEM VI - BUSINESS ITEM**  
**(A) - Carnegie SVRA General Plan and Proposed Final**  
**Environmental Impact Report**

CHAIR CABRAL: We're ahead of schedule. So with  
that, what I'd like to do here, I'd like to see if we  
can dive right into the actual report, the Carnegie  
report.

And then after that report, I'd like to take a  
break for our reporter here, and then we will come back  
and do the public comment on the Carnegie report.

Okay.

OHMVR MANAGER CANFIELD: Hello, Commissioners,  
good morning. I'm Dan Canfield. I work at the  
California State Parks, Division of Off-Highway Motor  
Vehicle Recreation.

And I'll be presenting the business item on the  
Carnegie SVRA General Plan and Environmental Impact  
Report. Commissioners, you have a report in your  
binder behind Tab No. 5. It's also available to the  
public on the sign-in table.

Carnegie SVRA is California's SVRA that serves

1 the East Bay and San Joaquin Valley areas. It's  
2 approximately 4600 acres. It's located in Alameda and  
3 San Joaquin Counties between the communities of Tracy,  
4 California, to the east and Livermore, California, to  
5 the west.

6 For the presentation today, we're going to have  
7 several speakers. First, Carnegie SVRA staff will  
8 provide an overview of Carnegie SVRA, and then I will  
9 provide information on the general planning effort, and  
10 we will also have a representative from our General  
11 Plan consulting firm, AECOM, that will speak to the  
12 General Plan and Environmental Impact Report.

13 The presentation is approximately 45 to 50  
14 minutes long. And with that said, I'd like to hop  
15 right into it by introducing Randy Caldera, Carnegie  
16 SVRA Sector Superintendent.

17 (Audience applause.)

18 SUPERINTENDENT CALDERA: Hello, Everyone. I'm  
19 Randy Caldera, Carnegie SVRA park superintendent.

20 Staff and I have put together a short  
21 presentation sharing some of the key programs at  
22 Carnegie.

23 Our first presenter, Elise McFarland, Carnegie  
24 SVRA park interpreter.

25 INTERPRETER MS. MCFARLAND: Thanks, Randy.



1 things we were proposing as part of the General Plan.  
2 And confidentiality is a part of that process, so we  
3 don't share the names of the people with whom we  
4 consulted or information about specifically what they  
5 said; although, what they said was taken into  
6 consideration for the General Plan.

7 So Spanish explorers, Juan Baptista de Anza came  
8 through the general area in 1776 in order to further  
9 establish colonization of California and establish  
10 missions.

11 Gold Rush and grazing, the structure that you  
12 see in the upper right is the zinc house which operated  
13 just east of the planning area and was built in 1850 as  
14 a tavern to provide food and drink and supplies to the  
15 miners going to the southern mines in the Yosemite  
16 area. On the left is Edward B. Carroll who herded  
17 sheep in the canyon from 1850 until 1880.

18 Coal mining on Tesla, in 1855 -- a lot of people  
19 here heard this yesterday, recap -- coal was found in  
20 Corral Hollow. And in 1890 John Treadwell organized  
21 the San Francisco and San Joaquin Coal Mining Company.  
22 The larger photo is downtown Tesla looking out to the  
23 area where we stood yesterday where all of those  
24 tailings piles are. On the upper right we have miners  
25 on Tesla; in the lower right, the homes at Drytown.





1 in the park, our park panels and brochures program,  
2 outreach for special events and schools and our online  
3 presence.

4 So we have our event booth and hill climbs,  
5 which happen four times a year, generally. On the  
6 upper left is a picture of one of our booths with  
7 education materials that include rider safety, OHV  
8 laws, recreational opportunities and activities for  
9 kids. At the weekend booth in parks, which is in the  
10 center upper, we provide many of those same materials  
11 and also gives me a chance to answer questions and talk  
12 to people one-on-one. We have our special events, our  
13 visitor appreciation day every October, lower center,  
14 which draws about a thousand people. And lower right  
15 and upper right are pictures of our hill climb event.

16 Park panels and brochures, we provide designed  
17 panels and brochures to meet our regulatory  
18 requirements such as the Stormwater Management Plan.  
19 So that lower center photo is three of the panels that  
20 were designed in conjunction with that requirement,  
21 also panels to support rehabilitation projects as they  
22 happen. So temporary panels to support that. And as  
23 far as brochures go, we have brochures on history,  
24 off-highway vehicle laws and also things that are  
25 relevant to whatever is going in the park -- going on

1 in the park at the moment.

2 Outreach for special events in schools, we have  
3 an outreach booth that we take out to special events  
4 that have similar items to what we use at the hill  
5 climb, and past events have included the Livermore  
6 Farmers Market, Tracy Dry Bean Festival, county fairs  
7 and in the past a Livermore motorcycle safety event.

8 I have a program -- programs that I take out to  
9 local schools for outreach that include kindergarten  
10 and first grade, local animals program; third grade,  
11 local history program; high school, career day. And  
12 also we have a biology class that we work with that  
13 comes out to the park to do sort of their fieldwork.

14 Our online presence includes a website with  
15 generally more static information about the park, about  
16 visiting the park, park history and also special  
17 events, things like that. Our Facebook page gives us a  
18 chance to interact with the public better for answering  
19 questions, updating park conditions, weather reports,  
20 things like that.

21 So in a moment, I'm going to hand this off to  
22 Clint, but our resource management program includes the  
23 California Archeological Site Stewardship Program,  
24 which I'm going to talk about. Clint will speak about  
25 the trails program, regulatory requirements, soil

1 conservation standard and Stormwater Management Plan  
2 and our habitat monitoring system.

3 The California Archaeological Site Stewardship  
4 Program at Carnegie, we have 20 volunteers who record  
5 and monitor over 60 archeological sites throughout the  
6 park, and stewards work together with resource  
7 specialists from a variety of disciplines including  
8 maintenance, law enforcement, interpreters and in some  
9 cases native consultants in order to protect our sites.

10 With that, I'll hand it over to Clint.

11 SCIENTIST ELSHOLZ: Thank you, Elise. Good  
12 morning, Commissioners. I'm Clint Elsholz. I'm the  
13 senior environmental scientist for the Twin Cities  
14 District.

15 I've been involved with Carnegie SVRA for the  
16 past seven to eight years. In that time the program  
17 has really evolved. I'm excited to share some of that  
18 progress with you today.

19 The trails program is one area that has really  
20 improved. Approximately ten years ago, we had just a  
21 handful of permanent employees on the trails team. Now  
22 there are nine full-time employees, including a trail  
23 supervisor, environmental scientists, equipment  
24 operators and several trail and rehab specialists. The  
25 team is further supported by the seasonal staff and the

1 California Conservation Corps.

2 We also have a stakeholder group, the Carnegie  
3 Advisory Team, consisting of recreationalists that  
4 assist with trail design and an engineering consulting  
5 firm, Michael Baker International, who specializes in  
6 stormwater management.

7 Trails program activities include trails  
8 planning, maintenance, rehab and monitoring.

9 This slide shows a list of the regulatory  
10 requirements for the park. Some of these are  
11 operational regulations while others are more at the  
12 project level. In particular, I will highlight the  
13 three operational regulations and their respective  
14 programs, two of which can be found in the Public  
15 Resources Code, while the Stormwater Management Plan is  
16 overseen by the Water Board. These three programs are  
17 the soil conservation program, the habitat monitoring  
18 program and the stormwater management program.

19 The soil conservation standard and guidelines is  
20 a requirement of the Public Resources Code. Included  
21 in this document are protocols for trail evaluations.  
22 Essentially each trail or route's soil condition of the  
23 park is evaluated annually. This evaluation considers  
24 the trail's condition in regards to water control  
25 features, excessive tread wear and tread width.



1 watershed or one sub-watershed at a time. This slide  
2 shows these watersheds in these planning areas.

3 The steps involved in rehabbing these areas  
4 include reviewing the trails evaluation data, working  
5 with the Carnegie Advisory Team to select and design  
6 trails that are interesting yet sustainable, reducing  
7 trail density by rehabbing the trails we are not going  
8 to keep, installing focused fencing to protect  
9 sensitive areas, installing a perimeter fence with  
10 gates, and educating and informing the public of the  
11 importance of staying on trail and the zero tolerance  
12 policy.

13 If off trail riding does occur, then we close  
14 the area for rehab. This model in particular, the  
15 public's involvement and design and the zero tolerance  
16 policy, are proven concepts that we borrowed from  
17 Hungry Valley and Hollister Hills SVRA. We started the  
18 implementation with formalizing buffer zones, use areas  
19 and creek crossings in the floodplain.

20 These photos show some of the buffer areas being  
21 established. You probably remember seeing this fencing  
22 yesterday on the tour, for those of who joined us. In  
23 total, the buffer is approximately 88 acres of the  
24 floodplain, which is roughly 50 percent.

25 We then moved the trail plan implementation into

1 the trail riding area and the SRI Loop Planning Area.  
2 So here is the SRI Loop Area, which we highlighted on  
3 yesterday's tour. It is roughly 41 acres. This photo  
4 is from the spring of 2008, and you can see the  
5 multiple vertical routes and lack of vegetation which  
6 were leading to incising and accelerated soil loss. In  
7 2010, we rehabbed the area by reducing the trails,  
8 bringing the soils back to grade and modernizing the  
9 trail system.

10 This is a Google Earth shot from the spring of  
11 2014, and this is how the area looks today. We  
12 reopened this area in January of 2011. I'm happy to  
13 report that this area through our zero tolerance policy  
14 still has the same trails footprint.

15 Along with education and outreach, this was  
16 accomplished using that perimeter fencing which allows  
17 us to isolate the trail if off-trail riding activity  
18 occurs. Total trail and route length in the area was  
19 reduced from five miles to approximately two-and-a-half  
20 miles, and the trail's footprint is less than three  
21 percent of the habitat within the SRI Loop planning  
22 area.

23 Here is another set of before and after photos  
24 of the same project. You see on the photo on the  
25 right, which is approximately 2012, some of those



1 features that make sustainable trail design. If I had  
2 a pointer, I would point them out to you, but there's  
3 rolling dips, armored drainage and some semi-loss to  
4 the trail to help break up the hydrological connections  
5 to keep water off the trail.

6 So next, the trails plan implementation is  
7 moving from east to west. To highlight this progress,  
8 we're going to look at another project. Here is  
9 another project that Tara highlighted yesterday. This  
10 project is approximately seven-and-a-half acres. The  
11 before photo shows a similar condition to the SRI Loop  
12 project area, multiple vertical routes and lack of  
13 vegetation and channelizing of water down the hill.  
14 The second photo, this photo here, is the rehab in  
15 progress. Most of the rehab activity is taking place  
16 in the background of this photo, and the area of the  
17 foreground has yet to be rehabbed. And the third photo  
18 shows the project complete. You can see the modernized  
19 trail system in the background, evidenced by the breaks  
20 in grade and short trail lengths which again help  
21 reduce hydrological connections.

22 The trails' footprint in this area is  
23 approximately two percent of the area, and the trail is  
24 approximately 2500 feet. The trail was designed -- the  
25 trail design was developed with the help of the

1 Carnegie Advisory Team.

2 Here is one more example of a project. The  
3 before photo in the lower right shows multiple routes  
4 going to the same destination point and the trail's  
5 width expanded beyond their original design. Another  
6 important point to make here is the importance of the  
7 trail's location within a watershed. As part of the  
8 modern sustainable trail design, one of the principles  
9 is to limit trails on ridgelines since stormwater can  
10 accumulate and cascade down to other trails, which can  
11 alter their soil conditions. Essentially, what happens  
12 at the top affects the bottom.

13 So the larger picture shows the conditions today  
14 post-rehab. You can see the trail goes with the  
15 contour, undulates to disrupt those hydrological  
16 connections and switches back up the knoll. You can  
17 also see the area's perimeter fencing, which is again  
18 critical to the zero tolerance policy.

19 So today this is where we are with trails plan  
20 implementation. The green hashmarks indicate areas  
21 that are either complete or currently undergoing  
22 rehabilitation.

23 Now I'm going to switch gears and discuss our  
24 habitat monitoring program. The habitat monitoring  
25 program is another program that has evolved and

1 progressed considerably in the last ten years. For  
2 example, we used to have one environmental scientist  
3 for the entire District. We now have five on the  
4 District's monitoring team. The team is further  
5 supported by a consulting firm that provides  
6 specialists such as botanists and herpetologists.  
7 Volunteers also assist, as well as additional  
8 California State Parks environmental scientists.

9 Over this ten-year period, our protocols were  
10 reviewed and revised by a team of outside experts.  
11 With these revisions, the program incorporated  
12 scientific experimental design principles. These  
13 include both increasing and randomizing our sampling  
14 efforts. Annually we monitor the habitat for the  
15 presence of amphibians, birds and large mammals.  
16 Additional monitoring for small mammals and vegetation  
17 do occur.

18 The environmental team also provides  
19 project-level oversight for all projects, which  
20 typically includes regulatory compliance and  
21 pre-project surveys for rare plants, nesting birds and  
22 endangered species and sensitive species.

23 Here is another slide that just summarizes some  
24 of the habitats, the four main habitats, which is the  
25 blue oak woodland, coastal scrub, annual grassland and

1 riparian habitats. We've documented over 140 bird  
2 species within the park, and special-status species  
3 includes the California tiger salamander, California  
4 red-legged frog and golden eagle, just to name a few.

5 I'd like to highlight one effort. We've adopted  
6 fairly recently the monitoring and protection plan for  
7 the western spadefoot toad. The western spadefoot toad  
8 is a California Department of Fish and Wildlife  
9 special-status species of special concern and is  
10 somewhat understudied and lives in the park. Western  
11 spadefoot breeds in ponds and rain pools in the winter.  
12 Due to its quick metamorphic process, it is able to  
13 utilize water bodies that have relatively short  
14 hydrologic periods.

15 Although virtually all of Corral Hollow Creek  
16 and roughly 50 percent of the floodplain is within the  
17 buffer zone, this species also uses the rain pools  
18 outside of the buffer area, as you may recall seeing on  
19 yesterday's tour.

20 Therefore, to further protect this opportunistic  
21 species, we developed a management plan we use during  
22 sensitive breeding periods. During the appropriate  
23 time of year, winter, when conditions are right, our  
24 team performs night surveys to listen to the adults  
25 calling. This behavior is the initiation of the

1 breeding season. We then close the rain pools and  
2 puddles once eggs are detected and continue to monitor  
3 other waterbodies that may be used for breeding. These  
4 areas will stay closed until the species have  
5 metamorphed and dispersed.

6 Again, this is another example of how much  
7 progress the program has made in the past 10 to 15  
8 years and the importance of having a quality team in  
9 place.

10 So I want to thank you for your time, and I'm  
11 going to hand this off to Carnegie Sector  
12 Superintendent Randy Caldera, and he's going to discuss  
13 the public safety program.

14 SUPERINTENDENT CALDERA: Thank you, Clint.

15 I'm going to discuss today some primary  
16 components of the safety program, the entrance station  
17 operation, sound testing, spark arrestors enforcement  
18 and emergency response.

19 The entrance station -- or what everyone refers  
20 to as the Ranger Station. The Ranger Station most  
21 often will be the only interaction park staff will have  
22 with our visitors. Thus, the importance of the  
23 entrance staff to inform visitors of park rules and  
24 program activities such as trail closures, resource  
25 projects and any other ongoing projects in the park.

1           The photo on the right is park staff inspecting  
2 a muffler for the proper spark arrestor, a practice  
3 which happens to everyone that enters the park.

4           Enforcement, Carnegie SVRA has five full-time  
5 law enforcement officers identified as State Parks  
6 rangers. Enforcement activities can include enforcing  
7 Public Resources Code, Vehicle Code, but most often  
8 involves simple communicating and educating our users.  
9 The photo on the right is a ranger closing a trail due  
10 to off-trail riding, a tool we use to enforce the zero  
11 tolerance policy.

12           Emergency response, all Carnegie SVRA law  
13 enforcement officers are certified EMTs or first  
14 responders. Safety and emergency training is a huge  
15 part of the program. Nearly all employees have been  
16 certified to operate four-by-fours, ATVs, motorcycle,  
17 ROVs, all used to respond to visitor emergencies.  
18 Carnegie also has an active volunteer safety patrol  
19 which logs over a thousand hours annually.

20           Switching to partnerships, a lot of my time is  
21 focused on communication, education and building  
22 partnerships. Partnerships start with our  
23 users/stakeholders. Our goal at Carnegie is to educate  
24 all users/stakeholders on how we can have sustainable  
25 OHV recreation. The two photos on the right are

1 user/stakeholders taking ownership in the park by  
2 strawing a hillside, putting unsustainable hill climbs  
3 to rest.

4           The photo bottom left is me participating in  
5 what I like to call town hall meetings. Town hall  
6 meetings are posted on Facebook with dates and times.  
7 It gives everyone a chance to meet me and have an open  
8 forum to discuss park operations, ideas, complaints and  
9 anything else that might be on their mind. My  
10 philosophy behind the meetings, show the  
11 user/stakeholders they do have a voice. I want the  
12 user/stakeholders to take ownership in their park.

13           Some of the more colorful ideas that have come  
14 from these meetings: Provide paint ball guns so we  
15 have shoot off-trail violators, post off-trail  
16 violators' photos on Facebook so their peers can  
17 ostracize them, kick off-trail violators out of  
18 Carnegie and don't let them back ever, or simply send  
19 them to Frank Raines.

20           Partnering organizations like ASI, ATV Safety  
21 Institute, and MSF, Motorcycle Safety Foundation, use  
22 our park to train and teach both young and old riders  
23 rider responsibility, skills and safety. The  
24 photograph on the left shows an MSF class in progress.  
25 The photo on the right is an organization called Riders

1 Recycle. This organization educates folks on how to  
2 change and recycle used oil and oil filters in an  
3 environmental-friendly way.

4 Agency partners, this slide just shows a handful  
5 of agencies we have partnered with to use Carnegie for  
6 four-by-four, ATV and motorcycle training. Many of  
7 these trainings are led by our own employees who have  
8 become certified trainers. This is a service we  
9 provide free of charge to any public agency whom  
10 applies.

11 Here we have Carnegie, a map of Carnegie and the  
12 expansion area. Hopefully yesterday's tour and today's  
13 presentation by staff give everyone a small glimpse of  
14 the future of Carnegie.

15 If I could share just a personal moment here and  
16 ask the support staff to stand, please. I think I'm  
17 missing a couple in the back. What I want to do here  
18 is you're looking at a person standing at this podium  
19 that started in this department in 1979. In 1979, I  
20 would be standing at this podium doing this  
21 presentation alone. Just a short ten years ago, I  
22 would be standing at this podium doing the whole  
23 presentation alone.

24 I don't think it should go unrecognized the  
25 strides the OHV Division has taken providing the



1 support staff to a manager like me in the field these  
2 past ten years and to see how far we've come in that  
3 ten years. I'm excited to look at this talented group  
4 and just think what we can do in the next ten years.

5 So thanks to the exec staff. From our staff,  
6 myself, thank the OHV Commission. I want to thank VIP  
7 guests and everyone in attendance today for allowing us  
8 to show the operational program at Carnegie.

9 (Audience applause.)

10 CHAIR CABRAL: Thank you.

11 OHMVR MANAGER CANFIELD: Thank you, Carnegie  
12 staff. Dan Canfield speaking again.

13 As was mentioned, Carnegie was first a private  
14 OHV park. And in the late 1970s it became a State  
15 Vehicular Recreation Area. In 1981, a General Plan was  
16 adopted for Carnegie SVRA. I have a copy of that  
17 document. At this point in time, Carnegie was  
18 approximately 1500 acres. In the late 1990s, the state  
19 legislature and the governor approved funding for  
20 acquisition of neighboring lands to expand Carnegie  
21 SVRA, and over the next few years several parcels were  
22 approved for acquisition by California Public Works  
23 Board and added to Carnegie SVRA, approximately an  
24 additional 3100 acres.

25 The map that you see on the screen depicts the

1 planning area for Carnegie SVRA. The red outline that  
2 you see is the original Carnegie SVRA from the 1970s.  
3 And the green outline represents that expansion area  
4 from the 1990s.

5 Twice previously, once around 1999 and again in  
6 2003, the Department began an effort to update the  
7 Carnegie SVRA General Plan to be inclusive of the  
8 expansion area. Both of those efforts were not  
9 completed.

10 But subsequent to those efforts, substantial  
11 resource studies were conducted, things like the Corral  
12 Hollow Watershed Analysis and the associated Stormwater  
13 Management Plan. A preliminary delineation of wetlands  
14 and water throughout the United States was conducted.  
15 A cultural resource study was conducted by Sonoma State  
16 University, as well as vegetation monitoring and  
17 wildlife monitoring that Clink discussed earlier. All  
18 of that great resource study was used as a basis, and  
19 in 2012, a General Plan project was begun.

20 At that point a project website was created, and  
21 that's CarnegieGeneralPlan.com. Some of the  
22 Commissioners may remember when the OHMVR Commission  
23 assisted us when we kicked off this project. In  
24 February of 2012, the Commission toured Carnegie SVRA  
25 and met in Livermore, California.

1           This General Plan project has involved  
2 considerable stakeholder input and concept development,  
3 and I personally have been reporting to the Commission  
4 over the last few years on the progress of that  
5 project.

6           The project website, CarnegieGeneralPlan.com,  
7 includes a document library, which is a powerful tool  
8 for people to learn about this project. It includes  
9 all the documentation that I discussed, the resource  
10 studies that are supporting our project, as well as the  
11 documentation that describes the development of the  
12 general planning concept.

13           In April of 2015, the Preliminary General Plan  
14 and Draft EIR were published for review. I have copies  
15 of those documents. I also put copies on the sign-in  
16 table for folks to look at. They're also available on  
17 that project website.

18           The planning team was fortunate to receive an  
19 excellent amount of public input on these documents  
20 from agencies, organizations and individuals with over  
21 1,000 comment letters being received. The planning  
22 team has worked to develop responses to those comments  
23 as well as proposed edits to the documents based on the  
24 comments. This information is contained in the  
25 proposed Final Environmental Impact Report, which was

1 published on that project website in mid January. More  
2 on that in a moment.

3 First, I would like to take this opportunity to  
4 discuss a change that was made by the planning team,  
5 and this change was made to the preferred concept map.  
6 As the preferred concept map was presented in the  
7 Preliminary General Plan, it's figure 4.1, which is the  
8 graphic you see displayed, the concept map divides the  
9 planning area into visitor experience areas, which are  
10 identified by the different colors.

11 Now, in this slide that you're looking at,  
12 you'll notice that the extreme western position of the  
13 SVRA, or the left side of the planning area as you're  
14 looking at it, had been identified for the development  
15 of OHV trails, which is the tan area, as well as a  
16 separate entrance, staging area and technical skills  
17 practice area, which is identified by the red arrow and  
18 the yellow and purple areas. So this is the graphic as  
19 it was provided in that April Preliminary General Plan.

20 The planning team changed to this preferred  
21 concept map. It now identifies the extreme western  
22 portion of the SVRA, the far left side, now is limited  
23 recreation, which is the green area, and that would be  
24 an area that in the future -- the future plan for  
25 Carnegie SVRA would not have the development of

1 motorized trails in that area or related facilities  
2 like staging areas.

3 The reason for the change was based on  
4 preliminary feedback we received from local agencies on  
5 the west side of the SVRA and also given that that  
6 portion of the SVRA is geographically separated from  
7 the balance of the facility, a feature that was really  
8 evident yesterday on the tour as we stood at the base  
9 of Tesla Mine.

10 So given that feedback from the local agencies  
11 and the geographic separation issue, it appeared to be  
12 an appropriate adjustment from the planning team. I  
13 did want to take this opportunity to describe it, but  
14 it is also described in that proposed Final EIR I  
15 talked about in Chapter 9.

16 At this point I'd like to introduce Petra Unger,  
17 who works for our General Plan consulting firm, AECOM,  
18 to discuss the General Plan and Environmental Impact  
19 Report. Thank you, Petra.

20 AECOM MS. UNGER: Thanks, Dan. And good  
21 morning, Commissioners. As Dan said, I'm Petra Unger.  
22 I work with AECOM. We are the Division's environmental  
23 consulting firm for general planning and have been  
24 supporting them in that since 2008 on various general  
25 plans.

1           So I'd like to provide some details on the  
2 Environmental Impact Report and how that was prepared.  
3 So first, the type of environmental impact report is a  
4 program EIR as discussed in here and also on the tour  
5 yesterday.

6           A program EIR is a type of document that allows  
7 public agencies to consider broad planning documents  
8 and project-wide mitigation. It's appropriate for use  
9 where the project at hand is a broad planning document  
10 and where specific actions or projects, such as where  
11 trails and facilities will be located, is not defined  
12 yet.

13           So that's consistent with other agencies, using  
14 a program EIR for general plans, such as the county or  
15 city general plan level. But most importantly, it's  
16 consistently used by State Parks for all of its general  
17 plans that are prepared and adopted, so it wasn't  
18 unique to Carnegie.

19           The topics addressed in the EIR include the full  
20 range of environmental topics from Appendix G of the  
21 state CEQA guidelines. One topic not discussed in  
22 extraneous detail is agricultural and forest resources.  
23 We made that determination early on because Carnegie  
24 doesn't really contain agriculture and forest resources  
25 in the typical sense that CEQA considers them, but that

1 topic is addressed in the EIR under other CEQA-related  
2 analysis. And you will see a lot of discussion on that  
3 in the Final EIR as well.

4 With regards to significant impacts or  
5 unavoidable impacts, the EIR does identify those  
6 related to air quality, and that is related to both  
7 dust that's generated by OHV use as well as emissions  
8 and also in relation to air quality in the valley  
9 during the summer months when it's hot and we have bad  
10 air quality to begin with.

11 The Draft EIR was prepared by an experienced  
12 team of AECOM experts with support from KD Anderson for  
13 traffic and transportation. They have worked with us  
14 on several general plans as well, and we also worked  
15 closely with the resource staff at the SVRA, of course.

16 And it received rigorous review from the OHV  
17 Division, including their legal counsel, and then it  
18 also received third party review from the OHV  
19 Division's environmental consultant before it ever went  
20 public.

21 The EIR was circulated for a total of 67 days.  
22 The CEQA comment period requires 45 days, and during  
23 circulation we received many requests to expand the  
24 comment period because the document was complex and  
25 there's a lot of issues. So it was extended, and

1 beyond that we also allowed a grace period for comments  
2 to come in after that. So even if comments came in  
3 slightly after that 67-day period, it was still  
4 considered.

5 The availability of the documents was announced  
6 through a series of e-mails and direct mailings,  
7 notifications on the Division's website, notices of  
8 availability posted in both counties that span the  
9 SVRA. It was published in local papers. And then  
10 copies of the document were available on the website as  
11 well as in the local libraries in Livermore and Tracy,  
12 as well as the district office, the sector office and  
13 headquarters. I would say most people probably view  
14 the document through the planning website, which was  
15 been very well used over the lifetime of the project.

16 In total, as Dan mentioned, we got a lot of  
17 input. We received a total of 1,155 comment letters,  
18 so quite a bit of interest here, and all those were  
19 inventoried and coded and so on.

20 So for a little summary, one of those comment  
21 letters was from a federal agency. That was the U.S.  
22 Fish and Wildlife Service. Three of them were from  
23 state agencies. That was Caltrans, the California  
24 Department of Fish and Wildlife and the Governor's  
25 Office of Planning and Research. Then there were 15



1 local and regional agencies, so that would include both  
2 the San Francisco and Central Valley Region Water  
3 Quality Control Boards, the San Joaquin and Bay Area  
4 Air Quality Management Districts, as well as Alameda  
5 County and kind of local other agencies. We received  
6 seven letters from the tribes, tribal comments. Like  
7 Elise had mentioned, there had been consultation  
8 regarding the General Plan all along. And then 38  
9 letters were from organizations, specific groups with  
10 interest in the project for one way or the other. And  
11 the rest of them were from individuals, and many of  
12 them came kind of in as groups of, you know, similar  
13 letters and so on.

14 The themes, so what we heard a lot was concern  
15 about the type of the document. A lot of people were  
16 confused or concerned that this wasn't a project-level  
17 EIR. So there were a lot of questions as to why a  
18 program EIR was prepared. Many of them were in  
19 biological resources. As Clint had demonstrated, the  
20 area is rich in biological resources, and there's a lot  
21 of interest in their presence there.

22 There was a fair amount of comments regarding  
23 agricultural and grazing. Like I said, we didn't  
24 address the agricultural issue in a whole lot of detail  
25 but provided additional comments in the Final EIR.

1 Water quality, of course, always a big concern in  
2 Carnegie -- a long history there -- air and noise, and  
3 then a lot of comments not so much on the analysis of  
4 the General Plan but more general opposition or general  
5 support.

6 So with regard to responses, there obviously was  
7 a massive amount of impacts. And to address those, we  
8 grouped those by certain topics. So for those topics  
9 that we received a lot of comments on, we prepared what  
10 is called a master response. And a master response  
11 allows the planning team to give very detailed response  
12 on a particular topic that is of interest to a lot of  
13 people, versus just short individual responses to a lot  
14 of people.

15 And so you see here the seven master responses  
16 that were prepared and are now contained in the Final  
17 EIR, and they relate to the adequacy of the impact  
18 analysis, disagreement with the conclusions of the EIR,  
19 like I mentioned, grazing and nonagricultural use,  
20 biological resources, cultural resources, and then also  
21 to those topics of the EIR addressing cumulative  
22 impacts and alternatives that were analyzed in the EIR.

23 In terms of level of effort that went into the  
24 responses, it was pretty massive. So between July 1st  
25 and January 14 of this year, which is the date that the

1 Final EIR was published on the website, the consultant  
2 team spent approximately 2,000 hours of staff time on  
3 responses and in preparation of the EIR. To put that  
4 in context, that's approximately one year's worth of  
5 staff time just to prepare these responses. And it was  
6 prepared by all of the same authors who wrote the  
7 original sections with regard to the resource topic and  
8 then received review from the Division's planning team  
9 as well as legal counsel.

10 And there were some changes made to the Draft  
11 EIR and the Preliminary General Plan based on these  
12 responses, including the one, the preferred concept  
13 map, that Dan just mentioned. But overall these  
14 changes were made for clarification purposes or because  
15 somebody had made a valid statement, "You should really  
16 explain this a little bit better," or "I would like you  
17 to mention this species." But all in all, as I said,  
18 the changes were relatively minor.

19 And so with the conclusion on that, none of  
20 those incorporated changes changed any of the impact  
21 conclusions presented in the Draft EIR, and that's the  
22 important thing. There were no new impacts identified  
23 that weren't previously discussed in the document, and,  
24 therefore, we came to the conclusion that the document  
25 was solid and held up very well to all of the comments

1 received, and that recirculation of the Draft EIR would  
2 not be required. Thank you.

3 (Audience applause.)

4 OHMVR MANAGER CANFIELD: Thank you, Petra.

5 Dan Canfield speaking again. Just a few more  
6 final comments:

7 As I mentioned, that proposed Final EIR is  
8 available for review up on the project website. I put  
9 a desk copy out on the sign-in table as well. It looks  
10 like this.

11 I would like to point out that this document  
12 that I put on the table contains the response to many  
13 comments that Petra mentioned and the proposed edits.

14 The actual comment letters themselves represent  
15 about 3,000 pages of text and would be challenging to  
16 present in a bound copy in this format, but they are  
17 all on that public website, CarnegieGeneralPlan.com  
18 website, for review.

19 The document, I would just want to open it up a  
20 little bit and take a look at the structure of this  
21 document, because I hope everyone gets into it and  
22 looks at it and reviews it. Chapter 1 is the  
23 introduction. Chapter 2 is those master responses that  
24 Petra spoke of. They're discussed in detail in Chapter  
25 2. Chapters 3 through 8 are the response to comments

1 grouped by the source of the comment, whether it was a  
2 state agency, an organization, et cetera. Then Chapter  
3 9 identifies any proposed changes to the General Plan  
4 that came out of this comment period. Chapter 10 is  
5 the proposed revisions to the EIR that came out of this  
6 process. And that's the structure of that document.

7 The planning team appreciates this opportunity  
8 for the Commission to review these documents and  
9 receive public input in this forum. The feedback that  
10 we receive from the Commission will be incorporated  
11 into the Environmental Impact Report, and then a  
12 follow-up meeting will be scheduled for the Commission  
13 to consider approving the General Plan and  
14 Environmental Impact Report.

15 With that, I can turn it back over to the  
16 Commission for public comment after -- at the pleasure  
17 of the Commission.

18 CHAIR CABRAL: Thank you. I appreciate the  
19 detailed report, and I think our recorder would like to  
20 have a little break.

21 So I just want to say quickly that we have  
22 about -- according to my calculations, about  
23 three-and-a-half hours of public comment coming up on  
24 this item. So what that means is that we are going to  
25 run into our lunch break and the public comment on

1 non-agenda items.

2 Now, I'm required by California law to stop  
3 at -- whatever we're doing at the 1:30 time and have to  
4 do the non-agenda items at that point. So we're going  
5 to have an interruption. I'm sorry, but that's the way  
6 we have to do things.

7 So with that -- I wanted to make everyone aware  
8 of it -- we're going to take a restroom break now,  
9 about ten minutes, and then come back and start the  
10 public comment on this item. Thank you.

11 (Returned at 10:17 from a break starting at 9:59 a.m.)

12 CHAIR CABRAL: I want to cover this again on the  
13 public comment cards. The green ones are for the  
14 agenda items, which would be the Carnegie issue. If  
15 you're non-agenda, it's blue. All right.

16 And the materials, if we have -- if you have  
17 anything you'd like to have distributed to the  
18 Commissioners, you need to bring them over to Vicki,  
19 red shirt standing, bring it to her.

20 And then as you're in line, we want to do three  
21 people ahead of time as we work through this, okay? So  
22 let's get going.

23 First person I have would be Katherine Boxer,  
24 followed by Jesse Hahm and then Lynn Seppala.

25 KATHERINE BOXER: Yes, Commission, I appreciate

1 the opportunity to say a few words today. My name is  
2 Katherine Boxer, and I'm executive officer of the  
3 Alameda County Resource Conservation District, and I  
4 would like to speak to just a few concerns today.

5 One is regarding the over 3,000 acres of grazing  
6 land that will be impacted by the expansion of the  
7 Carnegie parkland. Grazing has been a natural part of  
8 the environment really since history began. And as  
9 time as gone by, more and more information about the  
10 value of grazing and creating productive habitat for  
11 many species of wildlife has come to the fore.

12 I'd also like to speak to the fact that there is  
13 great biodiversity in this area, which you all have  
14 acknowledged, and ask that the Commission continue to  
15 be aware and as plans are made be as sensitive to the  
16 habitats of those species as is humanly possible.

17 Thirdly, I would like to say that the Alameda  
18 County Resource Conservation District, we -- our  
19 mission is to support agriculture, landowners, preserve  
20 habitat, et cetera, in the area and also educate the  
21 community. And there are many other organizations in  
22 the greater Tri-Valley area that have policies similar  
23 to ours that emphasize the production of agricultural  
24 land, and so I wanted to emphasize that in my remarks.  
25 Thank you.

1 CHAIR CABRAL: Thank you.

2 Jesse Hahm, then Lynn Seppala, followed by Carol  
3 Garberson.

4 JESSE HAHM: Thank you. My name is Jesse Hahm,  
5 and I'm a geologist and a resident of Alameda County.

6 And I'm here to encourage you to stop the  
7 expansion of the Carnegie off-highway vehicle area. As  
8 a lover of open spaces, I support non-motorized  
9 alternatives. And as an environmental scientist, I  
10 have concerns with the conclusions regarding soil and  
11 water quality in the environmental impact report. That  
12 report states in essence that the loss of topsoil,  
13 increase in surface runoff and decrease in groundwater  
14 associated with the expansion would be less than  
15 significant.

16 These factors are of environmental concern  
17 because roads and trails used by motorized vehicles  
18 compact soil, reducing its infiltration capacity, which  
19 in turn promotes excess runoff and erosion. This  
20 brings silt into waterways, which negatively affects  
21 the aquatic ecosystems. This is especially concerning  
22 in light of numerous identified threatened species  
23 inhabiting the proposed expansion area.

24 The conclusions are at odds with common-sense  
25 analysis of the existing areas, which is scarred by



1 free ride areas, numerous trails that are volunteered  
2 off the existing trail network and that at times have  
3 extended into streams. Even more worrisome, though, is  
4 that these conclusions are at odds with the summary  
5 statements in the primary source scientific document  
6 that the EIR is based on, the watershed assessment. I  
7 quote directly from that document:

8 "More recent activities such as  
9 off-highway vehicle use has a  
10 significantly negative impact on  
11 stream characteristics. Increased  
12 sediment load and runoff from  
13 un-stabilized parking areas, roads  
14 and trails have led to the  
15 degradation of water quality."

16 It goes on, but I'll stop there. These  
17 conclusions come from scientists who spent years  
18 studying the watershed. The EIR appears to have missed  
19 the overall impression of that study while citing it as  
20 one of its primary sources of information.

21 Finally, the strong local opposition, Alameda  
22 County, City of Livermore, for this project which in my  
23 opinion benefits the small user groups while polluting  
24 the air, disturbing wildlife, ruining habitat and  
25 irrevocably destroying soil, which is a nonrenewable

1 resource on the time scale of human civilization.

2 I encourage you to support a non-motorized  
3 alternative. Thank you.

4 CHAIR CABRAL: Thank you.

5 Lynn Seppala, followed by Carol Garberson and  
6 Larry Romer.

7 LYNN SEPPALA: My name is Lynn Seppala. I live  
8 in Livermore. I'm a longtime hiker, skier, both  
9 cross-country and alpine.

10 My definition of stewardship is, as I remember  
11 in the long days of hiking, you pack it in, you pack it  
12 out, and you leave the park in better shape than when  
13 you entered the park.

14 This use, with nine full-time rangers enforcing  
15 the laws and many people are trying to do restoration,  
16 poison the face of good stewardship.

17 CHAIR CABRAL: Thank you.

18 Carol. Then Larry Romer, followed by Jennifer  
19 Loda.

20 CAROL GARBERTSON: I'm Carol Garberson. I live  
21 in Livermore. I have been a longtime trail user both  
22 for hiking and horseback riding and some -- a little  
23 bit of biking.

24 But I am very concerned. I was involved in  
25 making a multiuse trail system plan for Livermore and

1 for the area, did a lot of education on trails and  
2 trail maintenance. And I am very concerned about a  
3 number of things that I have both seen and heard.

4 I've been to nearly all of the workshops that  
5 have been held, and the attitude that I've heard  
6 that -- I've been partly seeing this thing, "I own  
7 Carnegie." We all own Carnegie. It's state. We all  
8 put in money for the parks system in general, and that  
9 disturbs me.

10 I had a person tell me, "This belongs to us.  
11 You have other parks. We can do anything we want with  
12 this," when I was concerned about the maintenance and  
13 the preservation of the special places in the park.

14 And the attitude, "We can do anything we want  
15 with this, and it will be self-policing, and when  
16 there's destruction, then we will close it" -- and you  
17 need to prevent the destruction in the first place, not  
18 allow it to happen and then close it, the areas.

19 Saying -- another thing I'd heard was, "While  
20 animals and things will go away in the day when it's  
21 noisy, but they'll come back at night." That does not  
22 happen. The disturbance to the ecosystem carries on.  
23 It drives animals out of the area. It affects nesting.  
24 The noise, the confusion, all of it affects nesting and  
25 affects the longtime health of the different species,

1 and I think that needs to be addressed.

2 And, again, I would prefer seeing  
3 non-off-road -- non-motorized vehicle use of the area.  
4 It's a very special place with very special situations  
5 there. Thank you.

6 CHAIR CABRAL: Thank you.

7 Larry Romer, followed by Jennifer Loda and then  
8 Mark Connelly. Larry? I'll go back to Larry at the  
9 end. Jennifer Loda, Mark Connolly and then Don Amador.

10 JENNIFER LODA: Hi, my name is Jennifer Loda.  
11 I'm an attorney and wildlife biologist at the Center  
12 for Biological Diversity. I'm here today representing  
13 the Center and our more than 990,000 members and online  
14 activists.

15 We ask that the Commission not certify the FEIR  
16 and send it back to the Department for more revision  
17 before reconsidering it. The FEIR continues to fail to  
18 respond to our concerns and the concerns of many others  
19 about the legal inadequacies of this environmental  
20 process.

21 Throughout this process, numerous scientists,  
22 organizations and government agencies have provided  
23 large amounts of scientific information that has been  
24 largely ignored in this process. Under CEQA, the  
25 Department must consider all available information and

1 look at all foreseeable impacts which are clearly  
2 available here based on what's already going on at the  
3 current Carnegie site.

4 One of particular concern to us, we'd like the  
5 Commission to look -- specifically focus on the  
6 comments that they've received on the DEIR from both  
7 the federal and state wildlife agencies that express  
8 significant concern with potential impacts to the rare  
9 and endangered species.

10 And the federal Fish and Wildlife Service has  
11 expressed particular concerns about whether there is  
12 even mitigation possible for the adoption of this  
13 entire General Plan. They recommend that the proposed  
14 expansion site be set aside as mitigation for the  
15 ongoing operations at Carnegie, and that's what we ask  
16 of you as well. Thank you.

17 CHAIR CABRAL: Thank you.

18 Mark Connolly, followed by Don Amador and then  
19 Jean King.

20 MARK CONNOLLY: Chairman, Members of the  
21 Commission, my name is Mark Connolly. I'm president of  
22 Connolly Ranch, Inc., which is a cattle ranch that  
23 adjoins the Carnegie SVRA, established in 1870.

24 I have lived in that area my entire life and  
25 probably have more experience with Carnegie than

1 anybody else living or in this room. My first memories  
2 are going down a ridge, Carnegie Ridge, the SRI loop  
3 with a shepherd and then going back up a different  
4 ridge taking this trailer back up when I was too young  
5 to even go there alone.

6 I have seen over the years the expansion of  
7 Carnegie and the operation of the SVRA, Division and  
8 the great increasing impacts that have occurred during  
9 that management over the last 30 years. Statements  
10 that impacts have been reduced during the state  
11 management or that these impacts existed before the  
12 State took over are false.

13 There are several major problems, and I've  
14 submitted written comments to the Draft EIR. I submit  
15 additionally today extensive responses to the comments  
16 made by the -- responses to those comments that were  
17 made by staff that are inadequate.

18 Primary objections that I just want to say today  
19 are, first, the use of a program versus a project EIR  
20 is just an attempt to evade the impacts that have been  
21 identified in prior EIRs and are relevant and exist on  
22 the site.

23 Secondly, the baseline and the description of  
24 the project contained in the current EIR is grossly  
25 misleading and incomplete. No person in the public

1 reading that EIR could get an accurate idea of what is  
2 occurring on Carnegie, particularly as to the  
3 mismanagement that has occurred over the last 30 years.  
4 Red line and unsustainable trails continue to be  
5 operated today. There are continuing severe impacts.

6 I join with all of the objections made by Save  
7 Tesla, of all of the organizations that have submitted  
8 comments, and I described them in the written comments  
9 I've made today.

10 There needs to be no expansion to the Tesla  
11 area. It is my understanding -- and I believe on what  
12 I have observed at Carnegie over the last 58 years of  
13 my lifetime -- that the severe impacts that I have seen  
14 on Carnegie will continue and will expand to the Tesla  
15 property.

16 The Connolly Ranch as an adjoining property  
17 owner takes pride in its managing of the property. We  
18 have done water testing, and the water testing that has  
19 been done by you establishes that there is no adverse  
20 impact on Carnegie by adjoining grazing operations.  
21 The watershed is damaged by Carnegie alone. It is not  
22 caused by adjoining (Inaudible) test sites. It's not  
23 caused by site re-harm. It's not caused by adjoining  
24 ranchers. It is caused by Carnegie.

25 I have watched where this year, when there is no

1 water flowing in the upper end of the creek at Carnegie  
2 and watch muddy, turbid water flowing out the lower end  
3 completely generated by areas that have claimed to be  
4 managed pursuant to the best management practices and  
5 restored.

6 And the definition of restoration in the Public  
7 Resources Code, which requires the closure immediately  
8 of unsustainable trails and the rehabilitation of those  
9 trails, is not occurring at Carnegie. Your own maps  
10 demonstrate that 20 to 28 percent of the site consist  
11 of non-sustainable red trails that are operated and  
12 opened today, a direct violation of the Public  
13 Resources Code.

14 Connolly Ranch as an adjoining property is  
15 entitled to special treatment by the Public Resources  
16 Code Section 50907.24, which requires all of the  
17 complaints that I have made and the concerns that I  
18 have expressed need to be directly referred by the  
19 Commission to staff for analysis and consideration.  
20 That is separate and above what is required by CEQA and  
21 the Environmental Quality Act.

22 You have to respond to these concerns, including  
23 the destruction of our rights as adjoining property  
24 owners, by erosion, misuse of easements, excessive  
25 destruction of our property by noise, impacts, caused



1 by Carnegie SVRA. So I am asking --

2 CHAIR CABRAL: Excuse me, sir, your time.

3 MARK CONNOLLY: I have five seconds left, six.

4 I am asking --

5 CHAIR CABRAL: Go ahead.

6 MARK CONNOLLY: I am asking you not to approve  
7 the currently defective environmental impact report and  
8 not to --

9 CHAIR CABRAL: That would be --

10 MARK CONNOLLY: -- expand the Tesla property.

11 Thank for your time --

12 CHAIR CABRAL: Excuse me.

13 MARK CONNOLLY: Thank you.

14 CHAIR CABRAL: Don Amador, followed by Jean  
15 King, followed by Michael Fredrich.

16 DON AMADOR: Good morning, Commissioners. Don  
17 Amador. As some of you know, I was on the Commission  
18 from '96 to 2000. I'm also a contractor to the Blue  
19 Ribbon Coalition and owner of Quiet Warrior Racing  
20 consulting.

21 I have testimony that I have submitted to you  
22 today, so I won't go over that. I just wanted to add a  
23 couple of points, that in no time during the public  
24 process associated with purchasing the property  
25 from '96 to 2000 did anybody that I know of in this

1 room come before the Commission or submit comments  
2 stating that the property that we were purchasing with  
3 legislatively-approved funds was somehow supposed to be  
4 a non-motorized park or that it had become something  
5 called Tesla Park. At no time was that ever brought  
6 before the Commission.

7 And then, lastly, in 1995 the Connolly Ranch  
8 signed a covenant with State Parks, a covenant to  
9 basically not object to operation of Carnegie SVRA in  
10 exchange for an easement across State Parks property.  
11 I'd just urge the Commission to review that document,  
12 review my comments, and then at the end of the day if  
13 the Commission decides to vote for the EIR, to vote in  
14 the affirmative. Thank you.

15 CHAIR CABRAL: Thank you.

16 Jean King, followed by Michael Fredrich and then  
17 Celeste Garamendi.

18 JEAN KING: Good morning. My name is Jean King.  
19 I live in Livermore, California.

20 I want to say that I agree with the Center for  
21 Biological Diversity, that there is a great deal of  
22 diversity in that area, and it would be absolutely  
23 wonderful to have that be mitigation for the Carnegie  
24 Park, the Tesla.

25 I urge you to vote to keep it as an open space,

1 not to put this under the off-road vehicle things.

2 I also agree with the person who talked about  
3 how much staff that is needed there. Because this use  
4 on this area is so detrimental, so destroying, you have  
5 to have nine people who are working on the trails, five  
6 rangers working on it. What other state park here in  
7 California gets that much staff to protect their parks?  
8 They aren't needed because the parks are not being  
9 destroyed by the present use.

10 I urge you to keep Tesla as open space. I urge  
11 you not to adopt this EIR. It is obviously not good,  
12 and you need to redo this. So thank you very much for  
13 your time.

14 CHAIR CABRAL: Thank you.

15 Michael Fredrich, followed by Celeste Garamendi  
16 and Kane Silverberg.

17 MICHAEL FREDRICH: Hi. I'm Mike Fredrich. I'm  
18 from Livermore.

19 I had a few things to say, but then I heard the  
20 testimony earlier saying that 1500 comments were made  
21 in regards to the EIR. I spent two days reading that  
22 document. My eyes were almost bleeding. I thought it  
23 was an excellent marketing presentation.

24 As an EIR, it was extremely poor. It didn't  
25 address damage to Carnegie. It didn't address damage

1 that would occur to Tesla. If only small changes were  
2 made to that document, it's still a really bad EIR. It  
3 should be rejected by you. Thank you very much.

4 CHAIR CABRAL: Thank you.

5 Celeste Garamendi, followed by Kane Silverberg,  
6 then Michael Damaso.

7 CELESTE GARAMENDI: Good morning -- is it still  
8 good morning -- Commission. My name is Celeste  
9 Garamendi. I am here representing on behalf of Friends  
10 of Tesla Park, which is an alliance of organizations,  
11 individuals and public officials that have come  
12 together to protect the extraordinary, the  
13 extraordinary natural, cultural and biologic resources  
14 that are present on the Alameda Tesla parcel.

15 Today, I'm going to primarily be submitting  
16 documents into the record. So let me begin with  
17 documents from Scott Cashen, who is a biological  
18 resource consultant. He submitted comments on the  
19 Draft EIR. He's developed additional comments based on  
20 the specific responses that were provided in the draft  
21 Final EIR.

22 As has been stated, that document doesn't pass  
23 any reasonable standard of CEQA, and the pretense of  
24 the program EIR is nothing more than an attempt to get  
25 past the environmental impacts and mitigation

1 requirements that were identified in the 2000 and 2004  
2 EIR attempts.

3 I also have a letter from Geoffrey Hornek, who  
4 is an air quality consultant. These are follow-up  
5 comments to his comments in the Draft EIR.

6 I want to note, as was stated, that the only,  
7 the only environmental -- or the only significant  
8 impacts to a project to open up 3,000-plus pristine  
9 acres of land are air quality impacts. And what was  
10 the conclusion? That they are unavoidable. That is  
11 not true.

12 And this Commission should take immediate action  
13 to establish a policy that parks are closed on Spare  
14 the Air days. This is a major state initiative, and  
15 the OHV Division and the parks are completely out of  
16 touch with where the state policy is and where our  
17 state is heading.

18 I also have comments from Glen Leverich at  
19 Stillwater, who is a geomorphologist that refutes the  
20 claims that the restoration and erosion control methods  
21 are satisfactory in any measure.

22 I then have a letter from Michael Graf, an  
23 attorney representing Friends of Tesla Park, talking  
24 about the defects in the EIR. These are comments that  
25 were presented at the Draft EIR stage and are

1 supplemented based upon the nominal changes that were  
2 made.

3 Lastly, I have a letter from Attorney Larry  
4 Silver talking about important recent decisions at the  
5 appellate court level that are applicable in this case.  
6 They identify that the EIR approach is fatally flawed.

7 Lastly, I'm submitting additional supplemental  
8 documentation into the record. It includes the East  
9 Alameda County Conservation Strategy, which your staff  
10 has determined they will apply at some future unknown  
11 point, when the standard for this area is a minimum  
12 three-to-one and probably much greater because of the  
13 resources within the Tesla and Alameda parkland.

14 I call upon you not to approve --

15 CHAIR CABRAL: Time.

16 CELESTE GARAMENDI: I'm finishing up, please.

17 I call upon you to not approve the EIR -- it is  
18 fatally flawed -- and to establish Tesla and the  
19 Alameda purchase as a sensitive area as provided for in  
20 the Public Resources Code.

21 Thank you very much, and thank you for the  
22 accommodation.

23 CHAIR CABRAL: I would like to remind everyone  
24 to keep their comments within three minutes because I  
25 believe it's fair that everyone has the same exact

1 amount of time. So I appreciate if people would  
2 respect my position as the chair when I put my hand up.  
3 Thank you.

4 Next person would be Kane Silverberg, followed  
5 by Michael Damaso and Norman Nather.

6 KANE SILVERBERG: Good morning, Commissioners.  
7 And thank you, Division, for all of your hard work.  
8 That was a great presentation this morning.

9 Before I begin, I just wanted to say as a former  
10 Commissioner from 2008 to 2012, I was very close and  
11 have experience with Paul Slavik, and I really wish he  
12 would be reappointed, for what that is. His service  
13 has been tremendous to the program, and we thank him  
14 for that.

15 As I said, my name is Kane Silverberg. I was a  
16 Commissioner from 2008 to 2012, and I can speak  
17 personally that the State Parks is an expert in  
18 managing these OHV resources. And let's get away from  
19 all of the hearsay today and talk about really a track  
20 record of what's going on.

21 So Hollister Hills has two endangered species,  
22 red-legged frog and the California tiger salamander.  
23 Those species have flourished under the -- in an  
24 unprecedented propagation along with golden eagles and  
25 bald eagles at the site. And you have --





1           And the Center of Biodiversity Council toured  
2           the property when it was open, and they came to the  
3           conclusion that it could be done right with State  
4           Parks. So they endorsed the project after visiting it.

5           So I just want to tell you that this is a great  
6           project, and it's really going to help. Thank you.

7           CHAIR CABRAL: Thank you.

8           Michael Damaso, Norman Nather and Cleo Home.

9           MICHAEL DIMASO: Michael Damaso, and I've been  
10          involved with OHV since 1968.

11          I've seen so many areas closed. When the Parks  
12          OHV Division was created in 1971, et cetera, this is  
13          what it was for, was to create areas for off-roaders so  
14          we would be out of everybody else's backyard.  
15          Unfortunately, we have people that keep trying to  
16          restrict us down to where there is nothing left for OHV  
17          at all in the state of California.

18          With a reduction of the open areas down to  
19          trails, the area, the actual acreage used -- this is  
20          not including the open or special areas -- the acreage  
21          used is somewhere between 135 and 210 acres of that  
22          property. The rest is all open space.

23          I would like the Commission to approve the EIR  
24          and continue forward.

25          I do have another item, which is I'm working on

1 a collaborative on the Stanislaus National Forest.

2 CHAIR CABRAL: Sir, you actually have to save  
3 that for comment on non-agenda items. You need to save  
4 that to the comment on the non-agenda item.

5 MICHAEL DIMASO: Yes. I've got a doctor's  
6 appointment. I've got to leave.

7 CHAIR CABRAL: I'm sorry. We have to restrict  
8 it to that. I'm sorry. If you would like to give it  
9 to Vicki over there, you can do that, okay. Thank you.

10 Norman, followed by Cleo Home and Janis Turner.

11 NORMAN NATHER: My name is Norman Nather. I'm  
12 from Livermore.

13 With respect to the BLM and all the state  
14 officers, I'm going to let you know I'm unarmed. And  
15 I'm going to reach into my packet and grab my notes.

16 I feed livestock a few miles down the road. The  
17 people who come to the park are not good stewards of  
18 the neighborhood that I feed livestock in. The way  
19 they drive, the way they fly by you and speed, it's  
20 just very unsafe. I have to turn left into the Renz on  
21 a straightaway with a yellow line, and they're  
22 constantly passing me over the double yellow line when  
23 I have a blinker on and a cowboy hat. Hey, I might  
24 live around here, be a little respectful.

25 I even heard when we took a little break, people

1 were laughing and joking outside that said, "Hey, all  
2 of the rangers are here. We should go ride because we  
3 won't get caught riding on the closed trails." They  
4 thought it was funny. I don't think it's funny.

5 You know, Petra was talking that her  
6 organization has been in support of you since 2008.  
7 She's in support of you. She's supposed to be an  
8 independent -- her organization is supposed to work  
9 independently to provide the environmental impact, and  
10 that didn't happen. She's admitted that she's in  
11 support of you guys.

12 My recreation vehicle is not allowed there. You  
13 know, I'm horseback. I can't go in the Carnegie. And  
14 the history of Tesla, the township of Tesla, you have  
15 no plans to restore it, reserve it, keep teaching  
16 people about it. You're just going to ride motorcycles  
17 over it, and I'm definitely opposed to that.

18 I don't mind limited use, maybe a big round  
19 trail they can go around and let other people use it,  
20 too, you know, but.

21 I don't think that poor kids will have access to  
22 this park, you know, if their daddies don't have a  
23 motorcycle and four-by-fours. It's kind of a  
24 well-to-do recreational thing.

25 And, you know, taxpayers have supported this.

1 You know, I have a few SUVs, and so my taxes and fees  
2 are going to this park. And if I don't want to go  
3 destroy my off-road vehicle, I'm not welcome there, and  
4 I just don't agree.

5 And look at the park, drive by it and look at  
6 it. It looks -- the Carnegie, it looks like hell.  
7 Thank you.

8 CHAIR CABRAL: Thank you.

9 Cleo Home, followed by Janis Turner, then  
10 Anthony Godrich, I think it is.

11 CLEO HOME: Good morning, Commission, and thank  
12 you. My name is Cleo Home. I'm a longtime Livermore  
13 resident and here as president of Tri-Valley  
14 Trailblazers and on their behalf. It's a  
15 Livermore-based equestrian riding club of 100-plus  
16 members that opposes the California State OHMVR  
17 Division plan to open the Tesla area to OHMV use.

18 The State Parks' mission statement says will  
19 provide for the health, inspiration and education of  
20 the people of California by helping to preserve the  
21 State's extraordinary biological diversity, protecting  
22 its most valued natural and cultural resources and  
23 creating opportunities for high-quality outdoor  
24 recreation.

25 The Carnegie SVRA General Plan as outlined is

1 focused on providing outdoor recreation for a  
2 relatively small group of people at the expense of the  
3 natural resources of the area.

4 Of particular concern is the broad statement  
5 under the environmental evaluation section of the DEIR  
6 General Plan that states:

7 "Although avoiding and  
8 minimizing impact on biological  
9 resources is an important objective,  
10 it may not be possible to avoid all  
11 potential impacts on all biological  
12 resources and still provide the OHV  
13 and related recreational  
14 opportunities in the planning area."

15 For purposes of the General Plan and its  
16 evaluation, impacts on biological resources would be  
17 considered unavoidable if the overall purpose of the  
18 General Plan, providing OHV and recreational  
19 activities, could not be achieved.

20 The Final EIR master responses to the General  
21 Plan and Draft EIR do not revise these sections or its  
22 damage implications. They're structured so broadly and  
23 vaguely, it allows OHMVR to implement a project that  
24 will have significant impacts without providing  
25 compensation for mitigation of those impacts.

1           The State Parks' mission statement compared to  
2   the latitude within this General Plan and Draft EIR are  
3   in direct conflict and uses language that enables the  
4   desires of a few to override the State Parks' mission  
5   to preserve and protect California's sensitive biologic  
6   and natural resources.

7           Independent scientific studies documenting  
8   significant impacts to extremely sensitive resources  
9   within the existing boundaries were submitted in the  
10  Draft EIR.  The Final EIR severely understates known  
11  impacts that will occur with expansion.

12           Efforts and results to avoid or mitigate  
13  cumulative negative impact within the current Carnegie  
14  over a 40-year period are not included or appear to be  
15  required.  The inability to preserve and protect  
16  biological diversity and natural and cultural resources  
17  is documented and easily visible.

18           We submitted comments on the Draft EIR included  
19  as letter 014.  The FEIR General Plan does not  
20  remove -- does remove the entrance facility on the west  
21  end of Tesla nearest Livermore, but the vague limited  
22  recreation area designation applied that still allows  
23  OHV trails to traverse the areas determined necessary  
24  to achieve project objectives is not acceptable.

25           We request that the OHV Commission not certify

1 and approve the Final EIR or proposed General Plan for  
2 Carnegie. Thank you.

3 CHAIR CABRAL: Thank you.

4 Janis Turner, Anthony -- I think it's Godrich  
5 and then John Stewart.

6 JANIS TURNER: Good morning, and thank you for  
7 the chance to address you. I'm Janis Turner, and I am  
8 speaking for the Bay Chapter of the Sierra Club.

9 We have submitted comments, and I just want to  
10 highlight a few of the comments that you will be  
11 receiving.

12 The Draft FEIR and the General Plan do not  
13 address the extensive evidence submitted at the DEIR  
14 stage about the sensitive biological and cultural  
15 resources in the Tesla expansion area and the damaging  
16 impacts from OHV use on those resources.

17 The Draft FEIR improperly still concludes there  
18 are no significant impacts from opening Tesla to OHV  
19 use except for air quality, which is not supported by  
20 the evidence.

21 From Sierra Club's reading of the Draft FEIR,  
22 despite the fact that hundreds of detailed comments  
23 were submitted by scores of environmental experts  
24 documenting the significant impacts that expansion of  
25 OHV use would cause to the Tesla area, State Parks

1 concludes that not a single additional significant  
2 impact has been identified beyond that of the air  
3 quality.

4 State Parks rejects the Sierra Club's contention  
5 that much more detail must be provided to ensure that  
6 special-status species, natural communities and their  
7 habitats will be protected. According to State Parks,  
8 following the general guidelines in the preliminary  
9 General Plan will be sufficient to guarantee such  
10 protection.

11 However, State Parks provides no response to the  
12 point made that, conditioned on the contiguous CSVRA,  
13 OHV use area demonstrate unequivocally that OHV use is  
14 incompatible with protecting species at the risk of  
15 extinction.

16 Failure to examine a non-motorized alternative  
17 for the Tesla area remains a significant deficiency of  
18 the Draft FEIR. The Sierra Club requests that a new  
19 FEIR be prepared that cures the deficiency in the Draft  
20 EIR and Draft FEIR and that a non-motorized alternative  
21 be evaluated and selected for the Tesla area.

22 We specifically request that the OHMVR  
23 Commission not certify and approve the proposed General  
24 Plan or the Final EIR for the Carnegie SVRA.

25 Tesla is not appropriate for OHV use. The



1 expansion area should be designated as a sensitive area  
2 as provided in the Public Relations Code --

3 CHAIR CABRAL: Excuse me.

4 JANIS TURNER: -- or through other viable  
5 preservation alternatives.

6 CHAIR CABRAL: Thank you.

7 Anthony, followed by John Stewart and then  
8 Sherry Stortroen.

9 ANTHONY GODRICH: Hi, my name is Anthony  
10 Godrich, and it's Godrich like Goodrich with one O,  
11 just to clarify, no problem.

12 I've been riding motorcycles, OHVs since 1969.  
13 I've been doing it a long time. I do it responsibly.  
14 I've been in motorcycle clubs, California Enduro  
15 Riders, which I represent here tonight -- this  
16 afternoon. I've been in that club since the '70s.  
17 We've practice putting trails in that are responsible,  
18 environmentally safe, with minimal impact to the  
19 environment.

20 I don't care for some of the trails at Carnegie  
21 right now, but that's being fixed by the rangers, and I  
22 applaud them for that.

23 I've been following this process for years,  
24 literally years, and it just never seems to end. We're  
25 on our third EIR attempt now. I just listened to

1 somebody saying we need to start a fourth one. But,  
2 you know, this will never end at this point.

3 My club, ERA, supports the EIR. We would like  
4 to recommend that you approve it.

5 I think you'll find disagreement in just about  
6 any aspect of an EIR. In any forum that you're looking  
7 for, there's always an opposing group. They will  
8 continue to oppose it no matter what you study. What  
9 experts you find, they will find experts that say the  
10 opposite. So I don't know that there's going to be a  
11 happy ground here.

12 My sport, OHV use, is just as legitimate as a  
13 lot of the other sports out there. I practice it in a  
14 responsible manner, and I get very tired of people  
15 telling me that what I'm doing is destroying  
16 everything; I'm doing nothing but tearing things up. I  
17 practice it in a responsible manner.

18 There's a lot more activities out there that are  
19 less responsible than mine. I don't see mine as being  
20 illegal. It's not been declared illegal. There are  
21 areas I'm not allowed to go in. I do not go in those  
22 areas. I think there is enough land in California to  
23 accommodate all of us. Thank you.

24 CHAIR CABRAL: Thank you.

25 John Stewart, followed by Sherry Stortroen and

1 then Delia Taylor.

2 JOHN STEWART: Good morning, Commissioners. I'm  
3 John Stewart, resource consultant for the California  
4 Four-Wheel Drive Association.

5 Interesting range of comments this morning. I'd  
6 like to clarify a couple of points because semantics  
7 and use of words is very important.

8 It's been referred to this as being an  
9 expansion. Well, that's not really technically correct  
10 because the expansion was done when the property was  
11 acquired almost 16 to 20 years ago, at that point.

12 We are now in the process of the OHMVR Division  
13 of State Parks creating the General Plan to manage the  
14 lands that they have acquired or under their  
15 stewardship in a sustainable manner for the approved  
16 and legal activities.

17 In this case Carnegie SVRA is not a county park.  
18 It's not federal lands. It's a unit of the California  
19 State Parks system and is operated as a State Vehicle  
20 Recreation Area under the OHMVR Division.

21 This program is codified in legislation, 1971.  
22 So you're hitting 45-plus years of practice. And this  
23 is all codified in statute to provide safe, responsible  
24 and legal motorized recreation for the people of  
25 California and visitors to the state, not just those

1 that live within these surrounding counties or the  
2 surrounding area.

3 Some figures that we've been able to dig out  
4 show that Carnegie SVRA averages 72,000 visitors per  
5 year. In addition to the 72,000 visitors per year, the  
6 counties also, you know, receive a benefit from  
7 their -- the fact that a lot of them live there. They  
8 also receive a benefit from the economic impact that is  
9 brought into the region.

10 In addition, the OHMVR program provides in-lieu  
11 funding for the counties for a reimbursement of sales  
12 tax for off-road vehicles purchased within that county.  
13 From 1994 through 2012, Alameda County received over  
14 \$2.2 million. San Joaquin County received over  
15 \$1.1 million.

16 Throughout this is that -- I urge the Commission  
17 to move forward with this program because this is a  
18 programmatic document. This is providing guidelines  
19 for the future management of which we will have  
20 site-specific applications which will determine what  
21 responses have to be mitigated, but right now this is  
22 programmatic in nature. Thank you.

23 CHAIR CABRAL: Thank you.

24 Sherry followed by Delia Taylor and then Karen  
25 Whitestone.

1 SHERRY STORTROEN: Hi, there. Thanks again for  
2 this opportunity.

3 I don't have a prepared speech. I'm a  
4 four-wheeler. October '97, I signed a volunteer  
5 agreement with Carnegie to volunteer. I've been  
6 volunteering ever since.

7 I really can't say much more or add too much  
8 more, other than we are on, what, our third EIR. This  
9 could go on forever.

10 Personally, if I was an endangered species,  
11 plant or animal, I think I would hang out in an SVRA.  
12 Both being involved in Carnegie and also Hollister  
13 Hills for many years, that's the place to be. That's  
14 where they're saved. To say that we shouldn't have  
15 four-wheeling in an area, the park staff is making it  
16 real clear that there are certain areas that they are  
17 going to protect with their lives, and I want them to  
18 do that.

19 I also want some four-wheel drive opportunity.  
20 We've been waiting, and whatever I could do to help and  
21 volunteer into the future, I'm there. So thanks again  
22 for the opportunity. Please support.

23 CHAIR CABRAL: Thank you.

24 Karen Whitestone followed by --

25 DELIA TAYLOR: You skipped me.

1 CHAIR CABRAL: I'm sorry. I skipped one.

2 DELIA TAYLOR: I'm Delia Taylor, and I'm going  
3 to talk about safety.

4 I'm reading a letter by Dr. John Taylor,  
5 Department of Plant and Microbial Biology, that's being  
6 submitted. He begins the letter with the statement:

7 "I'm writing to alert you to the  
8 dangerously inadequate response  
9 provided to my letter regarding  
10 coccidioidomycosis, the San Joaquin  
11 Valley Fever, at the proposed  
12 expansion of the Carnegie State  
13 Vehicular Recreation Area. The  
14 Valley Fever fungus is a fungus.  
15 It's acknowledged to be present in  
16 the Lawrence Livermore National Lab  
17 Area 300 just across Corral Hollow  
18 Road opposite the Carnegie SVRA, a  
19 fact that has led the Lawrence  
20 Livermore National Lab to require  
21 persons disturbing soil to sign a  
22 release form.

23 "It's certain that many visitors  
24 to the SVRA have become infected with  
25 San Joaquin Valley Fever since 1981,

1 just as it is certain that the  
2 Carnegie has failed to discover and  
3 document these cases. With the  
4 proposed expansion into the Tesla  
5 area undertaken, workers preparing  
6 the site and visitors to the site  
7 will become infected.

8 "In 2012, eight scientists from  
9 a third agency in the State of  
10 California were among the authors for  
11 guidelines for the protection of  
12 persons who disturb the soil in areas  
13 known to be endemic for San Joaquin  
14 Valley Fever. In the publication the  
15 authors write: 'The workers need to  
16 wear PAPRs with HEPA filters anywhere  
17 on the site when manually digging in  
18 soil or working in dusty conditions  
19 unless they are in an enclosed cab  
20 with HEPA air filtration.'

21 "This month another agency of  
22 the State of California, Caltrans,  
23 lost a civil suit totally \$12 million  
24 to plaintiffs who were infected with  
25 San Joaquin Valley Fever because

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Caltrans underestimated the  
seriousness of this fungal disease.

"It is the most serious of all  
fungal diseases, and the laboratory  
must be handled in Biosafety Level 3  
facilities, the same level required  
for handling the agent of TB and  
weaponized anthrax.

"Given that the Tesla area is in  
the endemic zone of this fungal  
disease and the proposed off-road  
vehicle activity will create clouds  
of fungal spores, it is almost  
certain that the staff and visitors  
will become infected. Therefore,  
California State Parks must be  
prepared to suffer similar losses in  
the courts. There is another matter  
of lifelong damage to lungs and other  
organs that will be suffered by staff  
and visitors who contact this fever.

"Last year another agency of the  
California -- Department of  
Corrections was studied regarding  
San Joaquin Valley Fever because two



1 of its prisons are located in endemic  
2 areas. The study showed that African  
3 Americans and Hispanic Americans  
4 suffer much higher rates of the  
5 fever.

6 "This fact caused the CDCR to be  
7 ordered by the federal courts to move  
8 prisoners of color, prisoners older  
9 than 55 years of age, prisoners with  
10 compromised immune systems from the  
11 two prisons in the endemic area.

12 "Thus, the California State  
13 Parks to protect Californians will  
14 find it necessary to exclude from  
15 Carnegie SVRA persons of color --"

16 CHAIR CABRAL: Ma'am --

17 DELIA TAYLOR: "-- persons 55 years or older."

18 CHAIR CABRAL: -- your time. Thank you.

19 Karen Whitestone, followed by Jessica Sawyer and  
20 then Louann Tung.

21 KAREN WHITESTONE: Hello, my name is Karen  
22 Whitestone. I'm with the California Native Plant  
23 Society, East Bay Chapter.

24 You'll have a handout coming out with some maps  
25 attached.

1 I had the privilege to visit Carnegie yesterday  
2 for the tour, so thank you. The East Bay California  
3 Native Plant Society, or CNPS, asserts that the current  
4 DFEIR and General Plan do not address the extensive  
5 evidence submitted regarding sensitive biological and  
6 cultural resources within the Tesla expansion area,  
7 especially addressing full damaging impacts from  
8 proposed OHV use there on its resources.

9 Evidence submitted does not support the FEIR  
10 conclusion of no significant impact, excepting air  
11 quality impact acknowledgement. Tesla Expansion Area  
12 should be designated as a sensitive area as defined in  
13 the Public Resources Code to permanently mitigate for  
14 ongoing significant impacts of OHV use at the existing  
15 Carnegie SVRA.

16 The East Bay CNPS advises the OHMVR Division to  
17 work with local agencies, federal agencies and all of  
18 the local communities to permanently preserve Tesla  
19 with no OHV use, provide any alternative for public  
20 recreation use of Tesla barring OHV use, please.

21 The DFEIR and General Plan failed to disclose  
22 realistic, evidence-supported affects of the General  
23 Plan on botanical resources and failed to satisfy the  
24 CEQA requirements.

25 Do not certify and approve this DFEIR.

1           Because of potential significant impacts, it is  
2 inadequate to defer impact analysis and/or mitigation  
3 measures to fragmented subsequent CEQA project  
4 analysis. The revisions neglected evidence of OHV use  
5 impact on botanical use resources.

6           Attached is an accurate vegetation map as an  
7 example of overlooking documented rare natural  
8 communities. Curly blue grass grasslands, confirmed by  
9 the California Department of Fish and Wildlife, is a  
10 rare and natural community potentially 175 acres in  
11 size on the Tesla area.

12           On current map representations on this area used  
13 for planning, only one survey location is marked.  
14 Typical minimal mapping uses of one acre were not used.  
15 This gross inadequacy of vegetation mapping used for  
16 analysis is too coarse overlooking resources needing  
17 protection.

18           Additionally, I believe it is inappropriate for  
19 State Parks employees and Commissioners present on  
20 yesterday's tour to find impacts as totally limited to  
21 the one to three percent OHV trail surface area  
22 measured at other parks. I request a rephrase based on  
23 the contention of whether impacts have been properly  
24 evaluated.

25           Additionally, yesterday on the tour I witnessed

1 commendable -- I'll just conclude.

2 The East Bay California Native Plant Society  
3 concludes: Please do not certify this DEIR and  
4 preserve Tesla with no OHV use. Thank you.

5 CHAIR CABRAL: Thank you.

6 Jessica Sawyer, then Louann Tung, followed by  
7 Dave Pickett. Jessica? Save that one until I reread  
8 it again.

9 So Louann Tung, Dave Pickett, then Jennifer  
10 Byous.

11 LOUANN TUNG: Hi, my name is Louann Tung, and  
12 I'm a 22-year resident of Livermore.

13 I represent the Alameda Creek Alliance and  
14 Friends of the Arroyos. We are a watershed protection  
15 group in Alameda County as part of the Alameda Creek  
16 Watershed. So we are the voice of the watershed.

17 And we are concerned about the affects on  
18 species on this proposed expansion, and we are  
19 absolutely opposed to having you approve this Final  
20 EIR.

21 We have done -- there has been a survey that's  
22 been done -- you'll see maps -- of the California tiger  
23 salamander and the red-legged frog in the expansion  
24 area and in the existing Carnegie area, and there's a  
25 vector of ten or more difference in the density of

1 species.

2           What I heard earlier from the rangers, I thought  
3 it was awesome about what they're doing to improve the  
4 existing Carnegie park and how they're mitigating  
5 previous damage, which is obvious. But until they get  
6 to the level where they have proven that those  
7 species -- the species density in the existing park is  
8 equal to the species density in the pristine region,  
9 then how with a good conscious can you approve this  
10 environmental impact report?

11           So I speak for the ones who own Carnegie Park,  
12 and that's tiger salamander and red-legged frog. Thank  
13 you.

14           CHAIR CABRAL: Thank you. Dave Pickett,  
15 Jennifer B-Y-O-U-S. I'm not sure how to say that and  
16 then Amy Granat.

17           DAVE PICKETT: Good afternoon, Commissioners.  
18 Dave Pickett, District 36, Motorcycle Sports Committee.

19           I would ask all those folks that took their day  
20 off of work to attend this, they're serious OHV  
21 recreationists, to just raise their hand and let you  
22 know who's here with their children that they also took  
23 out of school so they could get a civics lesson today.

24           Nearly two decades ago, this process started, as  
25 Mr. Amador identified, with the purchase and

1 acquisition ratified by the State legislature as a  
2 legal purchase. This was done under 5090.1 PRC.  
3 Everything is in line, and now it's two decades later.

4 I issued a packet to each of you containing the  
5 voices of petitions of 5,100 off-highway vehicle  
6 enthusiasts, not only in Northern California but in  
7 Idaho, Washington, Oregon and Nevada, who come to  
8 Carnegie and Prairie City and the other SVRAs for  
9 family recreation.

10 I wanted to touch on the funding item that I  
11 think is important goes into the record, that being  
12 something John Stewart from Cal Four-Wheel Drive  
13 testified, in-lieu funds; thought I'd do a little  
14 look-see. Between 2002 and 2006, four-and-a-half years  
15 of in-lieu funding, \$387,886 came into Alameda County  
16 including the City of Alameda that got another  
17 \$169,000. And I kind of had to chuckle because the  
18 City of Livermore actually got \$10,650 for whatever  
19 they wanted to use that for. If you add all of that  
20 in, plus the Alameda County Sheriff's law enforcement  
21 grants, the OHV Division Trust Fund has supplied for a  
22 long, long time, you may as well just add in another,  
23 oh, \$157,706.

24 So since Carnegie is partially located in  
25 Alameda County, there is direct benefit to the Alameda

1 County contingents, including OHV recreationists that  
2 pay taxes in this county.

3 I ask you on behalf of what the OHV -- the OHMVR  
4 mission statement says -- not State Parks, what that  
5 says, because that's applicable here, and the  
6 Department of State Parks approved that mission  
7 statement. It needs to be clear, very clear on that.

8 Our member families inside of District 36 have  
9 been coming here for generations and generations. And,  
10 unfortunately, that's my statement because I'm out of  
11 time. Thank you very much.

12 CHAIR CABRAL: Thank you.

13 Jennifer, followed by Amy Granat and then Erika  
14 Johnston.

15 JENNIFER BYOUS: Good morning. Jennifer Byous,  
16 a former resident of the Tesla area for 20 years.

17 And a couple of things I want to add, it's  
18 important to note on the EIR, which was I commented on  
19 the EIR. I actually have my comments here, which I  
20 will hand to the clerk, and I could not find them. I  
21 could not find my comments. I could not find a  
22 response to my comments. I'm sure they were addressed  
23 in the Master Response comment. I don't think I'm  
24 adding any new information here.

25 But two reasons, either they weren't received or

1 they were lost somehow, which I'm concerned about just  
2 in general the process. I know AECOM had quite a few  
3 comments, and it's a major process to manage these  
4 things. But I was concerned if my comments were lost,  
5 however many other comments were lost, and maybe they  
6 weren't lost.

7 Because I'll have to tell you, your Final EIR,  
8 that appendix that staff so pointed out, is 10,000  
9 megabytes or gigabytes. I couldn't access it from my  
10 rural home computer. I had to find a larger computer  
11 to access it. And when I finally got it to open, I  
12 couldn't find any comment searching electronically by  
13 name. I started scrolling through, only got to 500  
14 pages and did not have time to go through the other 500  
15 pages to see if my comments were in there. So there is  
16 some possibility they're in there.

17 But easy public process information, full  
18 disclosure, please break that appendix up into much  
19 smaller pieces. I mean, we have technology. It's easy  
20 to do, and I just got so frustrated by the process.  
21 Again, do I feel like I'm adding value or additional  
22 information to the process? Yes, but nothing that  
23 others haven't said here.

24 And with that, I'm in opposition of the  
25 expansion. In 1990, when this expansion was done,



1 there was opposition. My family was living there.  
2 They left, right. Twenty years later there is still  
3 opposition. Three failed EIRs, there's still  
4 opposition.

5 Carnegie has not historically done the best land  
6 stewardship out there. I lived out there; I saw it.  
7 I'm just ecstatic that I heard here today of all of the  
8 staff that has been added. You know, if they want to  
9 bet their lives on it, their lives I'm sure is one  
10 thing. But as soon as the State cuts funding to Parks  
11 staff, they will no longer have a job, and they will  
12 not be out there. And we all know that funding in the  
13 State comes and goes, and recreation can be cut, just  
14 as anything else can be.

15 And to manage these things is very difficult,  
16 and I would say that I applaud the effort that you've  
17 done and keep doing it. But please do not expand the  
18 park to the 3,000 acres adjacent. It's too fragile.  
19 It's not here. I do think that the OHV use needs to be  
20 expanded, but not in this area.

21 There needs to be another spot. There's lots of  
22 federal land. There's lots of BLM land out there  
23 that's all open for recreational use of this sort.

24 So please do not approve the Final EIR. I'm  
25 going to submit my comments now, and thank you.

1 CHAIR CABRAL: Thank you.

2 Amy Granat, followed by Erika Johnston. And at  
3 that point we're going to take a break for our  
4 recorder, so she can -- we'll take a five-to-ten-minute  
5 break. We need a mike.

6 At this point can Erika Johnston come up,  
7 please?

8 ERIKA JOHNSTON: Hello, I'm Erika Johnston. And  
9 I'm here on behalf of the Friends of Springtown  
10 Reserve, a community of Livermore residents dedicated  
11 to protecting the ecosystem in North Livermore.

12 We oppose the expansion of the off-road vehicle  
13 park because of the negative impact it would have on  
14 the ecology of the environment at Tesla. Our specific  
15 concerns are outlined in this letter, which I'll submit  
16 for the record. Thank you.

17 CHAIR CABRAL: Do we have a --

18 Would you like to wait until after the break and  
19 do it; is that fine? Okay. Why don't we do that.

20 So let's take a short break so you can get a  
21 rest there. We're going to say -- it's 11:18 right  
22 now, so we will try to get going about 11:26 to 28,  
23 right in there.

24 (Returned at 11:30 from a break starting at 11:19 a.m.)

25 CHAIR CABRAL: We've had a request to make sure

1 everyone mutes their cell phones, make sure they're on  
2 quiet if you haven't checked that.

3 Secondly, as we've been able to adjust the  
4 timer, it's going to make a beep and it's going to make  
5 a noise when it gets to three minutes. So I don't have  
6 to keep raising my hand trying to get people's  
7 attention, so it will make it a little more efficient.

8 So we're going to jump right back into this.  
9 The other Commissioner, I think, went to the restroom,  
10 and she'll be here in a moment.

11 So Amy Granat, you would be next, followed by  
12 Kathleen Noonan and then Linda Garcia. So that's our  
13 next three. Amy.

14 AMY GRANAT: Good morning, still, Commissioners.  
15 Amy Granat on behalf of the California Off-Road Vehicle  
16 Association, the California Trail Users Coalition and  
17 the American Land Access Association.

18 And right off the bat, for the thousands of  
19 people that represents, we're asking you, please, to  
20 agree and sign off on the General Plan. We agree with  
21 the expansion and the Final Environmental Impact  
22 Report. That said, I'd like to address a couple of the  
23 things that were addressed by the comments.

24 I'm a lowly four-wheeler with a 1983 Jeep that  
25 needs help. I promise you, we're not rich. We are not

1 all wealthy. We just enjoy four-wheeling. We enjoy  
2 motorcycling. We enjoy getting around. That's how my  
3 children were raised. Being raised on the land enabled  
4 my children to understand what was necessary to take  
5 care of the land.

6 When I looked and read numerous times the  
7 General Plan, what I saw in -- that the expansion area  
8 was going to be with an area for families, an area for  
9 picnicking, an area for four-wheel drive touring, much  
10 different than the area that is being used on Carnegie,  
11 the existing Carnegie trail system today.

12 We need that access. We need it for all kinds  
13 of people, people with disabilities like myself, for  
14 people in urban areas to have an area to go with their  
15 families. It's very necessary for a wide variety of  
16 people.

17 The General Plan by design is a programmatic  
18 document. I don't think people understand what a  
19 programmatic document is, necessarily. It means that  
20 when you're going to get back to doing site-specific  
21 analysis, that analysis will divulge what impacts will  
22 be on the ground from what is being planned. This is  
23 not the document we are talking about today. The  
24 document is a programmatic document that sets a vision  
25 for the future, a vision that we agree with.



1 neighbors of an OHV park, which is of great concern  
2 with respect to both our quality of life as well as our  
3 property value. And I think I represent probably 90  
4 families who are adjacent to that Alameda County  
5 parcel.

6 But I'd like to take these moments to point out  
7 what I think are flaws or perhaps not well researched.  
8 And with all due respect to the staff, it looks like  
9 they did a great job. And I'm not familiar with what  
10 an environmental process might be, but I think it's  
11 been lacking in a number of different areas.

12 First, the noise assessment simply said -- I  
13 think the assessment just averaged in what now is  
14 periodic commuter noise as a baseline and said that the  
15 motorcycles wouldn't be a big difference. Well, I  
16 think it doesn't pass the ho-ho test if you just think  
17 about California quail and the auditory signal of that  
18 bird versus the auditory signal of a Kawasaki  
19 motorcycle. I'll just leave it at that.

20 Now, the next two points that I didn't think  
21 were adequately addressed on my written responses have  
22 to do with not flora or fauna, but rather human health.  
23 I speak to this with a great deal of experience. I've  
24 got an undergrad degree in microbiology. I've got  
25 graduate degrees in public health, epidemiology and

1 occupational health, and I have over 30 years of  
2 experience in a large employer supporting both public  
3 health as well as employee health.

4 And I have to read to you what the response was  
5 on the topic of San Joaquin Valley Fever, which, you  
6 know, things change. We've talked about all of the  
7 things that have changed. It's changing, and we don't  
8 understand why this organism is worse, but it is.

9 In The Independent just two days ago, it was  
10 described as a silent epidemic. And it's something  
11 that you probably need to pay really close attention  
12 to.

13 Your staff wrote that:

14 "Since Carnegie opened in 1981,  
15 there's only been one employee  
16 documented case of Valley Fever and  
17 no documented cases resulting from  
18 visitor activity. So good point, and  
19 we will educate SVRA staff and  
20 visitors about potential health  
21 concerns."

22 I hope those who talked yesterday, even though  
23 there was not a lot of dust, were advised of the  
24 hazards. Though I don't see it on the website, I'm not  
25 sure there's any posting, because this is a disease

1 that affects potentially all of us. It's dustborne,  
2 and it's known to have been in the Corral Hollow Valley  
3 since the 1960s.

4 You've got an article that talks about  
5 hospitalizations at Site 300 from the 1960s. You also  
6 have in your packet a release from the State that says  
7 you need a respirator --

8 (Three-minute digital tone warning.)

9 KATHLEEN NOONAN: So, anyway, thank you for your  
10 comments.

11 And the Bakersfield OHV, they didn't do it --

12 CHAIR CABRAL: Thank you.

13 Linda Garcia and Lesley Hunt, followed by Terry  
14 Rossow.

15 LINDA GARCIA: Good morning, Commission Members.  
16 My name is Linda Garcia.

17 I was raised in Livermore. I recently moved to  
18 Tracy two years ago. I am the president of the Society  
19 of American Indians. We're a local community  
20 organization which serves the American-Indian families  
21 of the greater Livermore Valley.

22 I want to provide a copy of a letter from our  
23 group, which provides more information about our  
24 review. We strongly oppose the Final Environmental  
25 Impact Report and General Plan for Carnegie State



1 Vehicular Recreation Area because the Alameda-Tesla  
2 Expansion Area, or Tesla, holds some of the most  
3 significant Native American sites in our area. The  
4 Draft Final EIR and General Plan do not protect those  
5 sites which include the surrounding native landscape  
6 that holds them.

7 As a leader of the local Native American  
8 organization, I want to express my deep concern about  
9 the EIR process and the outcome as documented in the  
10 Draft Final EIR and General Plan before you.

11 Our organization has been involved throughout  
12 the EIR process. We have submitted letters and  
13 attended the public meetings. Other tribal members  
14 that have been consulted, and many like us, submitted  
15 comments on the Draft EIR. Yet even when consulted or  
16 when tribes or tribal elders commented on the Draft  
17 EIR, objecting to opening the Tesla Expansion Area to  
18 the OHV use, their comments -- our comments were  
19 ignored.

20 The Draft EIR states:

21 "All tribes expressed concerns  
22 regarding the potential direct  
23 impacts associated with operation and  
24 management of the SVRA. As a result,  
25 consultations with these groups will



1 adequate due diligence was done. This expansion, the  
2 proposed use, has failed twice in the CEQA proceedings,  
3 and we're still here.

4 Since the last review of this in the big public  
5 process and an EIR was presented, the Bay Area Open  
6 Space Council gathered together all of the natural  
7 biological scientists in the area and came up with a  
8 pattern of land use that the animals and plants in this  
9 area used, everything from tiny, little, practically  
10 microscopic organs to mountain lions.

11 I provided a copy of that to the clerk. I hope  
12 she'll pass that out to you. It shows that a valuable  
13 wildlife corridor that comes up from the Central  
14 Mountain Intercoastal Range all the way up through  
15 Mount Diablo is sitting squarely across the Tesla  
16 expansion property. There's no way you can mitigate  
17 for all of that with what use here.

18 Granted that you could take a piece of land like  
19 Hollister Hills -- which I have seen and which I agree  
20 is better -- and you can make a nice park out of it.  
21 What I've been told is that what you need for a good  
22 OHV park is hills and curves and changes of scenery so  
23 that the riding is interesting. There are many, many  
24 pieces of land that meet those criteria.

25 There is one piece of land that is a major

1 corridor that is an interface between the  
2 desert-oriented ecosystem of our whole southeast desert  
3 area we all recognize and up through the San Joaquin  
4 Valley to this point. When it comes to looking at  
5 climate change, these kinds of interfaces are very  
6 interesting and very informative for telling us what's  
7 going to happen to our planet.

8 I do not think that this current program EIR is  
9 in any way adequate to the situation that we're looking  
10 at. The major tenets of the plan are being set now,  
11 not later, not in detailed planning as the woman a  
12 couple of people ago said.

13 I think that you're not -- ignoring cumulative  
14 impacts. It's inadequate. I ask you not to approve  
15 it. Give us a better one.

16 COUNSEL TOBIAS: Mr. Chairman, may I ask a  
17 question?

18 CHAIR CABRAL: Yes.

19 COUNSEL TOBIAS: Ma'am, what's the source of  
20 this map?

21 LESLEY HUNT: It's my understanding that it came  
22 from the BAOSC, Bay Area Open Space Council, study that  
23 was done. I think there is a consultant's name on it.

24 COUNSEL TOBIAS: Okay. Thank you.

25 CHAIR CABRAL: Next, we have Terry, then

1 Stephanie Byous and then Bruce Jensen.

2 TERRY ROSSOW: Good morning, Commissioners. I'm  
3 Terry Rossow from Livermore, also the leader of the  
4 Royal (Inaudible) Zone 3 Creeks-to-Bay Creek Cleanup  
5 trying to protect the water quality that flows  
6 downstream.

7 I don't own Carnegie. The people of the State  
8 of California own Carnegie, and the State Parks  
9 Department is holding that property in the public  
10 trust.

11 I oppose the use of Tesla for off-highway motor  
12 vehicle recreation. I seriously question how such  
13 vehicle use on dirt trails on steep slopes feet above  
14 watercourses can be considered compatible with  
15 protection of water quality and preservation of the  
16 site for future use as a public trust.

17 One need only observe the quality of water  
18 flowing out of the existing off-highway vehicle area to  
19 see the impact of such usage.

20 I request the rejection of the Final  
21 Environmental Impact Report. Thank you.

22 CHAIR CABRAL: Thank you.

23 Stephanie, followed by Bruce Jensen and then  
24 Sandra -- and, I'm sorry, I can't read the last name  
25 completely. Sandra Gragroth -- something Roth.



1 concerns with that document with respect to county  
2 policy and the quality of the environmental assessment  
3 contained within the EIR.

4 Our comments covered many areas of concern.  
5 Among them was piecemealing of project impacts by  
6 glossing over and deferring them using the guise of a  
7 program EIR. We're aware that prior incarnations of  
8 this plan involved specific and detailed project  
9 components and suspect that these components are  
10 probably still on the shelf awaiting being dusted off.

11 We're also concerned with the approach assuming  
12 that existing practice and recreation would be adequate  
13 to contain environmental impacts, rather than using  
14 solid analysis and identification of specific adverse  
15 impacts.

16 There is evidence that current practice and  
17 regulation on the existing Carnegie property is  
18 inadequate to the task of mitigating impacts, so the  
19 track record of this concept is questionable at best.

20 We're concerned that the approach taken to  
21 assess the impacts on the agriculture, aesthetics,  
22 climate change, cultural resources, biological  
23 resources and traffic, both from a county policy  
24 perspective and a practical perspective, were  
25 questionable or lacking.





1 of the Livermore Heritage Guild.

2 And I have a letter to present to the  
3 Commissioners today concerning our position on the  
4 plan. We're a local historical society since 1973  
5 preserving our heritage and history of Livermore.  
6 We're opposed to the Off-Highway Vehicle road --  
7 Recreation Division's plan to open the Alameda-Tesla  
8 Expansion to off-road vehicles because the plan would  
9 damage the irreplaceable cultural and natural resources  
10 that comprise the Tesla landscape.

11 Unfortunately, the Draft EIR response did not  
12 resolve our issues, rather they reinforced the OHV  
13 recreation as incompatible with other levels of  
14 protection required for our resources.

15 Livermore Heritage Guild submitted a detailed  
16 comment to the preliminary General Plan and draft  
17 environmental report, the DFEIR that was prepared for  
18 the Carnegie State Vehicle Recreation Area. Our  
19 comment letter was incorporated into the Draft  
20 Environmental Impact Report as letter 021 responded to  
21 7-93 and 7-94. Most of the responses were inadequate,  
22 as what the folks here have stated here today.

23 We recognize that the Draft FEIR removes the  
24 entrance facilities on the west end of the Tesla area  
25 nearest Livermore; however, the LRA designation still

1 allows off-road vehicle trails, which then make the LRA  
2 rather vague and unenforceable.

3 We are especially and remain very concerned  
4 about the failure of the Draft FEIR to document the  
5 Tesla mining and historical district boundaries and  
6 impacts for the proposed project plan. The FEIR does  
7 not address why the application for the National  
8 Register of Historic Places recognition approved by the  
9 State Office of Historic Preservation on December 7th,  
10 2012, has still not been submitted by the OHMVR to the  
11 National Parks Service. The FEIR addresses this lapse,  
12 please.

13 The FEIR is deliberate in stating that the OHMVR  
14 does not believe it is subject to the National  
15 Preservation Act at this time. The implications of  
16 this statement are troubling to us because we expect  
17 units of the government within the same district of the  
18 Parks Department to apply the same highest resource  
19 protection.

20 In closing, we request that the OHMVR Commission  
21 not certify and approve the proposed General Plan or  
22 the Final EIR for Carnegie SVRA. The Tesla Expansion  
23 Area is not appropriate for OHV use. The expansion  
24 should be designated as a sensitive area to provide, in  
25 the Public Resources Code, other viable preservation

1 alternatives.

2 We ask the OHMVR Division work with local  
3 agencies and the community to ensure that the Tesla  
4 Parkland is permanently reserved with no OHV use.  
5 Thank you.

6 CHAIR CABRAL: Thank you.

7 Scott Brooks, followed -- wait a second, I'm  
8 sorry. Dean Stanford was first, then Scott Brooks.

9 DEAN STANFORD: Good morning. My name is Dean  
10 Stanford. I'm a design engineer at Tesla Motors.

11 First, I'd like to point out that some time in  
12 the future the developing vehicle technologies will  
13 eliminate the noise and emissions. Obviously Tesla has  
14 proven that I think.

15 I think we need this expansion for the popular  
16 and growing sport. I'd get my kids out there and do  
17 it, but it's too far. Basically I'm too busy.

18 But we need these areas. I think you should  
19 approve the plan. I think if others want a different  
20 type of park and the neighbors are concerned, they  
21 should approach the neighbors to donate land for their  
22 park. So thank you.

23 CHAIR CABRAL: Thank you.

24 Scott Brooks, followed by Diane Mead and Nancy  
25 Wenninger.



1 opposition to the intended designated use of Carnegie  
2 SVRA. We support OHV use of state OHV designated and  
3 purchased lands, and we advocate expanded opportunities  
4 for four-by-four use.

5 We believe that the work done on the Draft EIR  
6 has been thorough, that it has been exemplary and that  
7 forward process is long overdue. Accordingly, we  
8 support the approval of the draft Final EIR.

9 On a personal note, living in Livermore, I would  
10 appreciate the increased availability of four-by-four  
11 opportunities that this would provide. Currently it's  
12 necessary for me to drive over two hours to take  
13 advantage of those opportunities elsewhere. So this  
14 would be a benefit to me, to my family particularly,  
15 but I think there are many, many others who would  
16 benefit from it as well.

17 So, again, thank you for your time. Thank you  
18 for your hard work, and we encourage you to approve  
19 this report.

20 CHAIR CABRAL: Thank you.

21 Diana Mead, then Nancy Wenninger, then Juan  
22 Pablo Galván.

23 DIANA MEAD: I have printed for each of you the  
24 mission statement for Off-Highway Vehicle Recreation  
25 Division as well as the mandates for State Parks that

1 the OHMVR Division must meet as well. This is meant as  
2 a gentle reminder.

3 We are debating the expansion of a state  
4 facility, property that was explicitly acquired for  
5 this purpose. There were no hidden agendas. The  
6 programmatic EIR allows for and, in fact, requires  
7 future review of all projects along with the requisite  
8 public comment. You've heard this all before.

9 We, the stakeholders in this project, thank you  
10 for once again giving us the opportunity to address  
11 you. Although when we refer to all who address you as  
12 stakeholders, I take issue with that. Stakeholders  
13 have many synonyms, among them investor, shareholder,  
14 interested party. These are powerful words and clearly  
15 apply to those of us who will benefit from the  
16 expansion and those who are adjacent landowners.

17 While I can understand how adjacent landowners  
18 might object to the OHV expansion despite their having  
19 acknowledged the purpose of the purchase in writing  
20 years ago, these people will not change their minds.  
21 However, I would anticipate others who have a vested  
22 interest would understand that by mandate, the OHMVR  
23 Division is charged with expanding and maintaining OHV  
24 opportunities, especially ones that qualify for an  
25 urban park, as this one does. When will they hear that

1 no OHV is not an option?

2 I would take these stakeholders more seriously  
3 if they sought to have input into the plan  
4 acknowledging that OHV can work with other outdoor  
5 recreation, but this is not the case. Irregardless,  
6 they have an equal opportunity to speak out, to come  
7 early and to skew the audience texture.

8 I have heard derisive laughter over some of the  
9 passionate comments of expansion supporters. I have  
10 heard of political pressures being placed on our state  
11 representatives.

12 We may not have the resources or connections of  
13 many of our adversaries. This does not mean the plan  
14 for this expansion is not well thought out and  
15 considered, nor does it mean we are less deserving of  
16 our recreation than you are, whether that be bird  
17 watching, hiking, wine tasting or elk hunting.

18 Our community thanks you for continuing to hear  
19 our voice and giving us opportunities to speak.  
20 However, we are frustrated and tired of the half-truths  
21 and elitism of our adversaries.

22 We need the State to move forward with this  
23 expansion, braving the inevitable objection of an  
24 influential few.

25 CHAIR CABRAL: Thank you.

1 Nancy, then followed by Juan Pablo Galván and  
2 then Josh Shapiro.

3 NANCY WENNINGER: Good morning, Commissioners.  
4 Thank you for the opportunity to speak. My name is  
5 Nancy Wenninger.

6 And I'm speaking as the conservation chair of  
7 the Mount Diablo Audubon Society. On behalf of more  
8 than 400 members, I urge you not to certify and approve  
9 the General Plan or the Final EIR for Carnegie State  
10 Vehicular Recreation Area.

11 These documents do not adequately address the  
12 significant impacts of the proposed project on a wide  
13 range of sensitive wildlife and plant species, many of  
14 which are threatened, rare and endangered.

15 One example is the golden eagle. The Altamont  
16 hills area of the Diablo Range is an important bird  
17 area, which contains one of the densest concentrations  
18 of golden eagles in North America. Tesla's grasslands  
19 provide important forage for the eagles. The species  
20 map included in the DEIR clearly shows their abundance  
21 throughout the proposed expansion area and their  
22 complete absence within the existing Carnegie SVRA.

23 OHV use is fundamentally incompatible with the  
24 rich biological and cultural resources on the Tesla  
25 site. Low impact, passive recreation is a much more



1 appropriate use. It's an alternative which was not  
2 given adequate consideration from the outset in this  
3 CEQA process.

4 It seems project proponents are determined to  
5 ignore the significant issues being raised by members  
6 of the community and to move forward with the project  
7 as planned without an adequate assessment of its  
8 impacts or appropriate mitigation for those impacts.

9 Viable alternatives exist. We urge you to work  
10 with the local agencies and the communities to find a  
11 solution that ensures that Tesla is permanently  
12 protected, now and for future generations. Thank you  
13 for your consideration.

14 CHAIR CABRAL: Thank you.

15 Juan Pablo, followed by Josh Shapiro, then  
16 Jennifer Spence.

17 JUAN PABLO GALVÁN: Good afternoon. My name is  
18 Juan Pablo Galván, and I am the (Inaudible) for the  
19 nonprofit conservation organization, Save Mount Diablo.  
20 We include more than 8,000 donors and supporters.

21 We have worked closely and collaboratively with  
22 the Department of Parks and Recreation for 44 years.  
23 Save Mount Diablo is adamantly opposed to the expansion  
24 of off-road use into Tesla. The area should be fully  
25 protected open space, and we are willing to work with

1 others to fund this appropriate and feasible use.

2 The environmental analysis performed for this  
3 project continues to be totally inadequate. We are  
4 greatly disappointed that the OHMVR Division has failed  
5 to adequately address our comments on the Draft EIR and  
6 preliminary General Plan.

7 Some of our most significant comments are that,  
8 one, opening up Tesla to off-road use would block a  
9 designated critical wildlife corridor and destroy rare  
10 listed wildlife species habitat.

11 Two, the profit environmental review is  
12 fundamentally flawed at its core because it rests on  
13 the false assumption that siting of off-road facilities  
14 can avoid impacts.

15 Three, the massive impacts across the landscape  
16 to designated trails only and limited recreation use  
17 zones in the current Carnegie off-road use area clearly  
18 prove the zoning of facility siting are useless when it  
19 comes to avoiding impacts. This is evident in the  
20 satellite images taken in the spring of 2014 that are  
21 included in the comment letter that should have been  
22 just passed out to you.

23 Five, the entire review process must start from  
24 scratch and actually avoid impacts or adequately  
25 mitigate for the impacts that have occurred or would

1 occur at this site.

2 Six, an examination of CEQA guidelines, funding  
3 sources and ownership records makes it clear that there  
4 is no reason to exclude a non-motorized recreation  
5 alternative for Tesla from consideration.

6 Seven, State Parks' own data show that  
7 protecting Tesla's open space with limited  
8 non-motorized recreation would yield much greater  
9 benefits than opening it up for abuse due to a steep  
10 decline in public interest and engagement in motorized  
11 off-road activities, a high demand for and engagement  
12 in non-motorized recreational activities and  
13 significantly higher revenue to be gained by increasing  
14 the availability of non-motorized recreation.

15 None of these comments were adequately addressed  
16 in the Final EIR. As such, we request that the  
17 Commission not certify or approve the proposed EIR or  
18 General Plan respectively.

19 The Division should work with local agencies and  
20 communities to ensure that Tesla is permanently  
21 preserved with no off-road vehicle use.

22 State Parks is going through a period of  
23 tremendous exchange and reinvention. To propose a  
24 project of this size with such massive impacts as this  
25 one is shortsighted. Thank you.

1 CHAIR CABRAL: Thank you.

2 Next, Josh Shapiro, followed by Jennifer Spence  
3 and then Roger Brown.

4 Josh? Okay. I'm going to pass on that and go  
5 to the next one in line. So Jennifer, then Roger  
6 Brown, then Marilyn Russell.

7 JENNIFER SPENCE: Good afternoon, Commissioners.  
8 I'm Jennifer Spence. I'm a board member of the Society  
9 of American Indians in Livermore since 2013 and have  
10 been a representative of this issue throughout the  
11 process. We appreciate the opportunity to be heard.

12 The Society of American Indians is a nonprofit  
13 organization that provides services and outreach to the  
14 Native American community in the Tri-Valley area. Our  
15 main purpose is to preserve and carry on the cultural  
16 traditions of all indigenous tribes.

17 From the information provided to us so far,  
18 there are burial sites and many sacred sites on the  
19 Tesla Park area where worship is said to have taken  
20 place, as well as also being meeting places for many  
21 tribes in the area. In addition to this archeological  
22 data, there are artifacts dating back to historic  
23 times, as well as culturally significant sites directly  
24 related to at least ten tribes so far identified on the  
25 Tesla land.



1 many voices against expansion there is only one voice  
2 saying that the expansion into Tesla will cause  
3 irreversible damage, not only to your important Native  
4 American sites but also to many natural and ecological  
5 resources.

6 We are asking for your action in opposing the  
7 approval of this FEIR.

8 May I add that no one has contacted our  
9 organization about this issue. We met with tribal  
10 elders last year, and none have been contacted. Many  
11 of us would prefer this plan not be open on any level.  
12 We recognize that may not be a possibility.

13 If this land must be opened, we emphasize that  
14 it only be permanently preserved with non-motorized  
15 conditions. We respect that people enjoy this hobby,  
16 but this is not the place to expand that hobby.

17 We also understand that OHV ridership is  
18 diminishing in this area, so I leave you with one  
19 question, why is 1500 acres not enough? Thank you.

20 CHAIR CABRAL: Thank you.

21 Marilyn Russell, followed by Carin High.

22 I'm sorry, Roger. You were next.

23 ROGER BROWN: That's okay. You're doing a great  
24 job.

25 I'm Roger Brown. I'm representing the Tesla

1 Road Residents Alliance.

2 I've lived out here on Tesla Road about 45  
3 years. I've got this park right in front of me in my  
4 front yard, and the thought of 5,000 motorcycles on the  
5 ground in my front yard is disturbing, to say the  
6 least.

7 So I do recommend you reject this report. It's  
8 just not -- it's just not the right kind of activity  
9 for a residential area. It needs to be someplace else.

10 And I do recognize they need a place to run. I  
11 hope you're right about them reducing the noise on  
12 these vehicles in the future. It may or may not  
13 happen, who knows.

14 I also have submitted reports. Also, I should  
15 mention that somebody falsely stated that we were  
16 notified in writing about the expansion of this park.  
17 I've been here for over 45 years. I've never been  
18 contacted by anybody from the State Parks.

19 But, thanks, appreciate it.

20 CHAIR CABRAL: Thank you.

21 Marilyn, followed by Carin High and then Dave  
22 Wright.

23 MARILYN RUSSELL: Almost good afternoon, Members  
24 of the Commission. Thank you for allowing us all to  
25 give our impressions of this process.





1 I better get to the topic.

2 The most important thing to me is I've sent out  
3 a copy of a letter sent to State Parks Director Lisa  
4 Mangat from 16 ranching families in the area. There  
5 has been misinformation communicated I think from  
6 Carnegie SVRA that no ranchers oppose this expansion.

7 This letter supports and confirms the opposition  
8 of these ranching families to the expansion of Carnegie  
9 SVRA into the Alameda County Tesla area. These are  
10 ranchers who are directly affected, and particularly  
11 the big parking area up on the main ridge will have, I  
12 think, a tremendous impact on their way of life in  
13 terms of noise, dust, dogs, et cetera.

14 The names of those ranchers -- and they also,  
15 many of them, had to work today -- Rusty Rose; Mark and  
16 Debbie Rose and their family; Kathryn Santos; Robert  
17 and Deanna Holm; Mark Connolly, who has spoken earlier,  
18 very eloquently today; Thomas Gallo; Catherine Yung;  
19 Dolores Andrade; Diana and John Campagna, who are  
20 running their ranch today; Cornelius Frydehdal; Leo  
21 Murray; Marilyn and Charles Foscolina; Robert Jeffers;  
22 Dan Sachau; Darrel and Karen Sweet; Robert Vieira and  
23 Hugh Walker.

24 (Three-minute digital tone warning.)

25 MARILYN RUSSELL: They represent

1 multi-generational stewardship of this land, and we  
2 oppose the expansion.

3 CHAIR CABRAL: Thank you.

4 Carin High, followed by Dave Wright.

5 CARIN HIGH: Good morning, Commissioners. Thank  
6 you for your time and for hanging in there.

7 I may get lost because I've been trying to edit  
8 as people have been speaking. I represent the Ohlone  
9 Audubon Society and the Citizens Committee to Complete  
10 the Refuge. We've been commenting throughout this  
11 process. And our consultant, Richard Grasseti,  
12 commented on the DEIR and its many inadequacies and  
13 fatal flaws. And we are submitting into the record  
14 comments on the responsiveness or lack thereof of the  
15 FEIR.

16 The question today is not whether I want to see  
17 Carnegie implement OHV expansion or not. The question  
18 is whether or not the Final Environmental Impact Report  
19 draft is adequate and meets the steward standards. And  
20 our review of this document is that it does not.

21 And I know what a programmatic EIR is. I've  
22 worked on EIRs -- I've reviewed them for 20 years, and  
23 our consultant has extensive expertise in this area.

24 Trying to go through and just edit what I'm  
25 saying. One of the things that I heard repeatedly was

1 that we're reducing the acreage or the footprint of OHV  
2 use, and that's commendable.

3 I want to remind everybody -- I'm sure you all  
4 know -- that these impacts extend beyond the footprint  
5 of the OHV trails, and so there's impacts of noise and  
6 just human disturbance, but there's also fragmentation  
7 of habitat and destruction of movement corridors, and  
8 that's important to take into consideration.

9 Resource agencies have commented in their  
10 previous letters about the need to mitigate for all of  
11 the existing activities on the existing footprint of  
12 Carnegie OHV use.

13 And so my question is what mitigations have been  
14 implemented to date for impacts to waters of U.S.,  
15 waters of the state and federal and state listed  
16 species and -- aside from what has resulted from  
17 enforcement actions?

18 Has an incidental take permit ever been obtained  
19 for the overall existing SVRA activities?

20 It's evident from the habitat monitoring  
21 reports -- and we're happy to see them when we do --  
22 that there are significant differences that exist  
23 between OHV use areas and control areas and that there  
24 are differences in individual species occurrences and  
25 in the composition of species assemblages, the groups

1 of species that use the area.

2 So it's hard to understand how there could not  
3 be significant impacts to biological resources,  
4 especially since the entirety of the site is within  
5 California red-legged frog critical habitat, and most  
6 of it is Alameda whipsnake habitat.

7 I will conclude by saying please do not at this  
8 time certify the FEIR. It's fatally flawed. Thank  
9 you.

10 CHAIR CABRAL: Thank you.

11 We're running up against the clock. Dave, can I  
12 have you come in after our lunch break? Thank you.

13 We need to take a break for lunch to be able to  
14 be on your schedule for our non-agenda items. That's  
15 critical.

16 We also have a Commissioner here that has a  
17 situation he needs to explain.

18 COMMISSIONER MURPHY: Ladies and gentlemen, I  
19 have to ask that you excuse me for the rest of the day.  
20 I have a family emergency I need to get to. So I'll  
21 try to get caught up with everybody tonight after the  
22 end of the meeting, but I'll need to be excused for the  
23 rest of the day. Thank you.

24 CHAIR CABRAL: I hope everything works out  
25 there. Thanks, Kevin.

1 Okay. We're going to reconvene -- we are going  
2 to take a recess now for lunch. We will reconvene at  
3 12:30. It's now 12:16. So hopefully we'll see you all  
4 back here, and we will continue this process. I'm  
5 sorry, 1:30.

6 (Returned at 1:33 from lunch starting at 12:18 p.m.)

7 //

8 (Agenda Item (3)(a) heard by the Commission is not  
9 included within this transcript.)

10 //

11 **AGENDA ITEM VI - BUSINESS ITEM - Continued**

12 **(A) - Public hearing on the Carnegie SVRA General Plan**

13 **Proposed Final Environmental Impact Report**

14 CHAIR CABRAL: So what we're going to do is  
15 we're going to switch gears and go back to the agenda  
16 item. So we're going to go back to the public comment  
17 on the Carnegie SVRA General Plan and the Final  
18 Environmental Impact Report.

19 So the next person up was Dave Wright, and I  
20 hear he -- I've been told he has a substitute with  
21 Chris Real to speak for Nick Haris. Is that correct?  
22 So we have Chris Real coming up, followed by Chris  
23 Cameron and then Michelle Andersen.

24 CHRIS REAL: Thank you, Ladies and Gentlemen.  
25 Chris Real speaking on behalf of Nick Haris, the

1 American Motorcyclist Association.

2 Nick has prepared a letter that is fairly brief  
3 and I just want to present for the record:

4 "Dear Chairman Cabral and Fellow  
5 Commissioners and Members of the OHV  
6 Commission, the Carnegie SVRA General  
7 Plan and proposed Final Environmental  
8 Impact Report before you represents  
9 the culmination of decades of false  
10 starts and long overdue promises. It  
11 is important that these expansion  
12 properties were purchased nearly 20  
13 years ago exclusively using OHV Trust  
14 Fund monies.

15 "Any attempt to classify the  
16 current planning process as an  
17 opportunity to determine if motorized  
18 recreation will be allowed into these  
19 lands is misleading and disingenuous.  
20 The purchase of the 3100 acres of  
21 adjacent land was done specifically  
22 to provide expanded off-highway  
23 vehicle recreation opportunities and  
24 was reviewed and approved by the  
25 state legislature at the time.

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"The OHV community has long enjoyed this important SVRA, which has been part of the California State Parks system since 1980 when the site was purchased by the California Department of Parks and Recreation. Prior to that, the 1500-plus acres were privately owned and enjoyed by generations of motorized recreationists, including a period when it was operated as a private motorcycle park. Members of the public wishing to restrict or prohibit OHV recreation were heard from by the legislature at the time of the purchase and should not be allowed to mislead the Commission regarding this matter.

"This project complies with the existing statutes that direct California State Parks to implement and administer a program to manage and enhance off-highway motor vehicle recreational use. This plan will not only meet the increasing regional

1 demand for quality and sustainable  
2 OHV recreation but also will provide  
3 new opportunities for increased  
4 popular touring and that back-country  
5 type experiences for larger vehicles.

6 "The AMA urges you to support  
7 this important project. Should you  
8 have any questions, please do not  
9 hesitate to contact me directly.

10 Respectfully, Nicholas Haris, Western  
11 States Representative, American  
12 Motorcyclist Association."

13 Thank you.

14 CHAIR CABRAL: Chris Cameron, followed by  
15 Michelle Andersen and then Sky Lovitt.

16 CHRIS CAMERON: Good afternoon, Commissioners.  
17 My name is Chris Cameron, a Livermore, California  
18 resident, longtime Carnegie advocate, been going out  
19 there for 46 years.

20 My father actually was one of the original  
21 owners before the State bought it. I am a third  
22 generation motorcycle rider. I also have kids, six  
23 kids, that frequent the park since I've been bringing  
24 them out there.

25 I'd like to give praise to the staff as far as



1 all of the environmental reports that have come  
2 through. And being out there for 46 years, I  
3 definitely see a big improvement as far as what's going  
4 on as far as with the land being sustainable, as far as  
5 the trails and things like that.

6 One of the biggest things that we have as far as  
7 motorcyclists out there and OHV is now -- way back when  
8 we'd have 200 riders on a weekend back in the '70s, and  
9 now it's more like 2,000.

10 That being said, we had actually 1600 acres to  
11 ride. Now most of it has been closed for restoration,  
12 which I believe in and the process. Just due to the  
13 fact to actually have more riders going out there  
14 during this time and less trails to ride on and I just  
15 find it just impossible for us to sustain that much  
16 land as far as in a closure capacity.

17 One of the things I'd like to bring up is  
18 actually motorcyclists as far as in general and OHV,  
19 with ATVs included and four-wheel drives, it's  
20 actually -- I disagree with some of the comments that  
21 were made earlier. It's actually grown. So as far as  
22 people saying that it's a sport that's not so, you  
23 know, visited, I definitely disagree with that, and I  
24 think the parks would show as far as the folks that are  
25 coming there on a yearly basis. It's fun. It's a

1 great sport. It's something that we love to do. I  
2 think it's something that we can all get along and find  
3 something sustainable.

4 And, once again, in conclusion, I appreciate you  
5 guys coming here and us being able to voice our  
6 comments and appreciate everything you guys can do to  
7 support our expansion for this park. Thank you very  
8 much.

9 CHAIR CABRAL: Thank you.

10 Michelle Anderson, followed by Sky Lovill and  
11 Kevin Wiseman. Michelle? I'm going to go back to  
12 Michelle at the end of this.

13 Sky, Kevin Wiseman and then we have Paul  
14 Wolfson.

15 SKY LOVILL: Hello. And, first of all, please  
16 excuse me for the computer. I am from the Millennial  
17 generation.

18 Anyhow, my name is Sky Lovill. I'm a graduate  
19 student in geohydrology and geomorphology at UC  
20 Berkeley now, after getting my bachelor's degree in  
21 environmental earth science at UC Berkeley in 2012.

22 Today, I'm presenting maps that show the  
23 ecological territory that the golden eagle use. These  
24 maps clearly show that there are three golden eagle  
25 home ranges within the proposed Tesla OHV site.

1 The map also shows that there are currently no  
2 golden eagle nesting locations or habitat within the  
3 existing Carnegie SVRA area. This is likely because of  
4 the loss of habitat due to the loss of prey. Ground  
5 squirrels and other burrowing animals are the main prey  
6 of the golden eagles in this region.

7 These burrowing animals are very sensitive to  
8 noise and obviously need to be able to burrow. They  
9 typically burrow and nest beneath the topsoil. OHV  
10 roads compress soil and create noise, removing their  
11 habitat, which results in a loss of prey and therefore  
12 a loss of habitats for golden eagles.

13 Additionally, when OHV roads are put in and  
14 cattle grazing is removed from the area, this further  
15 reduces burrowing animal habitat by increasing the  
16 amount of taller grasses, which the burrowing animals  
17 do not like.

18 The EIR does not properly report this loss of  
19 prey habitat. Instead, the EIR essentially states that  
20 wildlife would be able to move through the area at  
21 night ignoring this destruction of habitat.

22 HMS surveys within the proposed expansion site  
23 have shown the golden eagles to be currently inhabiting  
24 all types of habitat within the proposed region,  
25 including blue oak, coastal sage scrub, glassland,

1 riparian and native plants, meaning that golden eagles  
2 use this entire land and that any area impacted by the  
3 proposed OHV site will greatly impact golden eagles.

4 In comparison, the HMS surveys within the  
5 Carnegie OHV area record next to no golden eagle  
6 observation.

7 Lastly, the wind farms put on the Altamont Pass  
8 have already impacted golden eagles in this region.  
9 And OHV expansion into the Tesla area south of the  
10 Altamont Pass deepen this impact.

11 In summary, if approved, the proposed Tesla  
12 Expansion Area will likely remove golden eagle habitat  
13 and foraging ground and will likely result in the  
14 removal of golden eagles from this area over time.

15 For this, and for many other reasons presented  
16 by speakers before me, I strongly oppose the expansion  
17 of OHVs into the Tesla area. Thank you.

18 CHAIR CABRAL: Thank you.

19 Kevin Wiseman, followed by Paul Wolfson and then  
20 Nancy Bankhead.

21 CELESTE GARAMENDI SPEAKING FOR KEVIN WISEMAN:  
22 Thank you very much. I'm obviously not Kevin, but he  
23 had to leave. And a letter is going around from him,  
24 and I am just here to present that letter.

25 Kevin Wiseman was engaged by Friends of Tesla

1 Park to evaluate the Alameda whipsnake and other listed  
2 reptile species. All -- almost all of the Alameda  
3 purchase and Tesla purchase area is critical --  
4 designated critical habitat for Alameda whipsnake, as  
5 it is for California red-legged frog.

6 The letter that you're receiving is a summary of  
7 the response from Mr. Wiseman to his Draft EIR comments  
8 regarding the Alameda whipsnake, and I'll just read the  
9 summary.

10 "The conclusion of the Draft  
11 Final EIR that the impacts of the  
12 proposed project to Alameda  
13 whipsnake --"

14 Which is a threatened species, and Tesla and the  
15 expansion area holds designated critical habitat, which  
16 has significance.

17 The conclusion that it is less significant and  
18 no mitigation is required is not supported based upon  
19 the wealth of scientific information and literature,  
20 the lack of abundance in distribution of the data that  
21 has been collected by Carnegie, the inadequate  
22 avoidance mechanism and minimization measures contained  
23 within the EIR and the failure to recognize the need to  
24 preserve core habitat connectivity.

25 You've heard about some of these issues in terms

1 of the fragmentation of habitat caused by OHV use. The  
2 EIR does not evaluate any of these issues that are  
3 critical to the continued presence, abundance and  
4 survival of the Alameda whipsnake within the area.

5 Based upon the analysis, which is extensive and  
6 included in this letter, Mr. Wiseman concludes that  
7 there will be significant adverse impacts from the  
8 project on Alameda whipsnake.

9 And he calls upon the Commission to not certify  
10 the EIR and rather to follow the recommendations of the  
11 California Department of Fish and Wildlife and the U.S.  
12 Fish and Wildlife Service, which has identified since  
13 approximately 2000 that Carnegie SVRA should seek an  
14 incidental take permit for the entire operation and set  
15 aside and designate the Alameda-Tesla purchase for  
16 compensatory mitigation for the ongoing impact to the  
17 environment that occurs at Carnegie. Thank you very  
18 much.

19 CHAIR CABRAL: Thank you.

20 Paul, followed by Nancy Bankhead and then Kelly  
21 Smith.

22 PAUL WOLFSON: Good afternoon. Thanks for  
23 having us today. My name is Paul Wolfson.

24 I'm a 25-year resident of Livermore. I'm a  
25 third-generation rider. My son, John, is a

1 fourth-generation rider.

2 We support the expansion to the fullest. We,  
3 the riding community, would ask that we are looked at  
4 as good people. It seems like a lot of the  
5 conversation goes around that we are out to not  
6 educate, not address issues associated with a new park,  
7 and that's far from the truth.

8 If there are things out there that are important  
9 to people, we also acknowledge that. We can use this  
10 as an education factor. We're not hunters. We're  
11 riders.

12 We talk about, you know, wildlife that might be  
13 impacted. We ride motorcycles. We don't hunt. We're  
14 not out there to kill anything. We actually embrace  
15 it. So most people that ride motorcycles are  
16 outdoorsman. It's a nice thing to observe.

17 We, the off-road community, understand that we  
18 must adjust, which we do. We understand that change is  
19 inevitable. It's something that we must do to progress  
20 in this sport.

21 I would like to commend Randy and his team for  
22 the hard work, the adjustments, interacting with the  
23 communities and the riders. Sometimes change isn't  
24 fun. We, the riders, understand that that is part of  
25 what we need to do. Life isn't easy. This isn't going

1 to be easy, so we embrace it.

2 One of the biggest things that I don't think  
3 anybody has touched bases on is we kind of owe it to  
4 future generations what we leave behind. This park,  
5 this expansion, teaches youth commitment, discipline,  
6 provides a positive environment. These kids are off  
7 the streets doing the right things, positive influence.  
8 So I kind of feel it does have a place for the  
9 community and the kids.

10 Somebody touched bases on more space equals less  
11 impact; I fully agree. In today's world, what isn't  
12 impacted, freeways, baseball parks? Does that mean we  
13 put our heads in the ground? Probably not. You know,  
14 my philosophy is we adapt. We implement, and we  
15 overcome and move forward.

16 Carnegie has had some of the best riders  
17 documented in the world. In the '80s -- in the '70s,  
18 Roger DeCoster; in the '80s, you had Brett Lackey; the  
19 2000s, you had Pete Krunich; 2010, you have Petey  
20 Krunich, you have Casey Martinez; those types of people  
21 that have been through that park to train, to kind of  
22 live out their life dreams. Where else could we go?

23 My son is 11 years old, has a -- how do I say  
24 this -- values those people that were discussed. He's  
25 not -- he's not a fisherman. He's not a snow skier.



1 We ride motorcycles --

2 (Three-minute digital tone warning.)

3 PAUL WOLFSON: -- and Carnegie is a place we've  
4 learned. Thank you for your time.

5 CHAIR CABRAL: Thank you. I appreciate it.

6 Nancy, followed by Kelly Smith and then Randy  
7 Holt.

8 NANCY BANKHEAD: Hello. I went on the tour  
9 yesterday, and I was sorry that more people didn't show  
10 up. Everybody -- or a few of the people I talked to  
11 said, "We know. We know what's going on out there."

12 I think there's a lot of new stuff that's gone  
13 out in the last three years that people in the  
14 environment don't know what's going on.

15 If a private person owned Tesla, who owned it  
16 before you guys bought it, the mine dumps would still  
17 be there. You guys are putting compost on it, throwing  
18 on the blue rye grass and the native grasses to bring  
19 that back, so it's not going into the creek.

20 I've heard people say, "I want it to go away."  
21 It's there. The barn door is open. You can't make it  
22 go away. So let's get something together where  
23 everybody is working together.

24 I mean as a neighbor to this property, the park  
25 has embraced me, has helped me, has said, "You don't

1 want us parking four-wheel drives there. Well, maybe  
2 there's other reasons there that we don't want them  
3 there, too. So we're not going to park trucks there,  
4 four-wheel drives on that property, because it's close  
5 to Tesla and we don't want to hurt the environment  
6 there."

7 It's workable. But everybody is, "I want to  
8 ride my motorcycle there." "I want to have the  
9 environment all pristine." You can't everything.  
10 Everybody has to got to work together to make this a  
11 great area -- as I learned you're not a park, you're an  
12 area yesterday. I learned a hundred things yesterday  
13 and thoroughly thank you. Thank you.

14 CHAIR CABRAL: Thank you.

15 Kelly Smith, followed by Randy Holt and then  
16 James Watson.

17 KELLY SMITH: Good afternoon. Kelly Smith. I'm  
18 speaking representing Sprawled Out, a small  
19 environmental group that opposes the approval of the  
20 EIR and the General Plan.

21 But before I get into why, I would like to  
22 commend your efforts and the Department and the  
23 responsible riders and so forth for recognizing the  
24 difficulties of accommodating a very intensive use upon  
25 the environment and clearly coming up with a lot of

1 innovations and results in terms of advancing how you  
2 get to achieving some accommodation.

3 I feel, however, that your General Plan and your  
4 EIR fall far short of what you need to do to get a  
5 comprehensive look at that goal at this time. This is  
6 the chance to have that comprehensive look.

7 And in particular we find fault -- and we sent a  
8 letter to this effect. It was a matter mentioned  
9 earlier. This area lies in between Mount Diablo and  
10 the Diablo Range, which is called a critical linkage of  
11 various species that come through the area, not just  
12 park in a den and stay there, get surrounded. If you  
13 happen to see them, don't run over them.

14 Bobcat; mountain lion; the American badger,  
15 which is a special species recognized; the California  
16 quail; the San Joaquin kit fox, a little tiny, very,  
17 very cute little creature that's super endangered these  
18 days because its habitat is so fragmented. It's split  
19 up. Genetically it gets isolated, and it's going to  
20 die, which is a real tragedy for endangered species,  
21 which it is.

22 We submitted the critical linkages report. This  
23 is not some slapdash effort. This is an iterative step  
24 over many, many years of comprehensively looking at  
25 where these species migrate from place to place.



1 stewardship. I know the California red-legged frog,  
2 the California tiger salamander. I actually met the  
3 frog in person. I've seen pictures of the salamander  
4 so I do know what they are. They're a threatened  
5 species. I can tell you what the ceiling is on the  
6 annual hydrocarbon releases at the lab by Carnegie,  
7 their neighbor's inside 300 and SRI, the explosives  
8 test site in contrast with the marine headlines, for  
9 example, or Hearst Castle.

10 Drive down Corral Hollow Road, the environmental  
11 impact to OHV use is obvious. You look at the  
12 hillsides. But I was hiking up above Virginia City a  
13 couple years ago and looked by the damage to the  
14 hillsides by the feral donkeys that were released when  
15 we were mining for gold in Virginia City. The damage  
16 there makes what happened to Carnegie pale in  
17 comparison, just to put that in a little bit different  
18 context.

19 So I'm not here today to throw stones, but I  
20 would encourage the Commission to contrast both the  
21 defining path -- you know, hydrocarbon release is a big  
22 one; it's fairly well-defined -- with some of the  
23 softer impacts, such as the noise and drivers behaving  
24 badly at Corral Hollow Road, and take this in  
25 comparison with the wineries, the ranchers and other

1 agricultural activities and how much they impact the  
2 same areas in very similar ways.

3 It's been shown, Swainson's hawk, which is on  
4 the threatened species list, actually preferred power  
5 poles and the cultivated fields over the wetlands that  
6 were in the San Joaquin Valley 100 years ago. So, you  
7 know, the cultivated fields -- excuse me.

8 The fragmented corridors is not a 100 percent  
9 argument. The majority of the species will adapt, some  
10 even thrive by having fragmented corridors. That's not  
11 a 100 percent argument. I just want you to keep that  
12 thought.

13 The point being -- well, anyway, let me move on.  
14 So in conclusion, these are --

15 (Three-minute digital tone warning.)

16 JAMES WATSON: -- public lands. They're under  
17 the effective stewardship of the State Parks staff. I  
18 trust this Commission to discriminate between their  
19 passion and personal interest --

20 CHAIR CABRAL: I'm sorry. I have to ask you to  
21 end.

22 JAMES WATSON: Thank you very much.

23 CHAIR CABRAL: I appreciate it. Thank you.

24 Rick Lavello, followed by Beverly Ortiz and Eric  
25 Krimm.

1 RICK LAVELLO: Good afternoon, Commissioners.  
2 I'm Rick Lavello.

3 I'm representing myself today as an individual  
4 and as an OHV enthusiast. I want to thank all of you  
5 guys for volunteering your time and doing everything  
6 that you do. And, Commissioner Slavik, I support you  
7 and hope you get reappointed to the Commission.

8 Also, I want to give some recognition to the  
9 State Parks for what they have done over at Carnegie.  
10 My first time that I was at Carnegie was back in 2012  
11 at a tour you guys did.

12 And looking at it over the last three years, all  
13 of the improvements that I see, the restoration work  
14 that's been done there is -- I believe is remarkable.  
15 Some of the pictures show that today.

16 Also, I'm fully in support of the General Plan  
17 and the environmental impact report. Over the past  
18 three years, I've actually listened to the updates as  
19 they were given, and I think it's really good. I've  
20 read it, and I think it's really true to what it is  
21 supposed to be.

22 I heard somebody -- I support the zero tolerance  
23 that they have at the park. The zero tolerance where  
24 they ban people from returning for doing restoration  
25 damage, and I also heard that they post the names on

1 social media. I thought that was interesting. I'm  
2 going to have to look into that a little more.

3 Also, I heard somebody talking about watersheds.  
4 I work with federal land managers down in the Southern  
5 California area, and I know that trying to work with  
6 watersheds is a difficult thing. Most people don't  
7 understand when it rains, it's going to wash the soil  
8 away. It doesn't matter if OHV has impacted it or not.

9 There are ways to mitigate that, and I believe  
10 that you guys have taken -- or the staff has taken  
11 every step to do that by either hardening water  
12 crossings, different type of trail constructions,  
13 et cetera.

14 Also, big thing I think would be -- is educating  
15 the public, educating the public on OHV a little bit  
16 more and OHV recreation.

17 NOHVCC, the National Off-Highway Vehicle  
18 Conservation Council, and Tread Lightly! have a lot of  
19 good, I guess, courses or different brochures and  
20 literature that you can go and educate yourself on or  
21 just go online and get educated from them.

22 And I also realize that urban interface -- I've  
23 heard a lot of people talk about urban interface. The  
24 OHV community is getting -- is not diminishing, but  
25 it's actually growing.



1 (Three-minute digital tone warning.)

2 RICK LAVELLO: And I'm running out of time, so  
3 please approve the EIR.

4 CHAIR CABRAL: Thank you.

5 Beverly, followed by Eric Krimm and then David  
6 Lunn.

7 BEVERLY ORTIZ: I'm here to read a letter on  
8 behalf of a tribal elder.

9 "Dear Commissioners, I'm writing  
10 you on behalf of more than 100  
11 members of my Ohlone, Bay Miwok and  
12 Plains Miwok family to express our  
13 continued concerns about the  
14 inadequacy of the environmental  
15 impact report study for the expansion  
16 area of Carnegie State Vehicle  
17 Recreation Area.

18 "While we were glad to learn  
19 that State Parks decided to revise  
20 the preferred concept map to  
21 eliminate the proposed entrance  
22 located at the western corner along  
23 Tesla Road, is continuing to work on  
24 ethnographic studies within Carnegie  
25 SVRA, and plans continued

1 consultation with Native American  
2 tribes and individuals with a history  
3 in the Carnegie SVRA region, after  
4 reviewing the FEIR response to my  
5 family's correspondence of June 28th,  
6 2015, regarding inadequacies in the  
7 DEIR, we remain deeply concerned that  
8 the FEIR still has not addressed our  
9 primary concerns.

10 "In particular, by continuing to  
11 frame our ancestral places in the  
12 Carnegie SVRA region as  
13 'archeological resources' rather than  
14 cultural resources within a larger  
15 sacred landscape, the FEIR proposes  
16 mitigation methods that while they  
17 may or may not protect discrete,  
18 tangible ancestral resources in the  
19 expansion area, would definitely not  
20 protect nor honor the intrinsic,  
21 intangible qualities of the most  
22 spiritually sensitive region of this  
23 sacred landscape.

24 "For instance, 'free expression  
25 or exercise' of our religion in this

1 region includes the need to conduct  
2 private prayer and ceremony at  
3 particular locales where, under the  
4 current plan, historic-era roads  
5 would enable the public to walk, ride  
6 horses, and/or ride bicycles, even if  
7 OHVs are excluded from these areas.

8 "Rather than removing the roads  
9 at these locales and rerouting the  
10 public away from this region, the  
11 FEIR indicates that since the roads  
12 are historic, 'they cannot be  
13 modified in a way that would  
14 compromise their historic integrity.'  
15 This states to us that State Parks  
16 values roads that have existed for a  
17 relatively short time in human  
18 history more than it values a rare,  
19 ancestral spiritual prayer place that  
20 has existed for millennia.

21 "To add proverbial insult to  
22 injury, the FEIR indicates that the  
23 State would keep the public who  
24 enters these areas from damaging the  
25 tangible features in them by fencing

1 off these features. Not only would  
2 such fencing further mar this sacred  
3 landscape and call greater attention  
4 to these features, it would also  
5 further constrain our ability to pray  
6 and conduct ceremony there."

7 And the audio and view-shed impacts are  
8 addressed in this letter, that they haven't been fully  
9 addressed in the FEIR. And it ends:

10 "While we understand and  
11 empathize with the public's need and  
12 desire for OHV recreational  
13 opportunities, given that sacred  
14 landscapes of this caliber are  
15 uncommon and vital to our continued  
16 existence --"

17 (Three-minute digital tone warning.)

18 BEVERLY ORTIZ: Dot, dot, dot -- please protect  
19 them in their entirety.

20 CHAIR CABRAL: Thank you.

21 Eric? Eric Krimm, followed by David Lunn and  
22 then Pete Krunich. Eric? So Eric, I'm going to put  
23 pass on you and then go to David Lunn, Pete Krunich and  
24 David Sibbet.

25 DAVID LUNN: My name is David Lunn. Good

1 afternoon, Commissioners.

2 And I wanted to thank you for volunteering and  
3 listening, and I have been listening the whole time,  
4 but I really appreciate you all for volunteering.

5 This document is so vague and really must in my  
6 opinion not be approved. You know, I can't tell  
7 exactly what will be allowed in the limited recreation  
8 areas.

9 And I was very happy to hear and I believe what  
10 I heard was that there will be no motorized trails in  
11 the far western side of the area. And if that's really  
12 what it means, no motorized trails, then I wish it was  
13 clearly stated in the document.

14 If there are no motorized trails -- and that's  
15 what people are asking for, is a classification of a  
16 type of land that would have no motorized trails and  
17 would protect the area. But if the statement that it  
18 has no motorized trails means, "Well, we might ride  
19 through it," that's unclear. And so I think, you know,  
20 the document is so vague, I really couldn't tell what  
21 it means.

22 And I would like to suggest that the State and  
23 regional parks and State Mount Diablo and have all  
24 these groups that go looking for really good land and  
25 they reject all sorts of bad land, land that may be

1 great places for off-road vehicles. And you should  
2 partner with those groups to find their rejected land  
3 and go for property that has low habitat value.

4 And the only reason I'm here is because the  
5 experts at UC Berkeley and other people say this is  
6 really a high habitat area, and this is just the wrong  
7 piece of property to buy. I'm sorry, but it is the  
8 wrong piece of property, and I think you should look  
9 for better pieces. Thank you.

10 CHAIR CABRAL: Thank you.

11 Pete, followed by David Sibbet and then David  
12 Tam.

13 PETE KRUNICH: Hi. My name is Pete Krunich,  
14 vice-president of Carnegie Forever, 18,000 people.

15 I want to thank all of you for all of your work.  
16 Carnegie has been a part of my life and my family.  
17 It -- I've raised four kids, five grandkids.

18 The staff has done a great job. They've reduced  
19 a lot of the footprint to a smaller footprint. You  
20 know, we've gone from 40 percent to three percent on a  
21 trails areas. This is a big improvement for people  
22 that are used to just riding, like they say, all over  
23 everything. We love all the animals. We want to  
24 protect the town of Tesla. We don't want to destroy  
25 it. We don't want to ride through it. We want to use

1 it as an informational area. I think our kids should  
2 learn about the park, about the factory, and in that  
3 sense they will respect it more.

4 They know about all of the animals. They know  
5 how to survive if they're out there. So I think it  
6 would be a great expansion project. It's been a long  
7 time I've been involved with this. Everybody thinks  
8 that we want to run over all of the animals and chase  
9 them down. That's a lie. We protect them. We leave a  
10 lot of space for them. Our bio filters in the creek  
11 bed are picking up a lot of turbidity.

12 So we're really doing our job, and the State is  
13 doing a great job. Thank you guys very much.

14 CHAIR CABRAL: Thank you.

15 David Sibbet, followed by David Tom and then Dee  
16 Rosario. Dave Sibbet? David Tom?

17 DAVID TAM: David Tam.

18 CHAIR CABRAL: David Tam, I'm sorry.

19 DAVID TAM: David Tam from Berkeley, a member of  
20 the Alameda County Parks Recreation and Historical  
21 Commission. I'm going to be followed by the chair of  
22 that Commission, Dionisio Rosario.

23 I got interested in this more than 25 years ago  
24 when it was part of a group of recyclers that did a  
25 countywide initiative in Alameda County to get

1 recycling going. And then Waste Management, which  
2 owned the landfill in the Altamont area, wanted to  
3 expand, and we didn't like the amount of expansion  
4 because by that time, in the early '90s, there was a  
5 state law saying that the cities and counties needed to  
6 get up to 50 percent. And we were afraid that cheap  
7 landfilling would undermine the recycling efforts on  
8 the part of many.

9           So as an outgrowth of this, there was a lawsuit  
10 that we prevailed on, and Waste Management decided to  
11 settle with us. And part of the settlement is what is  
12 now the creation of the Alameda -- or Altamont Landfill  
13 Open Space Fund. It's administered by the County,  
14 Development Agency of Alameda County, and it's raised  
15 about \$21 million of which \$10 million has already been  
16 spent. \$9 million is available in the area from  
17 Livermore east to the San Joaquin County line. And as  
18 has been mentioned in a resolution that my chair,  
19 Dionisio Rosario, is going to talk about, it's  
20 basically the sort of fund that would be available to  
21 address some of the concerns of the project proponents.

22           Small disposition, which you already heard from  
23 our attorney, Kelly Smith, is that this Environmental  
24 Impact Report and General Plan should not be improved  
25 for many of the reasons.



1 I was particularly cheered by the provision of  
2 your Commission of the wildlife corridor map on the Bay  
3 Area critical linkages. I think that's something that  
4 you need to recognize, is that your parcel sits as part  
5 of the most important wildlife corridor in Eastern  
6 Alameda County. And I believe we will get growing  
7 support for opposition to going ahead with this  
8 project. Thank you very much.

9 I did want to say that I do feel the pain of the  
10 off-highway motor vehicle people by having \$100 million  
11 borrowed and only tricklingly repaid by the government  
12 in the fiscal crisis. Recyclers lost \$2 billion, and  
13 they haven't paid us back yet. Thank you.

14 CHAIR CABRAL: Dee Rosario, followed by Dave  
15 Duffin, then Ken Clark.

16 DIONISIO ROSARIO: Good afternoon,  
17 Commissioners. My name is Dee Rosario. I'm  
18 representing -- I'm wearing two hats this afternoon,  
19 one for the Regional Parks Association. We're open  
20 space advocates in East Bay, and also I'm the chair of  
21 the Alameda County Parks, Recreation and Historic  
22 Commission.

23 Just to make matters brief --

24 (Three-minute digital tone warning.)

25 DIONISIO ROSARIO: That's too soon.

1 I'll just read the highlights from the Park  
2 Commission:

3 "The Commission opposes the DEIR  
4 as inadequate for the following  
5 reasons:

6 "The document is a program DEIR,  
7 which does not evaluate specific  
8 impacts based on actual land-use  
9 plans.

10 "Any motorized recreation would  
11 adversely impact endangered San  
12 Joaquin kit fox, mountain lions,  
13 badgers and other animals using the  
14 wildlife corridors in and around the  
15 3100-acre project area.

16 "The project would deny as  
17 usable corridor space what is  
18 essentially the keystone of a 25-mile  
19 system of pathways stretching from  
20 Mount Diablo on the north to Mount  
21 Hamilton, as described by Mac  
22 Casterman on behalf of the California  
23 Native Plant Society, and amply  
24 documented by the two in-depth  
25 reports about this area, the East

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Alameda County Conservation Strategy  
and the Bay Area Critical Linkages  
Report.

"As a long-term planning  
project, an adequate EIR should  
always analyze project alternatives  
that would consider dedication,  
easements and acquisition necessary  
to promote and assure long-term  
species connectivity through  
corridors in the areas adjacent to  
the project.

"Motorized recreation would be  
totally inappropriate in the area  
with rich biodiversity, historical  
and cultural features.

"The DEIR does not include  
analysis of any non-motorized  
recreational alternative, which has  
been called for by numerous  
commenters in earlier public  
meetings.

"By use of a program DEIR, the  
project avoids disclosure of  
potential adverse impacts on the

1 abundant cultural and historical  
2 resources in the area, as was pointed  
3 out earlier."

4 And, lastly, as was brought up by my colleague,  
5 David Tam:

6 "Ample funding administered by  
7 the Alameda County Open Space  
8 Committee that could be used to  
9 leverage additional private funds has  
10 the potential to resolve some of  
11 these issues that we face today."

12 Thank you very much.

13 CHAIR CABRAL: Thank you. Dave Duffin, followed  
14 by Ken Clarke and then Nancy Hull.

15 DAVID DUFFIN: Good afternoon, Commissioners.

16 I think we've been remiss to thank the City of  
17 Tracy for allowing this venue to be available for this  
18 particular work. Tracy is kind of like the District of  
19 Columbia for Carnegie, like this is where all of the --  
20 kind of like the big shots come from in terms of the  
21 park.

22 So having the meeting here is a real plus for  
23 the people that want to see the Environmental Impact  
24 Report approved, which we do.

25 And I represent Carnegie Forever. When a

1 lawsuit tried to close the park four years ago, it  
2 caused a tremendous reaction in the ridership. So a  
3 group of us got together, formed a 501(c)(3) nonprofit  
4 called Carnegie Forever, Inc. The idea was to promote  
5 the park and to promote the cooperative efforts between  
6 the people that use the park and the staff.

7 We cannot say enough about the work on a daily  
8 basis that has been done by these people over here. I  
9 felt so sorry listening to comments about the work  
10 that's been done by them. These people -- these people  
11 are critical to a solution, to a just and useful  
12 project for the future.

13 If you're trying to promote growth in a human  
14 being, you never stop inflating them in some way,  
15 telling them that they're doing a great job. We really  
16 appreciate, to the youngsters, what you're doing. You  
17 try to embellish the idea of success for the future.

18 If you're constantly downbeating and browbeating  
19 people who have done an incredible amount of work, it  
20 has a deleterious effect on the work that they will  
21 continue to do for the future.

22 The reason we came up with the motto "I own  
23 Carnegie" is because we want the riders, the users of  
24 the park, to consider the idea that if you own  
25 something, you will take better care of it. We're not

1 being selfish in any way whatsoever. We own Carnegie.  
2 So does everyone else in this room own it. But we're  
3 the ones that use it, and we want to take care of it  
4 and look for it in the future.

5 Future generations will appreciate the work that  
6 you have done, the work that you've done, and we  
7 appreciate the work of the Deputy Director. Thank you  
8 very much.

9 Oh, by the way, if we get rid of everyone in the  
10 valley, everyone, we'll call it the Garden of Eden.

11 CHAIR CABRAL: Thank you.

12 Ken Clarke, followed by Nancy Hull, then David  
13 Furst.

14 KEN CLARKE: Good afternoon, Commissioners. My  
15 name is Ken Clarke.

16 I represent the California Off-Road Vehicle  
17 Association, the Wandering Wheelers Jeep Club of Castro  
18 Valley and myself, a 60-year resident of Alameda  
19 County.

20 I've grown up here. I've seen the wildlife. I  
21 don't know how many of you know where Castro Valley is,  
22 but it's right on the edge of the East Bay Ridge, and  
23 it's known as the dust bowl of the East Bay because  
24 everything from the Bay Area, it blows through Castro  
25 Valley.

1 I live less than an eighth of a mile from a  
2 jewel of a lake called Lake Chabot. We have flocks of  
3 nesting and breeding bald eagles. They introduced two  
4 bald eagles. They bred. Their offspring have bred.  
5 They're surrounded by urban area. They're surrounded  
6 by air pollution, sound pollution and people and  
7 freeways. They're happy.

8 In my 60 years of living in the East Bay hills,  
9 I saw the wildlife decline in the early '60s. It's to  
10 the point today that the deer have no fear at all.  
11 They have no fear of cars, no fear of animals, dogs,  
12 people. They have been known to attack people on their  
13 front porches. So all of the environmental issues that  
14 have been brought up, there's no finding to them. The  
15 animals are going to adapt.

16 The other thing I've learned in this process as  
17 I've been going to a lot of meetings, I've learned a  
18 lot about local politics, and it's brutal. What I have  
19 seen amounts to hubris, prejudice and discrimination  
20 against our group. They just plain don't like us.

21 I first toured the expansion area about three  
22 years ago. I saw it as an industrial wasteland. My  
23 whole career has been as an industrial maintenance  
24 mechanic. I know what environmental wastelands look  
25 like and how to mitigate them.







1 biological resources in the expansion area. Our letter  
2 goes on to state:

3 "The promise to conduct the  
4 deferred impacts analysis at the time  
5 of project implementation is a hollow  
6 protection. The District restates  
7 its opposition to the Alameda-Tesla  
8 Expansion Area for off-highway  
9 vehicles due to the inevitable damage  
10 to biological, environmental and  
11 historical resources."

12 I would ask you to do the following, just pause  
13 for a moment. As individuals, sit quietly in a  
14 comfortable chair with a beverage of choice in your  
15 hand and reread the comments, reread the comments by  
16 the County, by the East Bay Regional, by the City of  
17 Livermore and comments by the LARPD. I hope you'll  
18 come to the conclusion that although you do own the  
19 land and the enthusiasts sincerely want you to open  
20 Tesla, Tesla is just not the right or suitable place  
21 for off-road riding. Thank you.

22 CHAIR CABRAL: Thank you.

23 So Jim is not here; is that what you're saying?  
24 He left?

25 Next, we have Jerry Fouts, followed by Lee

1 Younker, then Jeff Blewitt.

2 JERRY FOUTS: Ladies and Gentlemen of the  
3 Council, Chairman. You know, I'm Jerry Fouts, AMA  
4 District 36.

5 We've heard a lot of great comments from a lot  
6 of passionate people today about birds, about wildlife,  
7 about every imaginable thing that can happen at  
8 Carnegie.

9 The one thing we've kind of gleaned over is  
10 we've kind of gleaned over the recreational factor.  
11 I'm glad the guy from Livermore recreation recognizes  
12 that. This is more -- a lot of us in life don't  
13 recreate by sitting on the couch and watching a  
14 football game. Our idea is to go do something that's  
15 active and fun, take our kids and our grandkids.

16 I can't stress on you how much -- I brought up  
17 three generations of kids riding at Carnegie. I can't  
18 tell you -- there is a buzz word called executive  
19 function. It makes me crazy. You know what it is?  
20 It's a kid putting a chain back on his bicycle. That's  
21 all that is. You know what, you know how they learned  
22 that? They learned that at Carnegie. They go riding  
23 out there. I let my kids -- my daughter and my son  
24 would go riding by themselves. Guess what, they would  
25 flip the chain off someplace. I wasn't there to fix it

1 for them. Do you know what they did? They figured out  
2 how to make the bike's wheel go backwards, and they got  
3 the chain back on.

4 I can't tell you how many of those kinds of  
5 activities my kids did together, and the value of  
6 riding that they learned at that place. It really is  
7 amazing.

8 The expertise of the scientists at Carnegie, I  
9 would hate to see -- I can't tell you how much I  
10 appreciate what they've done, all of the work that they  
11 do. The scientists that work at Carnegie, they're the  
12 same scientists -- they come from the same pool that go  
13 to California Big Trees. They're the same scientists  
14 that go to Big Sur. They aren't some dumb-downed  
15 scientists at Carnegie.

16 In fact, I got news for you: Carnegie by  
17 state-legislative mandate is required to have a higher  
18 level of environmental responsibility than any other  
19 state park. And that was agreed upon by the  
20 legislators, environmentalists and users sometime  
21 within the sunset. There is no doubt about that.

22 Anyway, I think right now Carnegie looks better  
23 than any time in its history that I've been there.  
24 Now, Chris Cameron can probably tell you about it when  
25 he was riding, and there was nothing on it. I've been

1 riding there for almost 40 years, and I can't tell you  
2 the acceleration of the good works those guys have  
3 done, especially in the last ten years.

4 I believe this is a sustainable sport. I  
5 believe they can do it in an environmentally correct  
6 way. And I really support the OHMVR Division in  
7 pressing forward with this project, so we can have a  
8 really sustainable park for the future, for my kids and  
9 for my grandkids. Thank you.

10 CHAIR CABRAL: Thank you.

11 Lee Younker, followed by Jeff Blewitt, then it  
12 looks like Mary Power.

13 LEE YOUNKER: Lee Younker, 35-year Livermore  
14 resident. I'm a retired lab scientist and chair of the  
15 Friends of Livermore.

16 Friends of Livermore is a community group that's  
17 been dedicated to look at riding sprawl, preserving  
18 agriculture and open space, promoting the downtown and  
19 arts. I don't know how many of you have been to  
20 Livermore lately, but it's changed a great deal, things  
21 like the urban growth boundaries, South Livermore plan  
22 that led to the rebirth of the wineries, the downtown  
23 has been revitalized.

24 This is all part of the fact that Livermore  
25 people hold open space and agriculture in Eastern

1 Alameda County as a cornerstone, what makes us unique  
2 and special. Livermore is a great place to live.  
3 That's the reason Friends of Livermore is interested in  
4 this project.

5 We reviewed the Draft EIR and the program plans  
6 several months ago, and we, like many others, found  
7 deficiencies. They've been talked about today. I'm  
8 not going to go into any detail.

9 We also reviewed the Final EIR and found many of  
10 the same deficiencies. I will say I'm impressed with  
11 the changes in the operations at Carnegie, and I'm also  
12 impressed that there has been some changes on the  
13 eastern side. But still in reviewing it, we find  
14 serious deficiencies.

15 And one of the things -- I worked in a job that  
16 allowed me to see a lot of environmental impact  
17 statements. You have a relatively unique opportunity  
18 here to actually see a dedicated site where people talk  
19 about what the resources are. You can look at that  
20 site and say, "What does it look like?" And right next  
21 to it, you can look at the intended usage. That is a  
22 very, very rare thing, to be able to take the intended  
23 usage and move it right over and say, "Will this work  
24 at that place?"

25 People in this room all have a different idea on

1 whether or not it will work. I conclude that it is  
2 impossible to save those valuable resources that have  
3 been described with this usage. Other people have  
4 different views.

5 The Friends of Livermore really believe that the  
6 opening of this 300-acre Tesla Expansion Area will  
7 result in irreparable damage. I am particularly  
8 impressed by that wildlife corridor argument. Take a  
9 careful look at that. It's a big deal, and the Tesla  
10 Expansion Area is not suitable for this kind of use.

11 So we, the Friends of Livermore, join the broad  
12 community in opposition to -- the Final Environmental  
13 Impact Report should not be certified. The Tesla area  
14 should be permanently preserved, and you need to find a  
15 place to do this kind of recreation.

16 I've learned a lot today from listening to the  
17 people and the value of this kind of thing. We need to  
18 find a place. Our view is that this particular site is  
19 not the place for that. Thank you very much.

20 CHAIR CABRAL: Thank you.

21 So next -- Jeff, you would be up next, and then  
22 we have Mary Power.

23 JEFF BLEWITT: Thank you, Commissioners. My  
24 name is Jeff Blewitt, California Four-Wheel Drive  
25 Association.





1 hope you can find another suitable place that serves  
2 your purpose.

3 Tesla is uniquely valuable biologically,  
4 academically, culturally. My colleagues at the Museum  
5 of Natural History at Berkeley and in our department  
6 have co-signed a letter that Vicki is circulating that  
7 expresses how extremely Tesla, per se, those 3100 acres  
8 are. There's the northern range of the San Joaquin  
9 desert flora and fauna intersecting with a more moist  
10 loving coastal bions from the California coast range.

11 It makes an incredibly unique rich place that  
12 Berkeley students have been visiting for 50 years prior  
13 to the acquisition of the land by your group, and it  
14 is -- many students and professors would be very, very  
15 keen to continue using this for all of the UC campuses  
16 and state college campuses.

17 So it's not only a corridor. It's a double  
18 intersection of unique nature flora and fauna, 16  
19 snakes, nine lizards, one endangered turtle and seven  
20 aquatic amphibians. These things are all hiding in  
21 those tunnels that Sky Lovill described, ground  
22 squirrel tunnels. And even if you had silent  
23 motorcycles, their lives would be completely disturbed  
24 by the pounding, the vibrations that transmit through  
25 the ground. So the uses are incompatible.

1 I hope you can find a good place to expand and  
2 keep your values going, but not on Tesla. Thank you  
3 very much.

4 CHAIR CABRAL: Thank you.

5 Sarah Kupferberg, followed by Nancy Rodrigue and  
6 then the final one will be Bruce Brazil.

7 SARAH KUPFERBERG: Hi. My name is Dr. Sarah  
8 Kupferberg. I'm an amphibian biologist and a  
9 conservation biologist.

10 I'm here to talk about the facts. The facts,  
11 the data that have been gathered by the environmental  
12 scientists, and I want to thank Clint and Kara for  
13 helping me sort through their data.

14 Through Public Records Act requests and through  
15 working with them, I compiled and did a retrospective  
16 analysis of all of the monitoring data. The two groups  
17 that have had the best coverage are the birds and the  
18 aquatic amphibians.

19 So I took every report. I tracked down the  
20 scientists who did earlier the reports that aren't  
21 posted on your document website, and I did exactly what  
22 the 2009 peer-review asked. Dr. Mees, who did that  
23 review, asked for there to be more sophisticated types  
24 of statistical analyses, and that's what I've done.

25 I submitted a technical memo. It was included

1 as a letter, a comment letter, and there was one lone  
2 response in the FEIR to it, just saying that the HMS  
3 system is evolving. And there was no response to any  
4 of the actual data analysis.

5 As the previous speaker said, it's so unusual to  
6 have side-by-side two places with the same rainfall,  
7 the same soils, same vegetation types and two different  
8 land uses.

9 So you should all have my letters, and I want to  
10 point out on pages 6 and 8, I've extracted just two of  
11 the figures from my tech memo that was not responded  
12 to.

13 Figure one, shows the densities or the  
14 occurrence rate of the two federally protected  
15 amphibian, California red-legged frogs and California  
16 tiger salamanders. On the Y axis is plotted the  
17 percent of the water bodies that are sampled each year  
18 that actually have these organisms present. Plotted in  
19 red are the rates of presence where there is OHV use.  
20 Plotted in blue are the rates where there is no OHV  
21 use. As you can see, there's variation through time.

22 The FEIR said, "Well, the differences are just  
23 due to variability." If that were the case, they would  
24 have equal amounts of variability, but I calculated  
25 what's called the coefficient of variation, which is

1 essentially how variable is it relative to the mean.  
2 And the populations are twice as variable on the OHV  
3 riding areas, in addition to the means being several  
4 times lower. That's true for the tiger salamanders as  
5 well.

6 For the birds, Clint stated there are 140  
7 species. To analyze such a specie of data set, you  
8 have to do techniques where you can take -- you can  
9 order all of those things and collapse them into  
10 smaller variables. My co-author and I -- Paula Fleury,  
11 who is an expert in those kinds of data sets, we did  
12 that. And we found that in every vegetation type,  
13 there are significant differences in the bird  
14 assemblages, and you can see just a few of them listed  
15 here.

16 (Three-minute digital tone warning.)

17 CHAIR CABRAL: Your time is up.

18 SARAH KUPFERBERG: Thank you. I hope you'll see  
19 the facts aren't covered in the EIR.

20 CHAIR CABRAL: Thank you.

21 Nancy and then we have Bruce Brazil.

22 NANCY RODRIGUE: Thank you very much for your  
23 attention at this very, very long meeting.

24 Yesterday you were on the tour, and you didn't  
25 really see that much of Carnegie. From my

1 understanding, you were on the park level, the lower  
2 level looking up, and also in the Tesla townsite.

3 I'm a hiker. I've written a hiking book of the  
4 area. I know both areas. I've hiked in Carnegie  
5 recently, and I've also hiked in Tesla Park quite a  
6 while ago two different times. So I know the area  
7 quite well. It's a very beautiful -- Tesla is a very  
8 beautiful and pristine area. It's got a very dramatic  
9 landscape, but compared to Carnegie -- Carnegie, which  
10 is quite overused. It's overridden. It's pretty much  
11 destroyed land if you go back and look.

12 So where I hiked was behind -- in the hills  
13 behind the parking area. I would recommend very much  
14 that you go do that, because you'll see a whole  
15 different impression of what's happened to Carnegie.

16 My name is Nancy Rodrigue by the way. And I've  
17 been a member of Friends of Tesla Park since its  
18 beginning in 2012.

19 Our group, as you can see, is a very broad  
20 coalition of local and Bay Area groups, and they have a  
21 common passion to protect Tesla Park. Our supporting  
22 groups are made up of historians, environmentalists,  
23 community activists, Native American tribes, some that  
24 you have seen here today. We have also scientists and  
25 officials, public agencies such as the City of

1 Livermore, the local park district and Alameda County.

2 Our groups -- we have participated in all of the  
3 public hearings throughout this process, and we plan to  
4 continue to do so. So we have --

5 Friends of Tesla Park has reviewed the Final  
6 EIR, and it also finds it unsatisfactory. The comment  
7 letter that I think was just passed out to you, it  
8 addresses a range of issues that have not been  
9 adequately addressed in the final Draft EIR.

10 Previously we submitted extensive evidence about  
11 Tesla's sensitive biological, cultural scenic and  
12 agricultural resources, but these were brushed off in  
13 the Final DEIR. It says over and over again, "There  
14 are no significant impacts."

15 So scientific experts using -- in the field  
16 using your own data show the incredible amount of  
17 biological uniqueness that exists on the Tesla Park  
18 land. So they have analyzed the data. They've  
19 analyzed the graph and the research and the photos that  
20 you did not analyze in the Final EIR, and they  
21 presented reasons why the Tesla expansion should not be  
22 approved.

23 So today this letter that was submitted to  
24 you --

25 (Three-minute digital tone warning.)



1 equestrian trails. So it can be a copacetic match-up.

2 The Valley Fever was mentioned a few times, and,  
3 unfortunately, I did not get the date that they found  
4 it over in the government site. I believe it's been  
5 sometime back.

6 However, there has been no known cases of Valley  
7 Fever coming from the Carnegie SVRA. I know a few  
8 years ago the Division was looking into a property I  
9 think down by Bakersfield, found Valley Fever down  
10 there. That cancelled the potential purchase. So I'm  
11 sure that the Division is very conscientious of that  
12 being a safety hazard, apparently it's not one over at  
13 Carnegie.

14 It's mentioned by a few people that the first  
15 two EIRs failed. Well, they didn't really fail. They  
16 just never got off the ground. First one was an  
17 amendment to a previous EIR. The Division found out  
18 that wouldn't be nearly adequate, so that one got  
19 scrapped. The second one, they got it started, then  
20 the water quality project came up, and so they  
21 sidelined that EIR until that water quality project  
22 went through -- the study, I should say.

23 So it's not like they tried it and failed. It  
24 just never got off the ground. They never got printed.  
25 It never got out to the public.





